



# Instructions for Electronic Filing and Service Of Documents in SEC Administrative Proceedings and Technical Specifications

Office of the Secretary  
U.S. Securities and Exchange Commission

**Date:** November 17, 2020

On November 17, 2020, the Commission's Rules of Practice (Rules) (17 CFR §§ 201.100 – 201.1106) were amended to require the electronic filing and service of documents in Commission administrative proceedings as defined in Rule 101(a) (17 CFR § 201.101(a)). (Exchange Act Rel. No. 34-90442 (November 17, 2020) <https://www.sec.gov/rules/final/2020/34-90442.pdf>). These instructions describe the requirements for the electronic filing of administrative proceeding documents with the Commission's Office of the Secretary (OS) and for the electronic service of documents on parties and representatives ("participants") in those proceedings.

The Commission's Rules of Practice and these instructions are available on the Commission's website on the Rules of Practice page at <http://www.sec.gov/about/rulesofpractice.shtml>. These instructions are intended to supplement, but not supersede, the Rules.

## **Introduction**

Participants must submit filings to the Commission electronically in administrative proceedings using the Commission's Electronic Filings in Administrative Proceedings (eFAP) system accessed through the Commission's website, [www.sec.gov](http://www.sec.gov), at <http://www.sec.gov/eFAP>. Participants also must serve and accept service of documents electronically.

**Participants are advised to read the Commission's Rules of Practice, these instructions, and the eFAP User Manual in their entirety prior to making a filing or serving other participants.**

### **What is eFAP?**

The eFAP system enables the electronic filing and service of documents in administrative proceedings. The system replaces paper filings in administrative proceedings by allowing OS to receive participants' filings electronically. It also allows OS to electronically serve orders, notices, and other administrative proceeding documents upon participants.

## **Section 1. Scope of eFAP**

### **1.1 Who must use eFAP?**

Absent a certification of an inability to comply as explained in more detail below (*see* paragraph 6.1), eFAP must be used by: (1) all participants in administrative proceedings as defined in Rule 101(a), including an enforcement or disciplinary proceeding, a proceeding to review a Self-Regulatory Organization (SRO), or a Public Company Accounting Oversight Board (PCAOB)

determination; and (2) all persons and their representatives granted leave to participate in a proceeding pursuant to Rule 210 (17 CFR § 201.210).

## 1.2 What documents must be filed in eFAP?

All documents required to be filed and served in an administrative proceeding pursuant to Rules 150(a) and 151(a) (17 CFR §§ 201.150(a) and 201.151(a)), including notices of appearance, motions, briefs, or other written communications, must be filed using eFAP. Participants are also required to use eFAP to transmit hearing exhibits to the Commission pursuant to Rule 351(c) (17 CFR §§ 201.351(c)). However, the system shall not be used by participants to exchange hearing exhibits or discovery, nor letters solely between participants or otherwise not addressed to the hearing officer or the Commission, except as exhibits to an otherwise properly filed document. Also, the system shall not be used to serve other participants or to serve subpoenas for purposes of investigations, as required by 17 CFR § 203.8 (Investigative Subpoenas). Investigative Subpoenas must be served electronically outside of the system or by other delivery methods prescribed in Rule 150(d). (17 CFR §§ 201.150(d)).

## 1.3 Is there a Phase-in Period?

Yes. Participants must comply with the new Rules of Practice on April 12, 2021 (the “compliance date”), but there is a 90-day phase-in period beginning on the compliance date. During this period, in addition to submitting electronic filings through eFAP, participants also must file in either paper format or by email at [APfilings@sec.gov](mailto:APfilings@sec.gov). If filed in paper format, an original and three (3) paper copies of the complete electronic filing, including all attachments, must be submitted to the Office of the Secretary in accordance with any of the delivery methods set forth in Rule 152(a)(2) of the Commission’s Rules of Practice.

The following address should be used when sending or delivering materials:

Office of the Secretary  
U.S. Securities and Exchange Commission  
100 F Street, NE  
Washington, D.C. 20549-1090

## 1.4 What if a proceeding started before the compliance date?

Participants in administrative proceedings opened before the compliance date **must make a filing pursuant to new Rule 102(d)** (17 CFR § 201.102(d)) **on or before April 26, 2021**. Participants must electronically file a Rule 102(d) compliant notice even if a prior Rule 102(d) paper filing included the participant’s email address (*see* paragraph 2.1 below for more information regarding Rule 102(d) filings).

