

**RAILROAD RETIREMENT BOARD****2015 Railroad Experience Rating Proclamations, Monthly Compensation Base and Other Determinations**

**AGENCY:** Railroad Retirement Board.

**ACTION:** Notice.

**SUMMARY:** Pursuant to section 8(c)(2) and section 12(r)(3) of the Railroad Unemployment Insurance Act (Act) (45 U.S.C. 358(c)(2) and 45 U.S.C. 362(r)(3), respectively), the Board gives notice of the following:

1. The balance to the credit of the Railroad Unemployment Insurance (RUI) Account, as of June 30, 2014, is \$140,802,288.41;
2. The September 30, 2014, balance of any new loans to the RUI Account, including accrued interest, is zero;
3. The system compensation base is \$3,901,571,076.71 as of June 30, 2014;
4. The cumulative system unallocated charge balance is (\$379,702,597.46) as of June 30, 2014;
5. The pooled credit ratio for calendar year 2015 is zero;
6. The pooled charged ratio for calendar year 2015 is zero;
7. The surcharge rate for calendar year 2015 is 1.5 percent;
8. The monthly compensation base under section 1(i) of the Act is \$1,455 for months in calendar year 2015;
9. The amount described in sections 1(k) and 3 of the Act as "2.5 times the monthly compensation base" is \$3,637.50 for base year (calendar year) 2015;
10. The amount described in section 4(a-2)(i)(A) of the Act as "2.5 times the monthly compensation base" is \$3,637.50 with respect to disqualifications ending in calendar year 2015;
11. The amount described in section 2(c) of the Act as "an amount that bears the same ratio to \$775 as the monthly compensation base for that year as computed under section 1(i) of this Act bears to \$600" is \$1,879 for months in calendar year 2015;
12. The maximum daily benefit rate under section 2(a)(3) of the Act is \$72 with respect to days of unemployment and days of sickness in registration periods beginning after June 30, 2015.

**DATES:** The balance in notice (1) and the determinations made in notices (3) through (7) are based on data as of June 30, 2014. The balance in notice (2) is based on data as of September 30, 2014. The determinations made in notices (5) through (7) apply to the calculation, under section 8(a)(1)(C) of the Act, of employer contribution rates for 2015. The determinations made in notices (8)

through (11) are effective January 1, 2015. The determination made in notice (12) is effective for registration periods beginning after June 30, 2015.

**ADDRESSES:** Secretary to the Board, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611-2092.

**FOR FURTHER INFORMATION CONTACT:** Marla L. Huddleston, Bureau of the Actuary, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611-2092, telephone (312) 751-4779.

**SUPPLEMENTARY INFORMATION:** The RRB is required by section 8(c)(1) of the Railroad Unemployment Insurance Act (Act) (45 U.S.C. 358(c)(1)) as amended by Public Law 100-647, to proclaim by October 15 of each year certain system-wide factors used in calculating experience-based employer contribution rates for the following year. The RRB is further required by section 8(c)(2) of the Act (45 U.S.C. 358(c)(2)) to publish the amounts so determined and proclaimed. The RRB is required by section 12(r)(3) of the Act (45 U.S.C. 362(r)(3)) to publish by December 11, 2014, the computation of the calendar year 2015 monthly compensation base (section 1(i) of the Act) and amounts described in sections 1(k), 2(c), 3 and 4(a-2)(i)(A) of the Act which are related to changes in the monthly compensation base. Also, the RRB is required to publish, by June 11, 2015, the maximum daily benefit rate under section 2(a)(3) of the Act for days of unemployment and days of sickness in registration periods beginning after June 30, 2015.

