

Commission finds this contention plainly erroneous. The body of the Complaint identifies and quotes numerous policies; moreover, the discussion includes explanations of which policies are implicated and why this is so. Complaint at 19–20. Finally, the fact that discrete paragraphs are not numbered, as they have been in some complaint filings, does not appear to significantly impede a response.

*Request for opportunity for comments from others.* The Service suggests that the Commission provide an opportunity for others to comment prior to instituting proceedings on the Complaint. The Commission believes that sufficient facts and information have been placed before it via the Complainants' pleading and the Service's February 11, 2004 Answer. Interested parties will have an opportunity to address issues of concern to them throughout the hearing process.

*Intervention; hearing.* Those wishing to be heard in this matter are directed to submit a notice of intervention, on or before May 21, 2004, via the Commission's Filing Online system, which can be accessed electronically at <http://www.prc.gov>. Persons needing assistance with Filing Online may contact the Commission's Docket Section at 202-789-6846. Notices shall indicate whether participation will be on a full or limited basis. See 39 CFR 3001.20 and 3001.20a. The Commission anticipates holding a hearing in this case. To assist the Commission in making decisions relative to this determination, participants are directed to indicate, in their notices of intervention, whether they intend to participate in the hearing and the nature of that participation. Pursuant to rules 26–28, participants may initiate discovery following the submission of Complainant's testimony.

*Public notice.* The Commission directs the Secretary to arrange for publication of this Order in the **Federal Register**.

## V. Ordering Paragraphs

*It is ordered:*

1. The Commission establishes Docket No. C2004-1, Periodicals Rate Design, to consider matters raised in the Complaint of Time Warner Inc. *et al.* and other germane issues.

2. The Commission will sit en banc in this proceeding.

3. The deadline for filing notices of intervention is May 21, 2004.

4. Notices of intervention shall indicate whether the intervening party intends to participate in the hearing, and the nature of that participation.

5. The deadline for filing direct testimony is 30 days from the date of this order.

6. Shelley S. Dreifuss, director of the Commission's Office of the Consumer Advocate, is designated to represent the interests of the general public.

7. The Secretary shall arrange for publication of this document in the **Federal Register**.

Dated: March 26, 2004.

**Steven W. Williams,**  
*Secretary.*

[FR Doc. 04-7265 Filed 3-31-04; 8:45 am]

**BILLING CODE 7710-FW-P**

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## RAILROAD RETIREMENT BOARD

### Proposed Collections; Comment Request

**SUMMARY:** In accordance with the requirement of Section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) publishes periodic summaries of proposed data collections. The information collections numbered below are pending at RRB and will be submitted to OMB within 60 days from the date of this notice.

*Comments are Invited on:* (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

### 1. Title and Purpose of Information Collection

*Earnings Information Request; OMB 3220-0184*

Under Section 2 of the Railroad Retirement Act, an annuity is not payable, or is reduced for any month(s) in which the beneficiary works for a railroad or earns more than prescribed amounts. The provisions relating to the reduction or non-payment of annuities by reason of work are prescribed in 20 CFR 230.

The RRB utilizes form G-19-F, Earnings Information Request, to obtain earnings information not previously or erroneously reported by a beneficiary. Completion of the form is required to

retain a benefit. One response is requested of each respondent. The RRB proposes minor non-burden impacting editorial changes to Form G-19-F.

The RRB estimates that 1,000 G-19-F's are completed annually at an estimated completion time of eight minutes per response. Total respondent burden is estimated at 133 hours.

### 2. Title and Purpose of Information Collection

*Self-Employment and Substantial Service Questionnaire; OMB 3220-0138*

Section 2 of the Railroad Retirement Act (RRA) provides for payment of annuities to qualified employees and their spouses. In order to receive an age and service annuity, Section 2(e)(3) states that an applicant must stop all railroad work and give up any rights to return to such work. A disability applicant must give up all railroad work, but does not have to relinquish rights to return to railroad work until he or she attains full retirement age, or, if earlier, a spouse annuity or supplemental annuity becomes payable. Under the 1988 amendments to the RRA, an applicant is no longer required to stop work for a "Last Pre-Retirement Non-railroad Employer" (LPE). LPE is the last person, company or institution with whom an employee or spouse applicant was employed concurrently with, or after, the applicant's last railroad employment and before their annuity beginning date. However, Section 2(f)(6) of the RRA requires that a portion of the employee's Tier II benefit and supplemental annuity be deducted for earnings from a "LPE" employer.

The RRB utilizes Form AA-4, Self-Employment and Substantial Service Questionnaire to obtain information needed to determine if the applicant's work is LPE, railroad service or self-employment. If the work is self-employment, the questionnaire identifies any months in which the applicant did not perform substantial service. One response is requested of each respondent. Completion is voluntary. However, failure to complete the forms could result in the nonpayment of benefits. The RRB proposes no changes to Form AA-4.

The completion time for the AA-4 is estimated at between 40 and 70 minutes. The RRB estimates that approximately 600 AA-4's are completed annually. Total respondent burden is estimated at 415 hours.

