

***** DRAFT - NOT YET FILED *****

1301:6-3-09.3

Electronic filings.

(A) Issuers may elect to submit notice filings to the division electronically.

- (1) Only investment companies that have registered securities, or have filed a registration statement, under the Investment Company Act of 1940, as amended, or issuers relying on Rule 506 of Regulation D, as amended, may submit electronic filings to the division.
- (2) Investment companies shall submit a Form NF for electronic filings.
- (3) Issuers relying on Rule 506 of Regulation D, as amended, shall file a Form D for electronic filings.
- (4) A Form U-2 Uniform Consent to Service of Process must be submitted if required by section 1707.11 of the Revised Code.

(B) Electronic signatures.

- (1) For notice filings submitted electronically, a typed signature may be accepted in lieu of a manual signature.
- (2) A typed signature shall have the same legal effect as a manual signature.

(C) Fees.

- (1) Fee payment for an electronic filing with the division shall be transferred through the automated clearing house network in cash concentration or disbursement entry format by fedwire transfer.
- (2) Investment company notice filings shall include fees required under division (A)(2)(a) and (A)(2)(b) of section 1707.092 of the Revised Code.
- (3) Issuers relying on Rule 506 of Regulation D, as amended, shall submit a one hundred dollar filing fee as required under division (X)(3) of section 1707.03 of the Revised Code.

(D) Business hours.

- (1) Electronic filings may be submitted from eight a.m. to five p.m. eastern standard time or eastern daylight time as applicable.
- (2) Electronic filings may be submitted from Monday to Friday, except for legal holidays as listed in section 1.14 of the Revised Code.
- (3) An electronic filing is deemed filed upon receipt of the required forms and fees.
- (4) If an issuer in good faith attempts to submit an electronic filing to the division in a timely manner, but the transmission is delayed due to technical difficulties, the electronic filer may request an adjustment to the filing date of the transmission. The division may grant the request if it appears that such an adjustment is appropriate and consistent with the public interest and the protection of investors.

(E) Amendments.

- (1) Amendments to a previously submitted electronic filing shall include the file number assigned by the division.
- (2) Additional fees to amend a previously submitted electronic filing shall be transferred through the automated clearing house network in cash concentration or disbursement entry format by fedwire transfer.

(F) Errors and omissions. An issuer shall not be subject to the liability and anti-fraud provisions of Chapter 1707. of the Revised Code with respect to an error or omission in an electronic filing resulting solely from electronic transmission errors beyond the control of the electronic filer where the error or omission is corrected by submitting to the division a filing that contains an amendment as soon as reasonably practicable after the electronic filer becomes aware of the error or omission.

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under:	119.03
Statutory Authority:	1707.20
Rule Amplifies:	1707.093
Prior Effective Dates:	1/28/00, 11/27/00, 2/1/01, 9/14/02