Documents filed and served in proceedings before the compliance date will not be available in the system. Documents you file electronically in eFAP, and which are served on you by the Commission, on or after the compliance date will be available in the system. The Commission will continue to make certain filings publicly available on the Commission website’s Administrative Proceedings Documents page <https://www.sec.gov/litigation/apdocuments.shtml>.

## Section 2. Getting Started

### 2.1 How do I log in to eFAP?

A User Name and password are required to log in to eFAP. The email address at which you wish to receive documents in the proceeding must be provided, and will serve as your eFAP User Name. Your User Name *must match* the email address that you provide in the filing required by Rule 102(d) (described below).

- **If you are *not* a member of the SEC staff:**

**You must register your email address with login.gov before you first log in to the eFAP system.**

To register, access the eFAP system on the Commission’s website. Registration requires that you:

- Accept eFAP’s Acceptance Disclaimer;
- Create an account with login.gov using the email address you provided, or will provide, to OS;
- Provide your name and phone number in the eFAP system; and
- Agree to eFAP’s Terms and Conditions of use.

Note that Rule 102(d) contains a requirement that you file and keep current your contact information for receiving service of documents from the Commission and other participants in a proceeding. Rule 102(d) requires you to provide an email address for service. Consequently, your first filing in a proceeding must include a notice of appearance (if you are an attorney or other representative) or a document that provides the information required by Rule 102(d). If you are a participant in multiple administrative proceedings, you must file a notice of appearance or file a document that provides the information required by Rule 102(d) in each of those proceedings. You must also file a notice of appearance or file a document that provides the information required by Rule 102(d) within ten days of the compliance date for any proceeding in which you are appearing that is ongoing on that date.

For more detailed instructions on how to register, please refer to the eFAP User Manual link on the left navigation toolbar within the eFAP system.

- **If you are a member of the SEC staff:** Log in to the eFAP system using your SEC credentials. The eFAP application is available through the SEC Exchange. You do not need to register using login.gov.

SEC staff are required to file a notice of appearance, as required by Rule 102(d), in each proceeding in which they will make filings and serve or receive documents.

**Please note that registering with, and/or logging in to, eFAP does not meet the requirements of Rule 102(d) to file your contact information (including email address) with the Commission.**

## **2.2 Can I change my email address used in eFAP?**

Yes, but you must make a Rule 102(d) filing to update your email address. Any Commission documents issued by OS will continue to be sent to your prior Rule 102(d) email address until the processing of a change is complete. Filings under Rule 102(d), including filings made to update Rule 102(d) contact information, can take up to two (2) business days to process. Once complete, service will be to the new email address, but you will be unable to download served documents until the new email address is registered in eFAP as your system User Name.

**Note that the history of the documents filed and served under your retired User Name will not transfer to your new User Name account.** However, you may continue to access that information using your retired User Name and password.

## **Section 3. Basics of Filing and Serving**

### **3.1 How do I file documents?**

After successfully logging in to the system, you should select “Submit Filings” when the matter has been assigned an Administrative Proceeding File Number (3-#####). You should select “Submit Applications for Review” if an Administrative Proceeding File Number has not yet been assigned (*e.g.*, when filing an Application for Review of a decision of a SRO or the PCAOB). For details on how to file documents using eFAP, please refer to the eFAP User Manual link on the left navigation toolbar within the eFAP system.

### **3.2 How will I know my filing was received on time?**

All filings will be date-stamped by the system upon receipt. You will also receive a confirmation email indicating the date received. In addition, your history of uploads to the system will indicate the date received.

Electronic filings must be completed before midnight Eastern Time, on the due date established for the filing, as required by Rules 151(a) and 152(a). (17 CFR § 201.152(a)). If a large filing requires multiple submissions (*see* data size limitations, paragraph 4.2 below), the date the last transmission made to complete the filing was received will be used to determine timeliness. You are encouraged to make electronic submissions during the Commission’s business hours (9:00 a.m. – 5:30 p.m., Eastern Time, on weekdays that are not Federal holidays). **Filings submitted using other electronic media (paragraph 4.4 below) must be received on the due date established for the filing during the Commission’s business hours** noted above. (*See* Rule 152(a)(2)).

### **3.3 What if I realize that I have filed the wrong document after a filing transaction is complete?**

If you file the wrong document, you should immediately file the correct document and contact OS to explain the error. OS may send you a Notice of Deficient Filing email if it is necessary to reject the wrong filing.