**Surcharge Rate**

A surcharge is added in the calculation of each employer's contribution rate, subject to the applicable maximum rate, for a calendar year whenever the balance to the credit of the RUI Account on the preceding June 30 is less than the greater of \$100 million or the amount that bears the same ratio to \$100 million as the system compensation base for that June 30 bears to the system compensation base as of June 30, 1991. If the RUI Account balance is less than \$100 million (as indexed), but at least \$50 million (as indexed), the surcharge will be 1.5 percent. If the RUI Account balance is less than \$50 million (as indexed), but greater than zero, the surcharge will be 2.5 percent. The maximum surcharge of 3.5 percent applies if the RUI Account balance is less than zero.

The ratio of the June 30, 2014 system compensation base of \$3,901,571,076.71 to the June 30, 1991 system compensation base of \$2,763,287,237.04 is 1.41193106. Multiplying 1.41193106 by \$100 million yields \$141,193,106.

Multiplying \$50 million by 1.41193106 produces 70,596,553. The Account balance on June 30, 2014, was \$140,802,288.41. Accordingly, the surcharge rate for calendar year 2015 is 1.5 percent.

**Monthly Compensation Base**

For years after 1988, section 1(i) of the Act contains a formula for determining the monthly compensation base. Under the prescribed formula, the monthly compensation base increases by approximately two-thirds of the cumulative growth in average national wages since 1984. The monthly compensation base for months in calendar year 2015 shall be equal to the greater of (a) \$600 or (b)  $600 [1 + \{(A - 37,800)/56,700\}]$ , where A equals the amount of the applicable base with respect to tier 1 taxes for 2015 under section 3231(e)(2) of the Internal Revenue Code of 1986. Section 1(i) further provides that if the amount so determined is not a multiple of \$5, it shall be rounded to the nearest multiple of \$5.

Using the calendar year 2015 tier 1 tax base of \$118,500 for A above produces the amount of \$1,453.97, which must then be rounded to \$1,455. Accordingly, the monthly compensation base is determined to be \$1,455 for months in calendar year 2015.

**Amounts Related to Changes in Monthly Compensation Base**

For years after 1988, sections 1(k), 3, 4(a-2)(i)(A) and 2(c) of the Act contain formulas for determining amounts related to the monthly compensation base.

Under section 1(k), remuneration earned from employment covered under the Act cannot be considered subsidiary remuneration if the employee's base year compensation is less than 2.5 times the monthly compensation base for months in such base year. Under section 3, an employee shall be a "qualified employee" if his/her base year compensation is not less than 2.5 times the monthly compensation base for months in such base year. Under section 4(a-2)(i)(A), an employee who leaves work voluntarily without good cause is disqualified from receiving unemployment benefits until he has been paid compensation of not less than 2.5 times the monthly compensation base for months in the calendar year in which the disqualification ends.

Multiplying 2.5 by the calendar year 2015 monthly compensation base of \$1,455 produces \$3,637.50. Accordingly, the amount determined under sections 1(k), 3 and 4(a-2)(i)(A) is \$3,637.50 for calendar year 2015.

Under section 2(c), the maximum amount of normal benefits paid for days of unemployment within a benefit year and the maximum amount of normal benefits paid for days of sickness within a benefit year shall not exceed an employee's compensation in the base year. In determining an employee's base year compensation, any money remuneration in a month not in excess of an amount that bears the same ratio to \$775 as the monthly compensation base for that year bears to \$600 shall be taken into account.

The calendar year 2015 monthly compensation base is \$1,455. The ratio of \$1,455 to \$600 is 2.42500000. Multiplying 2.42500000 by \$775 produces \$1,879. Accordingly, the amount determined under section 2(c) is \$1,879 for months in calendar year 2015.

#### Maximum Daily Benefit Rate

Section 2(a)(3) contains a formula for determining the maximum daily benefit rate for registration periods beginning after June 30, 1989, and after each June 30 thereafter. Legislation enacted on October 9, 1996, revised the formula for indexing maximum daily benefit rates. Under the prescribed formula, the maximum daily benefit rate increases by approximately two-thirds of the cumulative growth in average national wages since 1984. The maximum daily benefit rate for registration periods beginning after June 30, 2015, shall be equal to 5 percent of the monthly compensation base for the base year immediately preceding the beginning of the benefit year. Section 2(a)(3) further provides that if the amount so computed is not a multiple of \$1, it shall be rounded down to the nearest multiple of \$1.

