



**JAECKLE  
FLEISCHMANN &  
MUGEL, LLP**  
ATTORNEYS AT LAW

**ALERT!**

**SEC PROPOSES  
MANDATORY ELECTRONIC SECTION 16 FILINGS  
AND WEB SITE POSTING**

The Securities and Exchange Commission has proposed rules requiring insiders to file all Section 16(a) filings (Forms 3, 4 and 5) electronically via EDGAR. In addition, the new rules require issuers with corporate websites to post the filings by the end of the business day following filing. The new rules will become effective prior to July 30, 2003 (the date mandated by the Sarbanes-Oxley Act) and issuers are encouraged to begin posting Section 16(a) reports on their websites prior to the implementation date.

Previously, insiders had the option to file their Section 16(a) reports on paper or electronically. The new rules eliminate the option of paper filings. Insiders will need to obtain identification numbers and access codes to utilize the EDGAR system of filing. A copy of the application for EDGAR filing codes is attached. The form must be completed and faxed to the SEC (202-504-2474 or 703-914-4240). The SEC no longer accepts requests for codes through the mail. Although each insider needs their own codes, the issuer can complete one form with an attachment listing the names of each insider requesting an identification number and access code with one company officer signing the form. The SEC will send notification of the codes via telephone. If written confirmation is required, an email address or fax number must be included with the request.

Website posting of insider filings by issuers must be timely and will need to be effected either by direct access to the forms on the issuer's website or by a link to the forms. If an issuer opts to provide a link, the issuer must ensure the following:

- The forms are available by the end of the business day following filing;
- Access to the forms is free of charge;
- The display format allows access to all information in the forms, including any exhibits or attachments;

- The medium to access the forms is not so burdensome that the users cannot effectively access the information;
- The forms must be accessible for at least 12-months;
- Access to the forms is through the issuer's website address normally used for disseminating information to investors; and
- The link is directly to the Section 16(a) forms and not just a search page or home page of a third-party service.

To assist with the transition to the new rules, the SEC will make available on their web site Forms 3, 4 and 5 that can be filled out and submitted. This service will not be available when the SEC's new on-line filing system is implemented. Certain changes will be made to the current forms to account for the proposed rules. Notably, a specific date will need to be given (instead of a month and year) for the date of filing.

The SEC believes that these changes will benefit the investing public and the financial community by making the information contained in the insiders' Section 16(a) filings promptly and easily available. The electronic format will also make it easier for investors to research and analyze the filings.

\* \* \* \* \*

The information in this Alert is intended for general information purposes only and should not be considered legal advice or opinion on any specific facts or circumstances. You are urged to contact a professional advisor concerning any specific question you may have relating to your own situation.

If you would like to discuss the matters presented in this Alert you may contact:



James J. Tanous	(716-843-3905; <a href="mailto:jtanous@jaeckle.com">jtanous@jaeckle.com</a> )
Joseph P. Kubarek	(716-843-3862; <a href="mailto:jkubarek@jaeckle.com">jkubarek@jaeckle.com</a> )
William I. Schapiro	(716-843-3896; <a href="mailto:wschapiro@jaeckle.com">wschapiro@jaeckle.com</a> )
Kayla E. Klos	(716-843-3858; <a href="mailto:kklos@jaeckle.com">kklos@jaeckle.com</a> )
Michael C. Donlon	(716-843-3881; <a href="mailto:mdonlon@jaeckle.com">mdonlon@jaeckle.com</a> )

Applicant's CIK (if known)

United States
Securities and Exchange Commission
Washington, D. C. 20549

OMB APPROVAL
OMB Number: 3235-0328
Expires: January 31, 2005
Estimated average burden
hours per response . . . . 0.15

FORM ID

UNIFORM APPLICATION FOR ACCESS CODES TO FILE ON EDGAR

[ ] Initial Application [ ] Amendment

PART I - APPLICANT INFORMATION (To be completed by all applicants)

Name of applicant (registrant's name as specified in its charter; individual's name for signature purposes; company or individual name of filing agent or training agent)

Former Name (if changed since last application)

Mailing Address or Post Office Box No.

City State Zip

Telephone number: ( )

E-Mail Address:

Applicant is a (see definitions in the General Instructions):

[ ] Filer [ ] Filing Agent [ ] Training Agent

[ ] Initial Application for EDGAR Access Codes.

