12(d) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 12d2–2(d) thereunder,[2] to withdraw its common stock, $.001 par value (''Security''), from listing and registration on the American Stock Exchange LLC (''Amex'').

On December 23, 2005, the Board of Directors (''Board'') of the Issuer approved resolutions to withdraw the Security from listing and registration on Amex and to list the Security on the Nasdaq National Market (''Nasdaq''). The Issuer stated in its application that the Board is taking such action because after considering, among other things, the capital market alternatives, the Board believes, it is advisable and in the best interests of the Issuer and its stockholders to list its Security on Nasdaq and to withdraw the Security from listing on Amex.

The Issuer stated in its application that it has met the requirements of Amex Rule 18 by complying with all applicable laws in effect in the State of Delaware, in which it is incorporated, and provided written notice of withdrawal to Amex.

The Issuer's application relates solely to withdrawal of the Security from listing on Amex and from registration under Section 12(b) of the Act,[3] and shall not affect its obligation to be registered under Section 12(g) of the Act.[4]

Any interested person may, on or before February 8, 2006, comment on the facts bearing upon whether the application has been made in accordance with the rules of Amex, and what terms, if any, should be imposed by the Commission for the protection of investors. All comment letters may be submitted by either of the following methods:

*Electronic Comments*

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/delist.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include the File Number 1–13955 or;

*Paper Comments*

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–9303.

All submissions should refer to File Number 1–13955. This file number should be included on the subject line if e-mail is used. To help us 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/delist.shtml*). Comments are also available for public inspection and copying in the Commission's Public Reference Room. All comments received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

**Nancy M. Morris,**

*Secretary.*

[FR Doc. E6–517 Filed 1–18–06; 8:45 am]

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[1] 15 U.S.C. 78l(d).

[2] 17 CFR 240.12d2–2(d).

[3] 15 U.S.C. 78*l*(b).

[4] 15 U.S.C. 78*l*(g).

[5] 17 CFR 200.30–3(a)(1).

## SECURITIES AND EXCHANGE COMMISSION

**[File No. 500–1]**

### In the Matter of Smart Online, Inc.; Order of Suspension of Trading

January 17, 2006.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Smart Online, Inc. (''SOLN'') because of possible manipulative conduct occurring in the market for the company's stock.

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 above-listed company is suspended for the period from 9:30 a.m. EST, on January 17, 2006 through 11:59 p.m. EST, on January 30, 2006.

By the Commission.

**J. Lynn Taylor,**

*Assistant Secretary.*

[FR Doc. 06–519 Filed 1–17–06; 11:16 am]

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## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–53105; File No. SR–Amex–2005–059]**

### Self-Regulatory Organizations; American Stock Exchange LLC; Order Granting Accelerated Approval of a Proposed Rule Change and Amendment Nos. 1 and 2 Thereto and Notice of Filing and Order Granting Accelerated Approval of Amendment Nos. 3 and 4 Thereto Relating to the Listing and Trading of the DB Commodity Index Tracking Fund

January 11, 2006.

### I. Introduction

On May 27, 2005, the American Stock Exchange LLC (''Amex'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade the DB Commodity Index Tracking Fund under new Commentary .07 to Amex Rule 1202. On September 15, 2005, the Amex filed Amendment No. 1 to the proposed rule change. On November 15, 2005, the Amex filed Amendment No. 2 to the proposed rule change. The proposed rule change, as amended by Amendment Nos. 1 and 2, was published for comment in the **Federal Register** on December 16, 2005 for a 15-day comment period, which ended on January 3, 2006.[3] The Commission received no comments on the proposal. On January 5, 2006, the Amex filed Amendment No. 3 to the proposed rule change.[4] On January 11,

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 52940 (December 12, 2005), 70 FR 74850.

[4] In Amendment No. 3, the Amex: (1) Added language to clarify that the composition of the Index may be adjusted in the event that the Index Sponsor is not able to obtain information necessary from the relevant futures exchanges to calculate the daily and/or closing prices for the Index commodities; (2) stated that, in connection with adjustments to the Index, if futures prices are not available, the Index Sponsor will typically use the prior day's futures price and that, in exceptional cases, the Index Sponsor may employ a ''fair value'' price; (3) stated that, in the case of a temporary disruption in connection with the trading of the futures contracts comprising the Index, the Exchange believes that it is unnecessary for a filing pursuant to Section 19(b) under the Exchange Act to be submitted to the Commission and represented that if the use of a prior day's price or ''fair value'' pricing for an Index commodity or commodities is more than of a temporary nature, a rule filing will be submitted pursuant to Section 19(b) of the Exchange Act; (4) represented that, if a successor or substitute Index is used by the Managing Owner, the Exchange will file a proposed rule change pursuant to Rule 19b–

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