

other charges among its members and other persons using its facilities.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change, as amended, will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

Written comments on the proposed rule change were neither solicited nor received.

**III. Date of Effectiveness of the Proposed Fee Schedule Modifications and Timing for Commission Action**

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

A. By order approve the proposed modifications, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change, as amended, is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send e-mail to [rules-comments@sec.gov](mailto:rules-comments@sec.gov). Please include File No. SR-PCX-2004-63 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609.

All submissions should refer to File No. SR-PCX-2004-63. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's

Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communication relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC 20549-0609. Copies of such filing will also be available for inspection and copying at the principal office of the PCX. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR-PCX-2004-63 and should be submitted on or before October 13, 2004.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>8</sup>

**Margaret H. McFarland,**  
*Deputy Secretary.*

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**DEPARTMENT OF TRANSPORTATION**

**Office of the Secretary**

**Aviation Proceedings, Agreements Filed the Week Ending September 10, 2004**

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 412 and 414. Answers may be filed within 21 days after the filing of the application.

*Docket Number:* OST-2004-19088.

*Date Filed:* September 8, 2004.

*Parties:* Members of the International Air Transport Association.

*Subject:* PTC23 EUR-J/K 0116 dated 10 September 2004, TC23/TC123 Europe-Japan, Korea, Expedited Resolution 002w r1, Intended effective date: 15 January 2005.

**Andrea M. Jenkins,**

*Program Manager, Docket Operations, Federal Register Liaison.*

[FR Doc. 04-21249 Filed 9-21-04; 8:45 am]

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<sup>8</sup> 17 CFR 200.30-3(a)(12).

**DEPARTMENT OF TRANSPORTATION**

**Office of the Secretary**

**Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (Formerly Subpart Q) During the Week Ending September 10, 2004**

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart B (formerly Subpart Q) of the Department of Transportation's Procedural Regulations. (See 14 CFR 301.201 *et seq.*) The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

*Docket Number:* OST-2004-13937.

*Date Filed:* September 10, 2004.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* October 1, 2004.

*Description:* Application of Cool Tours, Inc. d/b/a San Juan Aviation, requesting a waiver from the revocation for dormancy to conduct scheduled passenger operations as a commuter air carrier.

*Docket Number:* OST-2004-19109.

*Date Filed:* September 10, 2004.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* October 1, 2004.

*Description:* Application of Casino Airlines, Inc. dba City Airlines requesting authority to engage in scheduled passenger operations as a commuter air carrier and to operate scheduled daily flights between Dallas, TX (Love Field—DAL) to Lake Charles Regional, LA (Lake Charles Regional—LCH) flying two (2) BAe Jetstream 100 aircraft.

**Andrea M. Jenkins,**

*Program Manager, Docket Operations, Federal Register Liaison.*

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