

SEC NEWS DIGEST

Issue 97-67

April 8, 1997

COMMISSION ANNOUNCEMENT

CORRECTION AND DELAY OF IMPLEMENTATION OF UPDATED EDGAR FILER MANUAL

The Commission is postponing the implementation of an updated edition of the EDGAR Filer Manual which was published in the Federal Register on February 27, 1997 (62 FR 8877) and March 24, 1997 (62 FR 13820). The postponement is necessary in order to resolve technical issues resulting from a power outage that delayed system implementation from March 24, 1997 to April 14, 1997 and to correct a typographical error in an instruction to the amendatory language for §232.301. (Rels. 33-7411; 34-38465; 35-26699; 39-2351; IC-22595)

ENFORCEMENT PROCEEDINGS

COMPLAINT FILED AGAINST MICHELLE SUPPES AND MARK ANTHONY

The Commission announced that on April 3 it filed a complaint in the United States District Court for the Southern District of New York charging Michelle P. Suppes and Mark Anthony with violating a prior order of the Commission which, among other things, barred them both from associating with any broker or dealer.

The complaint alleges that on January 15, 1997, the Commission issued an order which, among other things, barred Suppes and Anthony from association with any broker, dealer, municipal securities dealer, investment adviser or investment company (the Commission Order). The Commission Order arose out of permanent injunctions on consent entered against them in a prior litigation (SEC v. Sarivola, 95 Civ. 9270, RPP). Since entry of the Commission Order, Suppes and Anthony have continued to associate with Suppes Securities, Inc., a registered broker-dealer and the firm at which both Suppes and Anthony worked when the Commission Order was issued. Among other things, Suppes and Anthony both have conducted firm business on the premises of Suppes Securities and have involved themselves in financial and personnel decisions for the firm, and Suppes has exercised control over certain firm books and records. The complaint seeks an order preliminarily and permanently enjoining Suppes and

Anthony from violating the Commission Order and commanding them to comply with the bar. [SEC v. Michelle P. Suppes and Mark Anthony, 97 Civ. 2376, S.D.N.Y., April 3, 1997] (LR-15316)

COMMISSION OBTAINS TEMPORARY RESTRAINING ORDER AND ASSET FREEZE AGAINST NVID INTERNATIONAL, INC.. MATTHEW KLENOVIC AND ROBERT BUNTE

The Commission obtained an Order from the United States District Court in Tampa, Florida today temporarily restraining NVID International, Inc. (NVID), Matthew E. Klenovic (Klenovic) and Robert F. Bunte (Bunte) from violating the anti-fraud provisions of the federal securities laws. The Court also froze all of the assets of NVID, Klenovic, Bunte and two related persons, Klenovic's wife, Marilee Kline Klenovic, who serves as NVID's Treasurer, and Andrew Arrata, an NVID officer. A preliminary injunction hearing is scheduled for April 11.

Since at least January 1996, NVID has obtained \$3.3 million directly from investors while failing to disclose that it would use the proceeds to purchase three homes in Sarasota, Florida: one for the Klenovics, one for Bunte and one for Arrata. NVID has also failed to disclose that it does not manufacture water ionization units, despite its claims to the contrary. Klenovic is the subject of a previous injunction issued, by consent, on December 24, 1996.

The United States Attorney has simultaneously filed a criminal complaint and obtained arrest and search warrants against Bunte and Klenovic for the same conduct upon which the Commission based its action. [SEC v. NVID International, Inc., Matthew E. Klenovic, and Robert F. Bunte, Defendants, and Marilee Kline Klenovic and Andrew Arrata, Relief Defendants, United States District Court for the Middle District of Florida, No. 97-758-CIV-T-25E] (LR-15317)

INVESTMENT COMPANY ACT RELEASE

LORD ABBETT FUNDAMENTAL VALUE FUND, INC.

A notice has been issued giving interested persons until April 29 to request a hearing on an application filed by Lord Abbett Fundamental Value Fund, Inc. for an order under Section 8(f) of the Investment Company Act declaring that applicant has ceased to be an investment company. (Rel. IC-22599 - April 4)

LORD ABBETT CALIFORNIA TAX-FREE INCOME FUND, INC.