### 3. Title and Purpose of Information Collection

*Certification Regarding Rights to Unemployment Benefits; OMB 3220-0079*

Under Section 4 of the Railroad Unemployment Insurance Act (RUIA), an employee who leaves work voluntarily is disqualified for unemployment benefits unless the employee left work for good cause and is not qualified for unemployment benefits under any other law. RRB Form UI-45, Claimant's Statement—Voluntary Leaving of Work, is used by the RRB to obtain additional information needed to investigate a claim for unemployment benefits when the claimant indicates on RRB Form UI-1, Application for Unemployment Benefits and Employment Service (OMB 3220-0022) that he has voluntarily left work. Completion of Form UI-45 is required to obtain or retain benefits. One response is received from each respondent. The RRB proposes to revise UI-45 by adding an item, "Reason for Leaving", at the end of the column in Section 2. This item requests the employee to provide the reason they left their prior employment. This information helps the RRB determine whether the claimant left work voluntarily and with good cause. No other changes are being proposed.

The completion time for the UI-45 is estimated at 15 minutes per response. The RRB estimates that approximately 2,900 responses are received annually. Total respondent burden is estimated at 487 hours.

**FOR FURTHER INFORMATION CONTACT:** To request more information regarding any of the information collections listed above or to obtain copies of the information collection justifications, forms, and/or supporting material, please call the RRB Clearance Officer at (312) 751-3363 or send an e-mail request to [Charles.Mierzwa@RRB.GOV](mailto:Charles.Mierzwa@RRB.GOV). Comments regarding the information collections should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611-2092 or send an e-mail to [Ronald.Hodapp@RRB.GOV](mailto:Ronald.Hodapp@RRB.GOV). Written comments should be received within 60 days of this notice.

**Charles Mierzwa,**  
Clearance Officer.

[FR Doc. 04-7361 Filed 3-31-04; 8:45 am]

BILLING CODE 7905-01-P

### SECURITIES AND EXCHANGE COMMISSION

[Release No. IC-26403]

#### Notice of Applications for Deregistration Under Section 8(f) of the Investment Company Act of 1940

March 26, 2004.

The following is a notice of applications for deregistration under section 8(f) of the Investment Company Act of 1940 for the month of March, 2004. A copy of each application may be obtained for a fee at the SEC's Public Reference Branch, 450 Fifth St., NW., Washington, DC 20549-0102 (tel. 202-942-8090). An order granting each application will be issued unless the SEC orders a hearing. Interested persons may request a hearing on any application by writing to the SEC's Secretary at the address below and serving the relevant applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on April 20, 2004, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549-0609. For Further Information Contact: Diane L. Titus at (202) 942-0564, SEC, Division of Investment Management, Office of Investment Company Regulation, 450 Fifth Street, NW., Washington, DC 20549-0504.

#### Emigrant Securities Corp. [File No. 811-9559]

*Summary:* Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. Between October 16, 2003 and December 3, 2003, applicant distributed an amount equal to \$1000 per share, plus all accrued and unpaid dividends, to its preferred shareholders in complete liquidation of their interests. Applicant then distributed all of its remaining assets to its sole common shareholder at net asset value. As of March 19, 2004, applicant had 24 preferred shareholders who have not surrendered their stock certificates. Funds in an amount sufficient to make the remaining liquidating distributions have been transferred to an escrow account and will be paid to such shareholders when they surrender their stock certificates. Expenses of \$67,000 incurred in connection with the

liquidation were paid by Emigrant Savings Bank, applicant's indirect parent company.

*Filing Dates:* The application was filed on December 19, 2003, and amended on March 19, 2004.

*Applicant's Address:* 5 East 42nd St., New York, NY 10017.

**Advantus Money Market Fund, Inc. [File No. 811-4141]; Advantus Horizon Fund, Inc. [File No. 811-4142]; Advantus Index 500 Fund, Inc. [File No. 811-7815]; and Advantus Enterprise Fund, Inc. [File No. 811-8588]**

*Summary:* Each applicant seeks an order declaring that it has ceased to be an investment company. On December 8, 2003, each applicant transferred its assets to a corresponding series of Ivy Funds, Inc. based on net asset value. Expenses of \$61,960, \$57,148, \$64,532, and \$72,352, respectively, were incurred in connection with the reorganizations and were paid by Advantus Capital Management, Inc., investment adviser to each applicant.

*Filing Date:* The applications were filed on March 10, 2004.

*Applicants' Address:* 400 Robert Street North, St. Paul, MN 55101.

**Advantus Mortgage Securities Fund, Inc. [File No. 811-4140]; Advantus Spectrum Fund, Inc. [File No. 811-4143]; Advantus Bond Fund, Inc. [File No. 811-5026]; Advantus Venture Fund, Inc. [File No. 811-7817]; Advantus Cornerstone Fund, Inc. [File No. 811-8586]; and Advantus Real Estate Securities Fund, Inc. [File No. 811-9139]**

*Summary:* Each applicant seeks an order declaring that it has ceased to be an investment company. On December 8, 2003, each applicant transferred its assets to a corresponding series of Ivy Funds, based on net asset value. Expenses of \$264,346, \$98,951, \$43,675, \$122,055, \$115,715, and \$137,792, respectively, incurred in connection with the reorganizations were paid by Advantus Capital Management, Inc., investment adviser to each applicant.

*Filing Date:* The applications were filed on March 10, 2004.

*Applicants' Address:* 400 Robert Street North, St. Paul, MN 55101.

**Van Kampen U.S. Government Trust for Income [File No. 811-6724]**

*Summary:* Applicant seeks an order declaring that it has ceased to be an investment company. On September 13, 2002, applicant transferred its assets to Van Kampen Government Securities Fund, based on net asset value. Expenses of \$204,538 incurred in