[ ] Amended Application for (see definitions in the General Instructions):

[ ] CCC [ ] Password [ ] PMAC

[ ] Amended Application to change reported information only (Access codes to remain the same)

PART II - FILER INFORMATION (To be completed by filers only)

If you currently file with the SEC, check this box [ ] and provide at least one of your SEC file numbers, if known:

1933 Act No. 1934 Act No. 1935 Act No. 1940 Act No. Other
2 - 0 - 70 - 811 -
33 - 1 - 69 - 814 -
333- 28-

Registrant's Tax Number or Federal Identification Number Telephone Number (Include Area Code) ( )

Primary Business Address or Post Office Box No. (if different from mailing address)

City State Zip

State of Incorporation/Organization Fiscal Year End (mm/dd)

PART III - CONTACT INFORMATION (To be completed by applicants)

Person to receive EDGAR Information, Inquiries and Access Codes

Telephone Number (Include Area Code) ( )

Mailing Address or Post Office Box No. (if different from applicant's mailing address)

City State Zip

E-Mail Address:

If you are an EDGAR Private Mail subscriber, provide your User ID:

PART IV - ACCOUNT INFORMATION (To be completed by filers and filing agents only)

Person to receive SEC Account Information and Billing Invoices Telephone Number (Include Area Code) ( )

Mailing Address or Post Office Box No. (if different from applicant's mailing address)

City State Zip

PART V - SIGNATURE (To be Completed by all Applicants)

Signature: Type or Print Name:

Position or Title: Date:

Section 19 of the Securities Act of 1933 (15 U.S.C. 77s), sections 13(a) and 23 of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a) and 78w), section 319 of the Trust Indenture Act of 1939 (15 U.S.C. 77sss), section 20 of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79t) and sections 30 and 38 of the Investment Company Act of 1940 (15 U.S.C. 80a-29 and 80a-37) authorize solicitation of this information. This information will be used to assign system identification to filers, filing agents, and training agents. This will allow the Commission to identify persons sending electronic submissions and grant secure access to the EDGAR system.

Persons who respond to the collection of information contained in this form are not required to respond unless the form displays a currently valid OMB control number.

**FORM ID  
GENERAL INSTRUCTIONS**

---

**USING AND PREPARING FORM ID**

Use Form ID to apply for or to amend the following EDGAR codes:

- F** Central Index Key (CIK) - The CIK uniquely identifies each filer, filing agent, and training agent. We assign the CIK at the time you make an initial application. You may not change this code.
- F** CIK Confirmation Code (CCC) - You will use the CCC in the header of your filings in conjunction with your CIK to ensure that you authorized the filing.
- F** Password (PW) - The PW allows you to log onto the EDGAR system, submit filings, and change your CCC.
- F** Password Modification Authorization Code (PMAC) - The PMAC allows you to change your password.

Please see the EDGAR Filer Manual for instructions on how to file electronically, including how to use the access codes.

**You must complete all items in any parts which apply to you. If any item in any part does not apply to you, please mark that part "NA." If your form is incomplete, it may take us longer to assign your access codes.**

---

**PART I - APPLICANT INFORMATION** (To be completed by all applicants)

Please check the appropriate box to indicate whether you will be sending electronic submissions as a filer, filing agent, or training agent. Mark only one of these boxes per application. A "filer" is any person or entity on whose behalf an electronic filing is made. A "filing agent" is a financial printer, law firm, or other party which will be using these access codes to send a filing or portion of a filing on behalf of a filer. A "training agent" is any person or entity which will be sending only test filings in conjunction with training other persons.

If you do not already have access codes, please mark the "Initial application" box, and complete all other items in Parts II through V that apply to you.

If you already have access codes, please provide your CIK in the upper left corner, and mark the boxes to indicate the reason you are filing the amendment and any access codes you want to replace. You also should complete Part V (signature) and those items in Parts II through IV which have changed from the previous application. You may change your access codes (except your PMAC) and most other information on Form ID electronically via EDGAR. See the EDGAR Filer Manual for details.

---

**PART II - FILER INFORMATION** (To be completed by filers only)

The registrant's tax or federal identification number is the number issued by the Internal Revenue Service. Foreign private issuers should include all zeroes if they do not have a tax or federal identification number. (We do not require this number for individuals.)

We do not require state of incorporation/organization or fiscal year end for individuals. We request that foreign private issuers include their country of organization.

---

**PART III - CONTACT INFORMATION** (To be completed by all applicants)

In this section, identify the individual who should receive the access codes and EDGAR-related information.

If you are or become an EDGAR Private Mail subscriber, you can receive acceptance and suspension messages and any requested return copies of your filings via electronic mail at your expense. If you do not subscribe to EDGAR Private Mail, you can receive your acceptance and suspension messages via Internet E-Mail if you provide an address. We will not send return copies of filings to an Internet address.

---

**PART IV - ACCOUNT INFORMATION** (To be completed by filers and filing agents only)

Identify in this section the individual who should receive account information and/or billing invoices from us. We will use this information to electronically process fee payments and billings.

---

**PART V - SIGNATURE** (To be completed by all applicants)

Send your manually signed and dated form to:

**Branch of Filer Support  
U.S. Securities and Exchange Commission  
Operations Center, Stop 0-7  
6432 General Green Way  
Alexandria, VA 22312**