

EMMA: THE NEW HOME FOR CONTINUING DISCLOSURE

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Since 1995, the municipal bond market place has been relying upon the SEC's designated Nationally Recognized Municipal Securities Information Repositories ("NRMSIRs") as the source for investors to obtain secondary market disclosure on municipal securities. Unfortunately, the NRMSIRs have not been a consistent or complete resource for receiving and then distributing disclosure information. There have been several innovations to streamline and improve the dissemination of data, including the "Central Post Office" site of DisclosureUSA.org which acted as a central reception point for information going to the NRMSIRs. These sources have been somewhat successful, but have not provided a complete answer to the problems associated with dissemination of, and access to continuing disclosure information.

In the Spring 2008, the Municipal Securities Rule Board ("MSRB") launched the Electronic Municipal Market Access platform ("EMMA"), initially in a pilot format. Effective July 1, 2009, EMMA will replace the current NRMSIRs, including the use of DisclosureUSA.org, as the filing designation for all secondary market filings including continuing disclosure annual reports, audited financial statements, budgets, reporting of significant events and any voluntary filings. All municipal securities with continuing disclosure obligations issued after July 1, 1995 will need to file continuing disclosure documents solely through EMMA. EMMA is a web-based platform offering free access to official statements, escrow agreements for advance refunding transactions, real-time trade price and interest rate data on municipal securities. EMMA also provides daily statistics on trading activity and investor education materials. EMMA is all electronic and will not accept any paper copies of continuing disclosure documents. All submissions to EMMA have to be in PDF format. Public access to EMMA's primary market and secondary market disclosure documentation will be similar to the centralized disclosure currently available for securities offerings of public companies via the SEC's EDGAR system.

The MSRB is still waiting to get final approval from the SEC on the EMMA platform for submission of secondary market disclosure filings and the MSRB expects to have the platform up and running by July 1, 2009. Through June 30, 2009, the NRMSIRs will continue to be the designated venues for filing continuing disclosure information to the municipal market place and issuers and obligors should continue to use services such as DAC or DisclosureUSA.org to comply with continuing disclosure obligations. Starting July 1, 2009, issuers and obligors should only use EMMA for filing continuing disclosure information to the municipal market place. ♦

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