### **3.4 If I file documents with the Commission, will they be automatically served on other participants?**

No. Filing documents electronically using eFAP will not constitute service on Commission staff, such as the Division of Enforcement, or other participants in an administrative proceeding. Once you have filed documents using eFAP, you still must serve it on other participants in the proceeding.

### **3.5 How do I serve Commission staff or other participants in the proceeding?**

It is your responsibility to serve any filings on Commission staff or other participants by email outside of eFAP. Pursuant to Rule 150(e), electronic service is complete upon transmission, but is not effective if the sender learns that the transmission failed. (17 CFR § 201.150(e)).

*Note: Investigative Subpoenas must be served electronically outside of the eFAP system or by other delivery methods prescribed in Rule 150(d) (see paragraph 1.2 above).*

### **3.6 What if the email address of the person I need to serve is not listed on the service list in eFAP?**

Until a participant's Rule 102(d) filing is processed and entered in the proceeding's Record Index, the participant's email address will not appear on the service list for that proceeding. It can take up to two (2) business days to process Rule 102(d) filings. If the email address of a person requiring service is not listed on the service list, you may serve that person by email if the party has previously agreed to be served by email for service. If the party has not agreed to be served by email, or if a certification about an inability to comply with the electronic filing requirements has been filed (*see* section 6), you should use an alternative method of service provided in Rule 150(d) until an email address appears on the service list in eFAP.

### **3.7 How do I receive documents from other participants, hearing officers and the Commission?**

Documents from Commission staff and other participants will be served by email outside of the eFAP system.

Documents from the Commission and hearing officers will be served through eFAP to the email address provided in your Rule 102(d) filing. The service email will contain link(s) to the document(s) being served. If not already logged in to eFAP when you click on the link(s), you will be prompted to log in to eFAP to complete the download of the served documents. For instructions on how to download served documents using eFAP, please refer to the eFAP User Manual link on the left navigation toolbar within the eFAP system.

Under Rule 150(e), electronic service is complete upon transmission. Failure to open an email or download the documents served will not render service ineffective.

## Section 4. Preparing Documents for Filing

### 4.1 How do I prepare documents for filing?

**4.1.1 Acceptable File Formats:** Documents submitted electronically must be in a portable document format (PDF), and as specified below, certain documents must be in a searchable optical character recognition (OCR) form of the PDF format (OCR PDF). PDF format is a non-modifiable electronic file that is converted to a format that will look the same on a computer screen and in print, regardless of the printer used to print it, and regardless of the software package originally used to create it. If it is necessary to submit a filing in a format other than PDF (*e.g.*, audio or video file), you should submit the filing using other electronic media as prescribed in paragraph 4.4 below.

- Main Document: The “Main Document” filed (*e.g.*, an application, petition, answer, or motion together with any supporting brief, and the certificates of service and of redaction or omission of Sensitive Personal Information (SPI) (*see* paragraph 4.1.2 below)) must be in the OCR PDF format and uploaded as a single file. When filing a motion together with a supporting brief, be sure to indicate in the “Filing Description” field that the document includes a supporting brief as well as the motion. Choose “Filing” as the Document Type for this document.
- Attachments: Although OCR PDF format is preferred, attachments or exhibits to the Main Document may be scanned to a non-OCR PDF format. If there are multiple documents contained in the attachment file, the filer must include an index of those documents at the beginning of the attachment file. *See* Attachment A for a Sample Index of Attachments. In addition, each attachment document must begin with a cover sheet (*i.e.*, a divider page) with a number or other identifier (*e.g.*, A, B, C, etc.) that corresponds to its entry in the list. *See* Attachment B for a Sample Attachment Divider Page.

Unless precluded by the data size limitations (paragraph 4.2) or because you are filing one or more attachments Under Seal (paragraph 4.1.4 below), attachments should be prepared as a single file separate from the Main Document. The attachment file(s) should be uploaded with the Main Document file and submitted together as one filing transaction; but if together they exceed the data size limitations, then the Main Document should be transmitted first. In eFAP, choose “Attachment” as the Document Type for this document.

**4.1.2 Sensitive Personal Information (SPI) Certification:** When filing a document electronically, you will be required to confirm compliance with the Rules concerning the redaction or omission of SPI. For information on SPI, *see* Rules 151(e) (filings generally), 420(e) (SRO record index), and 440(d) (PCAOB record index) (17 CFR §§ 201.151(e), 201.420(e), and 201.440(d)).

**4.1.3 Signature:** Filings requiring a signature pursuant to Rule 153 (17 CFR § 201.153) may be signed with the “/s/” notation on any applicable signature lines. (Rules 152(c) and 351(c)(2)) (17 CFR § 201.152(c)).

