Davis Polk

New SEC Relief for Some Companies That May Lose WKSI Status

January 9, 2009 | Client Update

Due to continuing equity market turmoil, many companies are at risk of losing the ability to issue securities off of an automatic shelf registration statement. When a company files its annual report on Form 10-K or Form 20-F, a new determination date for well-known seasoned issuer (WKSI) status is triggered. To remain eligible to use an existing automatic shelf, the company's worldwide equity float must equal or exceed $700 million, excluding shares held by affiliates, at a point during the preceding 60 days.

If you have any questions regarding the matters covered in this publication, please reach out to any of the lawyers listed below or your usual Davis Polk contact.

Joseph A. Hall
+1 212 450 4565
joseph.hall@davispolk.com

Michael Kaplan
+1 212 450 4111
michael.kaplan@davispolk.com

Richard D. Truesdell, Jr.
+1 212 450 4674
richard.truesdell@davispolk.com

Related materials

Read the full update