

## SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

### In the Matter of: Fortel, Inc., Now Known as Envit Capital Group, Inc.; Order of Suspension of Trading

May 12, 2009.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Fortel, Inc., now known as Envit Capital Group, Inc., because it has not filed any periodic reports since the period ended June 30, 2002.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed company.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed company is suspended for the period from 9:30 a.m. EDT on May 12, 2009, through 11:59 p.m. EDT on May 26, 2009.

By the Commission.

Elizabeth M. Murphy,  
Secretary.

[FR Doc. E9–11393 Filed 5–12–09; 4:15 pm]

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–59886; File No. SR–NYSEArca–2009–39]

### Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by NYSE Arca, Inc. Regarding Amendments to NYSE Arca Equities Rule 8.3 (“Listing of Currency and Index Warrants”)

May 7, 2009.

Pursuant to Section 19(b)(1) <sup>1</sup> of the Securities Exchange Act of 1934 (the “Act”) <sup>2</sup> and Rule 19b–4 thereunder, <sup>3</sup> notice is hereby given that, on May 1, 2009, NYSE Arca, Inc. (“NYSE Arca” or the “Exchange”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange, through its wholly-owned subsidiary NYSE Arca Equities, Inc. (“NYSE Arca Equities”), proposes to amend NYSE Arca Equities Rule 8.3 (“Listing of Currency and Index Warrants”) to include alternate listing standards for currency and index warrants. The text of the proposed rule change is available on the Exchange’s Web site at <http://www.nyse.com>, at the Exchange’s principal office and at the Public Reference Room of the Commission.

### II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

#### A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

##### 1. Purpose

The Exchange proposes to amend NYSE Arca Equities Rule 8.3 to include alternate minimum distribution and market value standards for currency and index warrants. <sup>4</sup> Under the proposed alternative standards, the minimum number of public holders required will not be defined, but will be determined on a case by case basis. Other criteria will require a minimum of 2,000,000 warrants together with an aggregate market value of \$12,000,000 and initial price of \$6 per warrant.

NYSE Arca Equities Rule 8.3 provides listing standards for currency and index warrants which includes, among other things, minimum distribution and market value standards. Currently, NYSE Arca Equities Rule 8.3 requires a minimum public distribution of 1,000,000 warrants together with a minimum of 400 public warrant holders, and an aggregate market value of \$4,000,000.

The Exchange proposes to add alternative standards to allow the

Exchange to list warrant issues that it believes are appropriate for listing and increase its flexibility in reviewing such issues. The proposed alternative standards are similar to those previously approved by the Commission for the American Stock Exchange LLC (now known as NYSE Amex LLC) and for the Chicago Board Options Exchange (“CBOE”). <sup>5</sup> Accordingly, under the proposed alternative listing standards, the minimum number of public holders required will not be defined, but will be determined on a case by case basis. Other criteria will require a minimum of 2,000,000 warrants together with an aggregate market value of \$12,000,000 and minimum price of \$6 per warrant. Because currency and index warrants are in many respects similar to currency and index options, which require no minimum number of holders upon issuance, the Exchange believes reviewing the number of public warrant holders on a case by case basis is appropriate.

The Exchange believes the proposed alternative warrant listing standards will increase the Exchange’s ability to review proposed warrant issues on a case by case basis in determining whether it is appropriate to list the particular warrant being proposed. Lastly, the Exchange believes that the approval of the alternative warrant listing standard will help foster competition between the Exchange and other national securities exchanges that have implemented the alternative warrant listing standards proposed herein. <sup>6</sup>

##### 2. Statutory Basis

The proposed rule change is consistent with Section 6(b) <sup>7</sup> of the Act in general and furthers the objectives of Section 6(b)(5) <sup>8</sup> in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transaction in securities,

<sup>5</sup> See Securities Exchange Act Release No. 43611 (November 22, 2000), 65 FR 75326 (December 1, 2000) (SR–CBOE–99–14) (order approving a proposed rule change relating to listing criteria for stock index warrants in CBOE Rule 31.5E); Securities Exchange Act Release No. 45036 (November 6, 2001), 66 FR 57760 (November 16, 2001) (SR–Amex–2001–89) (notice of filing and immediate effectiveness of proposed rule change relating to currency and index warrant listing standards in Section 106 of the American Stock Exchange LLC *Company Guide*).

<sup>6</sup> See note 5, *supra*.

<sup>7</sup> 15 U.S.C. 78f(b).

<sup>8</sup> 15 U.S.C. 78f(b)(5).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 15 U.S.C. 78a.

<sup>3</sup> 17 CFR 240.19b–4.

<sup>4</sup> NYSE Arca Equities Rule 8.3 accommodates listing of currency, currency index and stock index warrants.