**4.1.4 Naming Files for Upload:** You must use the following naming convention for all uploaded files: Administrative Proceeding File Number\_Date [YYYY-MM-DD]\_Party Name\_Document Description.pdf (e.g., 3-12345\_2013-08-09\_Smith\_Motion for Summary Disposition.pdf; 3-12345\_2014-08-09\_Smith\_Attachments 1-10 to Motion for Summary Disposition.pdf).

- No File Number: If a File Number (3-#####) has not yet been assigned, the file name begins with the Date of the filing (e.g., 2014-08-09\_Smith\_Application for Review of SRO Decision.pdf).
- Under Seal Documents: If documents are subject to an existing protective order or the filer is requesting confidentiality pursuant to Rule 322(b) (17 CFR § 201.322(b)), the file name of the Under Seal version must begin with “Under Seal” (e.g., Under Seal\_3-12345\_2014-08-09\_Smith\_Motion for Summary Disposition.pdf; Under Seal\_3-12345\_2014-08-29\_Smith\_Attachments 1-10 to Motion for Summary Disposition.pdf). For additional information on submission of under seal documents, *see* paragraph 5.2 below.
- Ex Parte Documents: *Ex parte* motions and supporting documentation to *ex parte* motions must begin with “Under Seal” and the Document Description must include the text “Ex Parte” (e.g., Under Seal\_3-12345\_2014-08-09\_Smith\_Ex Parte Motion for Stay of Proceeding.pdf; Under Seal\_3-12345\_2014-08-29\_Smith\_Attachments 1-10 to Ex Parte Motion for Stay of Proceeding.pdf). You must also mark the “Under Seal” field when uploading the Main Document file and any Attachment files. For additional information on submission of *ex parte* documents, *see* paragraph 5.3 below.
- Certified Records and Indexes: If the document is the Under Seal version of a record index from a SRO (Rule 420(e)) or the PCAOB (Rule 440(d)), follow the instructions for under seal documents above. For additional guidance on submission of certified records and record indexes, *see* paragraph 5.5 below.

## **4.2 Is there a limit to the size of a document that can be filed using eFAP?**

Yes. A single PDF document may be no larger than 500 megabytes (500 MB). Multiple documents may be uploaded in one filing transaction, but the total file size may not exceed 500 MB. If the documents to be submitted for one filing total more than 500 MB, the documents must be divided into transmissions of 500 MB or less. When the submission of the first transaction is complete, you can elect to submit another filing. When the new upload screen opens, you can upload the additional documents.

## **4.3 What if my document exceeds the file size limit?**

If a single document exceeding 500 MB cannot be divided into multiple smaller files, you should obtain approval from OS to submit the filing using other electronic media as prescribed in paragraph 4.4 below.

#### **4.4 How do I file non-PDF documents or other electronic media?**

If it is necessary to submit a filing in a format other than PDF (*e.g.*, audio or video file), or a document exceeds the data size limit of 500 MB and cannot be broken into multiple files, the filing must be submitted to OS using one of the following **Acceptable Electronic Media**:

- CD-R CD-ROMs formatted to ISO 9660 specifications;
- DVD-ROM for Windows-compatible personal computers; or
- USB 2.0 thumb drives for Windows-compatible personal computers.

Electronic media must be properly packaged to prevent damage and must not be encrypted. The media must be accompanied by a “Notice of Manual Filing,” which includes the information prescribed for filings in Rule 152(b)(3), describes the subject matter of the filing, and includes the reason(s) why the filing could not be submitted using eFAP. *See* Attachment C for a sample Notice of Manual Filing. The Notice must also be electronically filed in eFAP and served electronically outside of eFAP. Delivery of the package and the hard copy Notice must be made by one of the following **Delivery Methods**:

- U.S. Postal Service first class, certified, registered, or Priority Mail Express; or
- Commercial courier or express delivery service.

The following address should be used when sending or delivering materials:

Office of the Secretary  
U.S. Securities and Exchange Commission  
100 F Street, NE  
Washington, D.C. 20549-1090

**Note:** Filings submitted using other electronic media must be received on the due date established for the filing during the Commission’s business hours (9:00 a.m. – 5:30 p.m., Eastern Time, on weekdays that are not Federal holidays). (*See* Rule 152(a)(2)).