A notice has been issued giving interested persons until April 29 to request a hearing on an application filed by Lord Abbett California Tax-Free Income Fund, Inc. for an order under Section 8(f) of the Investment Company Act declaring that applicant has ceased to be an investment company. (Rel. IC-22600 - April 4)

GENERAL AMERICAN LIFE INSURANCE COMPANY, ET AL.

A notice has been issued giving interested persons until April 29 to request a hearing on an application filed by General American Life Insurance Company (General American) and General American Capital Company (Capital Company) for an order pursuant to Section 17(b) of the Investment Company Act granting an exemption from the provisions of Section 17(a) of the Act, to permit the assets of General American's Separate Account Twenty to be transferred to the Small-Cap Equity Fund series of Capital Company in exchange for shares of the Small-Cap Equity Fund series. (Rel. IC-22601 - April 4)

EQ ADVISORS TRUST, ET AL.

A notice has been issued giving interested persons until April 29 to request a hearing on an application filed by EQ Advisors Trust (Trust), The Equitable Life Assurance Society of the United States (Equitable), Equitable Distributors, Inc. (EDI), EQ Financial Consultants, Inc. (Manager) and certain life insurance companies and their separate accounts investing now or in the future in the Trust (collectively, Applicants). Applicants seek exemptive relief to the extent necessary to permit shares of the Trust and any other investment company that is offered to fund variable insurance products and for which Equitable, EDI, the Manager or any of their affiliates may serve as investment adviser, manager, administrator, principal underwriter, or depositor to be sold to and held by separate accounts funding variable annuity and variable life insurance contracts issued by affiliated or unaffiliated life insurance companies or qualified pension and retirement plans outside of the separate account context. (Rel. IC-22602 - April 4)

HOLDING COMPANY ACT RELEASES

THE SOUTHERN COMPANY, ET AL.

A notice has been issued giving interested persons until April 28 to comment on a proposal by The Southern Company (Southern), a registered holding company, its nonutility subsidiaries SEI Holdings, Inc. (Holdings), Mobile Energy Services Holdings, Inc. (Mobile), Southern Energy, Inc., Southern Energy International, Inc., Southern Energy North America, Inc., and SEI Europe, Inc. Applicants request that the Commission modify a prior order to permit Holdings and each current and future subsidiary of Holdings to pay dividends out of capital or unearned surplus, through June 30, 2000, to the extent permitted by applicable law. Holdings requests that the Commission reserve jurisdiction over such payments by any subsidiary that derives any material part of its revenue from sales of goods, services, electricity or natural gas to any of Southern's electric public-utility subsidiaries or to Southern Company Services, Inc. In addition, Mobile and Holdings request an extension through June 30, 2000 to consummate certain previously authorized transactions relating to the issuance by Mobile of

preferred stock to Southern. (Rel. 35-26700)

CINERGY CORP., ET AL.

A notice has been issued giving interested persons until April 28 to request a hearing on a proposal by Cinergy Corp., a registered holding company, and its nonutility subsidiary, Cinergy Investments, Inc. (Investments), for Investments and other nonutility subsidiaries to pay dividends out of capital or unearned surplus, through December 31, 2002. (Rel. 35-26700)

SELF-REGULATORY ORGANIZATIONS

ACCELERATED APPROVAL OF PROPOSED RULE CHANGE

The New York Stock Exchange has filed, and the Commission has granted accelerated approval of, a proposed rule change and one amendment (SR-NYSE-97-11) relating to changes to certain rules to effect compliance with the SEC's Regulation M. Publication in the Federal Register is expected during the week of April 7. (Rel. 34-38478)

SECURITIES ACT REGISTRATIONS

The following registration statements have been filed with the SEC under the Securities Act of 1933. The reported information appears as follows: Form, Name, Address and Phone Number (if available) of the issuer of the security; Title and the number and/or face amount of the securities being offered; Name of the managing underwriter or depositor (if applicable); File number and date filed; Assigned Branch; and a designation if the statement is a New Issue.

