



Federal Deposit Insurance Corporation
550 17th Street, NW, Washington, D.C. 20429-9990

Financial Institution Letter
FIL-40-2011
May 31, 2011

ELECTRONIC FILING BY BANKS REPORTING TO THE FDIC UNDER THE SECURITIES EXCHANGE ACT OF 1934 AND PART 335 OF THE FDIC'S REGULATIONS

Voluntary Transition Period for Publicly Owned FDIC-Supervised Banks

Summary: FDIC-supervised banks and associated parties are encouraged to use *FDICConnect* to access an electronic filing system for Securities Exchange Act filings and submit periodic reports, proxy materials, other securities disclosure documents, and related correspondence to the FDIC. Publicly available securities disclosure documents filed via *FDICConnect* generally will be immediately accessible on the FDIC's Web site.

Statement of Applicability to Institutions under \$1 Billion in Total Assets: With respect to electronic filing, this Financial Institution Letter applies only to FDIC-supervised banks, including community banks, that have a class of equity securities registered with the FDIC under the Securities Exchange Act. The publicly available securities disclosure filings by such FDIC-supervised banks may be of interest to all institutions.

Distribution:

FDIC-Supervised Banks (Commercial and Savings)

Suggested Routing:

Chief Executive Officer
Chief Financial Officer
Board of Directors
Principal Shareholders

Related Topics:

Securities of Nonmember Insured Banks
12 CFR Part 335

Contact:

For Securities Exchange Act issues, contact
Dennis Wm. Chapman, Senior Staff Accountant, at
dchapman@fdic.gov or (202) 898-8922.

For *FDICConnect* technical issues, contact the
FDICConnect staff at FDICConnect@fdic.gov.

Note:

FDIC financial institution letters (FILs) may be
accessed from the FDIC's Web site at
www.fdic.gov/news/news/financial/2011/index.html.

To receive FILs electronically, please visit
<http://www.fdic.gov/about/subscriptions/fil.html>.

Paper copies of FDIC financial institution letters
may be obtained via the FDIC's Public Information
Center, 3501 Fairfax Drive, E-1002,
Arlington, VA 22226 (877-275-3342 or 703-562-
2200).

Highlights:

- The Part 335 electronic filing system eliminates the need for paper filings of certain securities disclosure documents by FDIC-supervised banks subject to reporting under the Securities Exchange Act of 1934 (Exchange Act) and Part 335 of the FDIC's regulations.
- The current voluntary transition period will allow such banks to familiarize themselves with the Part 335 electronic filing system and offer comments and suggestions for enhancing the system before the FDIC considers making electronic filing mandatory for securities disclosure filings (other than beneficial ownership reports that already must be filed electronically), which will not be before 2012.
- The availability of electronic filing in lieu of submitting paper reports may give banks more time to prepare the Current Report on Form 8-K and other required Exchange Act reports that have short deadlines for receipt by the FDIC.
- The Part 335 electronic filing system will improve public access to Exchange Act disclosures submitted to the FDIC. Public disclosure documents filed electronically with the FDIC may be viewed and downloaded at <http://www2.fdic.gov/efr/>.

Instructions for Filing and Viewing Securities Disclosure Documents

REPORTING BY FDIC-SUPERVISED BANKS USING THE PART 335 ELECTRONIC FILING SYSTEM

FDIC-supervised banks whose equity securities are registered with the FDIC under the Securities Exchange Act of 1934 (Exchange Act) and Part 335 of the FDIC's regulations (registered banks) may use *FDICConnect* to access the Part 335 electronic filing system for all reporting under the Exchange Act and Part 335. Periodic reports, such as Forms 10-K, 10-Q, and 8-K, all other Exchange Act reports, proxy solicitation material (preliminary and final), and all associated correspondence from banks or their representatives may be submitted electronically to the FDIC using the Part 335 electronic filing system. When reports and correspondence have been filed via the electronic filing system, paper copies of these documents need not be submitted to the FDIC.

TO FILE SECURITIES DISCLOSURE DOCUMENTS AND RELATED CORRESPONDENCE USING THE PART 335 ELECTRONIC FILING SYSTEM WITHIN *FDICCONNECT*

Go to <https://www2.fdicconnect.gov/> and click **Sign In**. After signing in to *FDICConnect*, go to **Reporting Required by the Securities Exchange Act** under the "Applications, Filings and Institution Information" tab.

Next, select the type of document to be filed (e.g., Form 10-K Annual Report, Preliminary Proxy/Information Statement, and Nonpublic Correspondence) from the **Item Name** drop down menu and click **Continue**. If the Web page that appears correctly identifies the FDIC-supervised registered bank for which a document is being filed and the type of document to be filed, then click **Continue**.

On the next Web page, after updating the filing information, if necessary, click **Add Files**. On the next Web page, select the "File Type" on the drop down menu (i.e., Report, Proxy Material, or Correspondence) and then designate the appropriate "File Status" for the document to be filed, either **Non-confidential (Public Files)** for all public filings or **Confidential (To Agency Staff)** for general correspondence and the nonpublic portions of Confidential Treatment Requests.

Next, click **Browse** and select the document to be filed with the FDIC from your computer and click **Insert** or **Open**, depending on your computer system. The document's file name will appear in the "Original File Name" field. If the correct file name is shown, then click **Attach File**. The name of the attached file will then be identified in the "Attached Files" section of this Web page. The electronic filing system will enable you to attach additional documents that you wish to submit at the same time.

You will also be able to navigate the screens so that you may **Preview** the list of attached file(s) and either **Submit** the attached file(s) to the FDIC or **Remove** any attached file without submitting it.

Reports and other documents that require a signature should be signed manually and retained by the filer (bank, individual, or other legal entity). Electronically submitted documents should show "conformed" printed signatures for each person who has manually signed the original document.

FDIC-supervised banks are encouraged to submit comments about their experience with the Part 335 electronic filing system to PublicBankReports@fdic.gov.

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TO VIEW AND DOWNLOAD A PUBLICLY AVAILABLE SECURITIES EXCHANGE ACT FILING FOR AN FDIC-SUPERVISED REGISTERED BANK

Go to <http://www2.fdic.gov/efr/>. From this Web page, which includes a link to a list of FDIC-supervised banks currently reporting to the FDIC under the Exchange Act and Part 335, click **Search for Other Part 335 Filings by FDIC-Supervised Banks**. On the Search page, search for a filing either by Institution Name, Filing Date, or FDIC Certificate Number. Enter the specified information in the appropriate Search fields and click **Find**.

Publicly available securities disclosure documents filed on paper with the FDIC by FDIC-supervised registered banks may be obtained upon written request to the FDIC, Accounting and Securities Disclosure Section, 550 17th Street, NW, Washington, DC 20429, or by email at PublicBankReports@FDIC.gov. There may be a charge for paper copies.

Sandra L. Thompson
Director
Risk Management Supervision