#### **4.5 Are there any document security considerations?**

Documents must be free of active content, viruses, or malicious code. You are responsible for taking all reasonable steps to prevent submission of material that does not meet these security requirements. Rejection of a document for failure to meet the security requirements will not excuse an untimely filing.

### **Section 5. Filing Particular Types of Documents**

#### **5.1 Do I need to submit a cover letter with my filing?**



No, it is not necessary to submit a cover letter with an electronic filing. If a cover letter would be helpful, file the cover letter as an Attachment with the Main Document. Please note that Attachments become part of the official record of the proceeding. (*But see* paragraph 5.4 below, which requires a cover sheet for each exhibit).

## **5.2 Can I use eFAP to file confidential or Under Seal documents?**

Yes; however, if you are required to file the documents under Rule 322(b), then two versions of the documents must be filed:

- (1) A complete, sealed copy of the materials containing the information, as to which a protective order is sought, with the allegedly confidential information marked as such, and with the first page of the document labeled “Under Seal” (Under Seal Version); and
- (2) A redacted copy of the materials containing the information, as to which a protective order is sought, with the allegedly confidential information redacted (Redacted Version). The redacted version shall indicate any omissions with brackets or ellipses, and its pagination and depiction of text on each page shall be identical to that of the sealed version.

If a document would be redacted in its entirety, a redacted version need not be filed.

The Under Seal Version and the Redacted Version must be uploaded as separate files. It is recommended that you first upload the Redacted Version, including the Main Document file and any attachment files, by following the instructions for preparing documents for filing in paragraph 4.1 above. You can follow the same instructions to upload the Under Seal Version, but, in addition, you must name the sealed files using the “Under Seal” naming convention (*i.e.*, the file name leads with “Under Seal”) and must mark the “Under Seal” field when uploading the Under Seal Version of the Main Document file and for any Under Seal attachment files.

### **5.3 Can I use eFAP to file *ex parte* documents?**

Yes. You can use eFAP to file *ex parte* documents, but must follow the instructions in paragraph 4.1 above.

### **5.4 Can I use eFAP to file hearing exhibits?**

Yes. Rule 351(c) requires the electronic filing of exhibits admitted, or offered and not admitted, during the hearing, and any other exhibits that were admitted after the hearing. Although OCR PDF format is preferred, exhibits may be scanned to a non-OCR PDF format. The first file uploaded containing hearing exhibits must include an index of those exhibits at the beginning of the file. *See* Attachment D, Sample Index of Hearing Exhibits. In addition, each exhibit must begin with a cover sheet (*i.e.*, a divider page) with a number or other identifier (*e.g.*, Respondent's EX 1, Respondent's EX 2, Respondent's EX 3, etc.) that corresponds to its entry in the list. *See* Attachment E, Sample Hearing Exhibit Divider Page. In eFAP, choose "Hearing Exhibit" as the Document Type for these documents. **Please note that any exhibit list filed pursuant to an order of the hearing officer is not a substitute for the index that must accompany the filing.**

### **5.5 How do I file SRO or PCAOB Certified Records and Indexes to Certified Records?**

Appeals of determinations by an SRO or the PCAOB require a complete, clean copy of the record upon which the action complained of was taken and an index to such record, as required by Rules 420(e) (SROs) and 440(d) (PCAOB). If such record index contains any Sensitive Personal Information (SPI), two versions must be filed:

- (1) A clean, sealed copy with the first page of the document labeled "Under Seal" (Under Seal Version); and
- (2) A redacted copy with the SPI redacted (Redacted Version).

Although OCR PDF format is preferred, records may be scanned to a non-OCR PDF format. Record indexes must be in OCR PDF format. The Under Seal Version and the Redacted Version must be uploaded as separate files. It is recommended that you first upload the Redacted Version by following the instructions for preparing documents for filing in paragraph 4.1 above. You can follow the same instructions to upload the Under Seal Version, but, in addition, you must name the sealed index using the "Under Seal" naming convention (*i.e.*, the file name leads with "Under Seal") and must mark the "Under Seal" field when uploading the Under Seal Version. In eFAP, choose "Certified Record" as the Document Type for these documents.

## **Section 6. Inability to file and serve documents electronically**

### **6.1 What if I cannot file and serve electronically?**

If a participant reasonably cannot file and serve electronically, due to lack of access to electronic transmission devices (*e.g.*, due to incarceration, or unforeseen technical difficulties), the participant must promptly file a certification under either Rule 150(c)(1), Rule 152(a)(1) or Rule 351(c)(1) that explains why the person reasonably cannot comply, indicates the expected duration

of the person's reasonable inability to comply, and otherwise meets the requirements of these rules. (17 CFR § 201.150(c)(1)). If you are a participant in multiple administrative proceedings, you must file a certification in each proceeding. The certification is immediately effective.