S-8 SELECT SOFTWARE TOOLS PLC, WESTMORELAND HOUSE, 80-86 BATH RD,
CHELTENHAM GLOUCEST, X0 (124) 222-9700 - 1,852,700 (\$11,461,554)
FOREIGN COMMON STOCK (FILE 333-6700 - MAR 31) (BR 3)

F-3 ECI TELECOMMUNICATIONS, 30 HASIVIM ST, PETAH TIKVA 49133 IS, L3
(212) 486-9500 - 4,000,000 (\$100,000,000) FOREIGN COMMON STOCK (FILE
333-6702 - MAR 31) (BR 3)

F-6 UNIVERSAL SA /ADR/, 48 WALL ST, C/O BANK OF NEW YORK, NEW YORK, NY 10286
(212) 495-1727 - 20,000,000 (\$1,000,000)
DEPOSITARY RECEIPTS FOR COMMON STOCK (FILE 333-6704 - MAR 31) (BR 99
- NEW ISSUE)

N-1A ALAMO GROWTH FUND INC, 1777 N E LOOP 410, STE 1512, SAN ANTONIO, TX
78217 - COMMON STOCK (FILE 333-6706 - MAR 28) (BR 17 - NEW ISSUE)

S-8 SBC COMMUNICATIONS INC, 175 E HOUSTON, ROOM 9-4, SAN ANTONIO, TX 78205
(210) 821-4105 - 24,000,000 (\$1,266,000,000) COMMON STOCK. (FILE
333-24295 - APR 01) (BR. 3)

S-8 NFO RESEARCH INC, 2 PICKWICK PLAZA, STE 400, GREENWICH, CT 06830

(203) 629-8888 - 750,000 (\$12,843,750) COMMON STOCK (FILE 333-24297 - APR 01) (BR 4)

S-3 NFO RESEARCH INC, 2 PICKWICK PLAZA, STE 400, GREENWICH, CT 06830
(203) 629-8888 - 1,875,000 (\$32,109,375) COMMON STOCK (FILE 333-24299 - APR 01) (BR 4)

S-8 NEWCOR INC, 1825 S WOODWARD AVE, STE 240, BLOOMFIELD HILLS, MI 48302
(810) 253-2400 - 20,000 (\$165,000) COMMON STOCK. (FILE 333-24301 - APR 01) (BR 5)

S-8 DATA RACE INC, 11550 IH 10 WEST STE 395, SAN ANTONIO, TX 78230
(210) 558-1900 - 250,000 (\$2,327,817) COMMON STOCK. (FILE 333-24303 - APR 01) (BR 3)

S-8 DATA RACE INC, 11550 IH 10 WEST STE 395, SAN ANTONIO, TX 78230
(210) 558-1900 - 500,000 (\$5,830,527) COMMON STOCK (FILE 333-24305 - APR 01) (BR 3)

S-2 COMMUNITY FINANCIAL GROUP INC, 401 CHURCH ST, PO BOX 198986, NASHVILLE, TN 37219 - 4,969,927 (\$61,693,588) COMMON STOCK (FILE 333-24309 - APR 01) (BR 7)

S-8 ASPECT TELECOMMUNICATIONS CORP, 1730 FOX DR, SAN JOSE, CA 95131
(408) 441-2200 - 2,000,000 (\$42,125,000) COMMON STOCK (FILE 333-24315 - APR 01) (BR 3)

S-4 TRACOR INC /DE, 6500 TRACOR LANE, AUSTIN, TX 78725 (512) 929-4680 - 249,005,000 (\$249,005,000) STRAIGHT BONDS (FILE 333-24319 - APR 01) (BR 5)

S-3 THERMOQUEST CORP \DE\, 355 RIVER OAKS PARKWAY, SAN JOSE, CA 95134
(617) 622-1000 - 1,768,500 (\$25,753,781) COMMON STOCK (FILE 333-24321 - APR. 01) (BR 1)

S-8 STORM TECHNOLOGY INC, 521 ALMANOR AVENUE, SUNNYVALE, CA 94086
(415) 691-6600 - 1,213,316 (\$4,696,791 60) COMMON STOCK (FILE 333-24325 - APR 01)

S-3 MERRILL LYNCH MORTGAGE INVESTORS INC, WORLD FINANCIAL CENTER, N TOWER 250 VESEY ST 15TH FL, NEW YORK, NY 10281 (212) 449-0336 - 1,000,000 (\$1,000,000) EQUIPMENT TRUST CERTIFICATES (FILE 333-24327 - APR 01) (BR 8)

