

**Nancy M. Morris, Secretary**  
**Securities and Exchange Commission**  
**100 F Street, NE**  
**Washington, DC 20549-0609**  
**Re: file 4-557 NIPC Rule Petition - Customer Account Rule**

This submitted rule petition raises several important and serious questions and issues. It appears that the SEC has overstepped its authority. Please note that Section 6 (b)(5) of the Securities Exchange Act of 1934 prohibits unfairly discriminating against investors and playing favorites.

I object to the fact that the SEC authorizes market participants to credit mere "securities entitlements" defined by the UCC to your securities accounts, when I have paid for real securities issued by corporations. I do not want UCC defined securities in your account; I want the security I paid for, defined by federal laws.

The petition demands prompt response and proper & immediate rectification to ensure that all enacted laws on the books are adhered to stringently and not circumvented for wayward, illegal purposes as outlined in the petition. Furthermore, I also request a prompt response to this petition.

Why has the SEC allowed market participants to sell unregistered securities and fail to deliver legitimate securities? Does the SEC condone shares that fail to be delivered past T+3 or will the Commission take this petition seriously and finally clean up our system?

Failing to deliver is not defined in any federal securities laws. If no such federal law exists, why has the Commission allowed it? In essence, you are complicit in the destruction of the regular investor by allowing market participants to defraud investors with inferior "entitlements". I would hope the Commission will respond with a definitive answer as whether or not it allows failures to deliver and if so, what federal law supports it?

The SEC is actively authorizing market participants to redefine "security" in customer accounts past the settlement cycle (T+3) from the definition in federal securities laws. It is not just that the SEC is failing to enforce the law. It is much worse than that. It is that the SEC is actively authorizing this activity and also authorizing fails to deliver to be effected. **Again, the SEC is actively authorizing this.**

Immediate action is necessary. I want you to adopt this new rule 15c3-4, your file #4-557, and to do so today!

Robert Almy