The calendar year 2014 monthly compensation base is \$1,440. Multiplying \$1,440 by 0.05 yields \$72. Accordingly, the maximum daily benefit rate for days of unemployment and days of sickness beginning in registration periods after June 30, 2015, is determined to be \$72.

By Authority of the Board.

**Martha P. Rico,**

*Secretary to the Board.*

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## SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 31319; 812-14271]

### ETF Securities Advisors LLC, et al.; Notice of Application

October 24, 2014.

**AGENCY:** Securities and Exchange Commission ("Commission").

**ACTION:** Notice of an application for an order under section 6(c) of the Investment Company Act of 1940 ("Act") for an exemption from sections 2(a)(32), 5(a)(1), 22(d) and 22(e) of the Act and rule 22c-1 under the Act, under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and 17(a)(2) of the Act, and under section 12(d)(1)(J) of the Act for an exemption from sections 12(d)(1)(A) and 12(d)(1)(B) of the Act.

**APPLICANTS:** ETF Securities Advisors LLC ("ETF Securities"), ETFS Trust (the "Trust"), and ALPS Distributors, Inc. (the "Distributor").

**SUMMARY OF APPLICATION:** Applicants request an order that permits: (a) Actively-managed series of certain open-end management investment companies to issue shares ("Shares") redeemable in large aggregations only ("Creation Units"); (b) secondary market transactions in Shares to occur at negotiated market prices; (c) certain series to pay redemption proceeds, under certain circumstances, more than seven days from the tender of Shares for redemption; (d) certain affiliated persons of the series to deposit securities into, and receive securities from, the series in connection with the purchase and redemption of Creation Units; and (e) certain registered management investment companies and unit investment trusts outside of the same group of investment companies as the series to acquire Shares.

**DATES: Filing Dates:** The application was filed on January 29, 2014 and amended on July 29, 2014 and October 23, 2014.

**HEARING OR NOTIFICATION OF HEARING:** An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on November 18, 2014, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state

the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

**ADDRESSES:** The Commission: Brent J. Fields, Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090; Applicants: ETF Securities Advisors LLC and ETFS Trust, 48 Wall Street, New York, NY 10005; Distributor: ALPS Distributors, Inc., P.O. Box 328, Denver, CO 80201.

**FOR FURTHER INFORMATION CONTACT:** Vanessa M. Meeks, Senior Counsel, at (202) 551-6806 or Melissa R. Harke, Branch Chief, at (202) 551-6722 (Division of Investment Management, Chief Counsel's Office).

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at <http://www.sec.gov/search/search.htm> or by calling (202) 551-8090.

#### Applicants' Representations

1. The Trust will be registered as an open-end management investment company under the Act and is a statutory trust organized under the laws of Delaware. The Trust initially will offer one series, the ETFS Diversified Commodities Fund (the "Initial Fund"), which applicants state will seek total return. The Initial Fund will be an investment company subject to regulation under the 1940 Act and will seek to achieve its investment objective by investing substantially all of its assets in a combination of commodity and currency-linked investments, U.S. government securities and money market instruments. The Initial Fund will seek to gain exposure to commodity markets, in whole or in part, through investments in a wholly-owned subsidiary that will be organized under the laws of the Cayman Islands.

2. ETF Securities, a Delaware limited liability company, will be registered as an investment adviser under the Investment Advisers Act of 1940 ("Advisers Act"). ETF Securities will serve as investment adviser to the Initial Fund. The Advisor (as defined below) may in the future retain one or more sub-advisors (each a "Sub-Advisor") to manage the portfolios of the Funds (as defined below). Any Sub-Advisor will be registered, or not subject to registration, under the Advisers Act. The Distributor is a registered broker-