S-8 DENDRITE INTERNATIONAL INC, 1200 MOUNT KEMBLE AVE, MORRISTOWN, NJ 07960
(201) 425-1200 - 150,000 (\$1,406,250) COMMON STOCK (FILE 333-24329 - APR 01) (BR 3)

S-8 NATIONSBANK CORP, NATIONSBANK CORPORATE CENTER, 100 NORTH TRYON STREET, CHARLOTTE, NC 28255 (704) 386-5000 - 4,000,000 (\$226,000,000) COMMON STOCK (FILE 333-24331 - APR 01) (BR 7)

S-3 HEALTHPLAN SERVICES CORP, 3501 FRONTAGE RD, TAMPA, FL 33607
(813) 289-1000 - 1,300,000 (\$21,862,500) COMMON STOCK (FILE 333-24333 - APR. 01) (BR 1)

S-8 MITCHELL ENERGY & DEVELOPMENT CORP, 2001 TIMBERLOCH PLACE, THE WOODLANDS, TX 77380 (713) 377-5500 - 1,100,000 (\$22,300,000) COMMON STOCK (FILE 333-24335 - APR 01) (BR 4)

S-8 CORNING INC /NY, ONE RIVERFRONT PLAZA, CORNING, NY 14831 (607) 974-9000 - 250,000 (\$11,531,250) COMMON STOCK (FILE 333-24337 - APR 01) (BR 6)

S-8 QUORUM HEALTH GROUP INC, 103 CONTINENTAL PL, BRENTWOOD, TN 37027
(615) 371-7979 - 1,566,000 (\$49,818,375) COMMON STOCK (FILE 333-24339 - APR 01) (BR 1)

S-1 PEAPOD INC, 1033 UNIVERSITY PLACE, STE 375, EVANSTON, IL 60201
(847) 492-8900 - \$57,500,000 COMMON STOCK (FILE 333-24341 - APR 01) (BR 6 - NEW ISSUE)

S-8 APPLIED VOICE RECOGNITION INC /DE/, 4615 POST OAK PLACE, SUITE 111, HOUSTON, TX 77027 (713) 621-5678 - 16,667 (\$62,501) COMMON STOCK (FILE

333-24343 - APR 01) (BR 9)

S-6 APPLIED VOICE RECOGNITION INC /DE/, 4615 POST OAK PLACE, SUITE 111,
HOUSTON, TX 77027 (713) 621-5678 - 65,000 (\$24,375) COMMON STOCK. (FILE
333-24345 - APR 01) (BR 9)

S-4 FIRSTCITY FINANCIAL CORP, 6400 IMPERIAL DRIVE, WACO, TX 76712
(817) 751-1750 - \$10,287,000 COMMON STOCK (FILE 333-24347 - APR 01)
(BR 7)

S-3 DEUTSCHE FINANCIAL CAPITAL SECURITIZATION LLC,
C/O OAKWOOD ACCEPTANCE CORP, 7800 MCCLOUD ROAD, GREENSBORO, NC 27409
(910) 664-2500 - 500,000,000 (\$500,000,000) EQUIPMENT TRUST CERTIFICATES
(FILE 333-24351 - APR 01) (BR 8 - NEW ISSUE)

S-3 JMAR INDUSTRIES INC, 3956 SORRENTO VALLEY BLVD STE D, SAN DIEGO, CA
92121 (619) 535-1706 - 2,055,477 (\$4,953,700) COMMON STOCK (FILE
333-24353 - APR 01) (BR. 6)

S-3 PAGING PARTNERS CORP, FREEHOLD OFFICE PLZ, 4249 RTE 9 NORTH BLDG 2,
FREEHOLD, NJ 07728 (908) 409-7088 - 519,909 (\$454,920 38) COMMON STOCK.
(FILE 333-24355 - APR 01) (BR 9)

S-3 HEARX LTD, 1250 NORTHPOINT PARKWAY, WEST PALM BEACH, FL 33407
(407) 478-8770 - 7,202,115 (\$14,854,362) COMMON STOCK (FILE 333-24357 -
APR 01) (BR 2)

S-4 ICG HOLDINGS INC, 9605 E MAROON CIRCLE, P O BOX 6742, ENGLEWOOD, CO
80155 (303) 572-5984 - 176,000 (\$99,908,160) STRAIGHT BONDS. 100,000
(\$100,000,000) PREFERRED STOCK (FILE 333-24359 - APR 01)