SHEPPARD MULLIN RICHTER & HAMPTON LLP

Up-to -date Information on Corporate & Securities Law

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SEC Fee Rate Adjustment for Section 6(b), Section (13e) and Section 14(g) to Be Effective December 27, 2010

Public companies and companies registering to go public should be aware of recent fee rate adjustments made by the Securities and Exchange Commission. The following fee rates will be affected by the adjustment:

- the Section 6(b) fee rate applicable to the registration of securities,
- the Section 13(e) fee rate applicable to the repurchase of securities and
- the Section 14(g) fee rate applicable to proxy solicitations and statements in corporate control transactions.

How will the fee rates be adjusted?

The fee rate will increase from \$71.30 per million dollars to \$116.10 per million dollars. Note that the fee rate for Section 6(b) is also used to calculate fees payable with the Annual Notice of Securities Sold Pursuant to Rule 24f-2 under the Investment Company Act of 1940.

Companies that make any of the above filings as of December 27, 2010 will be subject to the increased fee rate.

Additionally, effective as of January 21, 2011, the Section 31 fee rate applicable to securities transactions on the exchanges and over-the-counter markets will be increased from \$16.90 per million dollars to \$19.20 per million dollars.

The Section 31 assessment on securities futures transactions will remain unchanged at \$0.0042 per round turn transaction.

When will the fee rate adjustments become effective?

The fee rate adjustments are effective as of December 27, 2010.

What if you have questions?

For any questions or more information on these or any related matters, please contact any attorney in the firm's corporate and securities practice group.

Additionally, the SEC announcement can be found <u>here</u>.

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