

COMMONWEALTH OF VIRGINIA



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STATE CORPORATION COMMISSION Office of the Clerk

December 18, 2008

To: Prospective Filers
From: Joel H. Peck
Re: Revised Notice regarding Expedite Submissions
on December 24 and December 31, 2008

The Clerk's Office today learned that the State Corporation Commission (as well as other State offices) will be closed for the entire day on December 24 and will be open from 8:15 a.m. until 1:00 p.m. on December 31. This notice replaces and modifies the December 11, 2008 notice issued by the Clerk's Office regarding the availability of expedited service on these days.

The Code of Virginia contemplates that a business entity document submitted for filing in the Clerk's Office becomes effective (unless the document calls for a delayed effective date) after it is received, reviewed and processed, at which time it is considered "filed." Accordingly, a document received on December 31 will not be made effective on that day unless its review and processing is completed before 1:00 p.m.

The Clerk's Office expedite policy provides that processing times will be extended when the Commission closes early due to a scheduled closing or an emergency. See Expedited Service Schedule in the Instructions to Form SCC21.2. Accordingly, the Clerk's Office's scheduled processing of a Same Day expedite received on December 31 will be extended by 3 hours to 11:15 a.m. on Monday, January 5, the next business day the office is to be open.

The Clerk's Office expedite policy also provides deadlines for the submission of Same Day expedites and Next Day expedites at noon and 4:00 p.m., respectively. These deadlines are not adjusted when the Commission closes early, nor is any other deadline established to account for an early closing.

Based on the foregoing, a customer who has a document that needs to be filed with an effective date of December 31 or January 1 should submit the document (with the desired delayed effective date) to the Clerk's Office as a Same Day expedite by noon on December 30. Similarly, a Next Day expedite received by 4:00 p.m. on December 29 will be processed by 4:00 p.m. on December 30.

While the Clerk's Office will attempt to accommodate a customer who delivers a document as a Next Day expedite on December 30 or as a Same Day expedite on December 31, such submissions will only be made effective on December 31 or January 1 if (i) a delayed effective date is requested and (ii) our staff can complete the document's processing prior to 1:00 p.m. on December 31.

If you have any questions about the foregoing, please contact the Clerk's Office at (804) 371-9733 and ask to speak to a member of the Legal Services Section.