If a person reasonably cannot file electronically, refer to Rule 152 for additional methods of filing. If a person reasonably cannot serve papers electronically, refer to Rule 150 for additional methods of service.

## **6.2 How will I know if a party cannot file or serve electronically?**

A certification that one cannot file or serve electronically will be entered on the Record Index in the proceeding for which the certification is filed. (*See* paragraph 3.6 above).

## **Section 7. Getting More Information About eFAP**

### **7.1 How can I learn how to file and serve using eFAP?**

The eFAP User Manual with step-by-step instructions can be found through the eFAP User Manual link on the left navigation toolbar on the eFAP system.

**7.2 Unavailability of eFAP System:** Should eFAP system be down and unavailable for any user, you should access the Rules of Practice page on the Commission's website at <http://www.sec.gov/about/rulesofpractice.shtml> for alternate means of filing.

**7.3 Contact Information for the Office of the Secretary:** If you have questions regarding electronic filing or service, please contact the Office of the Secretary at (202) 551-5400. For purposes of Rule 152, the Office of the Secretary's fax number is 703-813-9793. Voicemail messages should include the name of the matter, the Administrative Proceeding File Number (3-#####), and your contact information. OS is available to answer any procedural questions or refer you to applicable Rules of Practice; however, OS cannot answer legal questions or interpret orders of the Commission or hearing officer. For system access or technical issues contact (202) 551-EFAP.

## **Attachments**

**Attachment A:** Sample Index of Attachments (Motions/Briefs)

**Attachment B:** Sample Divider Page for Attachments (Motions/Briefs)

**Attachment C:** Sample Notice of Manual Filing

**Attachment D:** Sample Index of Hearing Exhibits

**Attachment E:** Sample Divider Page for Hearing Exhibits

**Attachment A: Sample Index of Attachments (Motions/Briefs)**

**UNITED STATES OF AMERICA  
Before the  
SECURITIES AND EXCHANGE COMMISSION**

**ADMINISTRATIVE PROCEEDING  
File No. 3-#####**

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**In the Matter of**

**XYZ, Inc.,**

**Respondent.**

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**XYZ's INDEX OF ATTACHMENTS**

<b><u>Attachment</u></b>	<b><u>Description</u></b>
A	Affidavit of John Doe
B	Excerpts from Jane Doe's Deposition
C	Contract Between XYZ Company and ABC Company (Pages 1-35)
D	XYZ Company General Ledgers

**Attachment B: Sample Divider Page for Attachments (Motions/Briefs)**

**XYZ Attachment 1**

**Attachment C: Sample Notice of Manual Filing**

**UNITED STATES OF AMERICA  
Before the  
SECURITIES AND EXCHANGE COMMISSION**

**ADMINISTRATIVE PROCEEDING  
File No. 3-#####**

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**In the Matter of**

**XYZ, Inc.,**

**Respondent.**

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**XYZ's NOTICE OF MANUAL FILING**

Please take notice that XYZ has manually filed the following document(s) by delivering to the Office of the Secretary the documents on [identify the alternative electronic media (*e.g.*, a CD)]: [List document(s)].

XYZ makes this manner of filing because [state reason(s) for departure from procedures (*e.g.*, the document(s) cannot be authentically converted to PDF format/the document exceeds the data size limits for electronic filing/the hearing officer/Commission requested the alternative format because it will aid in the review of the materials)].

The [electronic media] containing the document(s) and a hard copy of this Notice have been served on all parties of record.

[Date]

Respectfully submitted,

\_\_\_\_\_  
/s/

Name of Filer  
Firm Name (if applicable)  
Street Address  
City, State, Zip Code  
Telephone Number  
Email Address

**Attachment D: Sample Index of Hearing Exhibits**

**UNITED STATES OF AMERICA  
Before the  
SECURITIES AND EXCHANGE COMMISSION**

**ADMINISTRATIVE PROCEEDING  
File No. 3-#####**

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**In the Matter of  
XYZ, Inc.,  
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**XYZ'S INDEX OF HEARING EXHIBITS**

<b><u>Exhibit</u></b>	<b><u>Description</u></b>
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XYZ EX 4	XYZ Company General Ledgers

**Attachment E: Sample Divider Page for Hearing Exhibits**

**XYZ EX 1**