

from various entities, including the Postal Regulatory Commission. *Id.*

## II. Contents of Filing

The Postal Service's filing consists of the Modification and supporting documents addressing compliance with 39 U.S.C. 3633 and 39 CFR 3015.5 (filed under seal); a public Excel file containing redacted versions of financial workpapers filed under seal; the Notice; and two attachments to the Notice. Attachment 1 is a redacted copy of the Modification. Attachment 2 is the certified statement required by 39 CFR 3015.5(c)(2). Notice at 2. With respect to material filed under seal, the Postal Service incorporates by reference two previous Applications for Non-Public Treatment.<sup>2</sup>

The intended duration of the Modification is co-extensive with that of the Agreement. *Id.* Attachment 1.<sup>3</sup>

## III. Commission Action

The Commission reopens Docket No. CP2013-23 for consideration of matters raised by the Notice. The Commission invites comments from interested persons on whether the Modification is consistent with the policies of 39 U.S.C. 3632 and 3633 and the requirements of 39 CFR part 3015. Comments are due no later than June 7, 2013. The public portions of this filing can be accessed via the Commission's Web site (<http://www.prc.gov>). Information on how to obtain access to non-public material appears at 39 CFR part 3007.

The Commission appoints James F. Callow to serve as Public Representative in this docket.

*It is ordered:*

1. The Commission reopens Docket No. CP2013-23 for consideration of matters raised by the Postal Service's Notice.
2. Pursuant to 39 U.S.C. 505, James F. Callow is appointed to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.
3. Comments by interested persons in this proceeding are due no later than June 7, 2013.
4. The Secretary shall arrange for publication of this order in the **Federal Register**.

<sup>2</sup> See Initial Notice, Attachment 4 and Response to Postal Regulatory Commission Order Nos. 1591 and 1598 Regarding Annex 6 to the China Post Group—United States Postal Service Multi-Product Bilateral Negotiated Service Agreement, Attachment, January 18, 2013.

<sup>3</sup> See Initial Notice at 3 (establishing January 1, 2013 as the effective date of the Agreement).

By the Commission.

**Ruth Ann Abrams,**

*Acting Secretary.*

[FR Doc. 2013-13278 Filed 6-4-13; 8:45 am]

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## POSTAL REGULATORY COMMISSION

[Docket No. CP2011-50; Order No. 1735]

### Negotiated Service Agreement

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission is noticing a recent Postal Service filing concerning an amendment to Express Mail Contract 11. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

**DATES:** *Comments are due:* June 6, 2013.

**ADDRESSES:** Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

**FOR FURTHER INFORMATION CONTACT:** Stephen L. Sharfman, General Counsel, at 202-789-6820.

### SUPPLEMENTARY INFORMATION:

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- I. Introduction
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#### I. Introduction

On May 24, 2013, the Postal Service filed notice that it has agreed to an amendment to the existing Express Mail Contract 11.<sup>1</sup> The Notice included a redacted version of the amendment to Express Mail Contract 11 (Amendment). On May 28, 2013, the Postal Service filed the certified statement and supporting financial information required by 39 CFR 3015.5(c) relating to the change in prices.<sup>2</sup> For purposes of 39 CFR 3015.5(a), the Commission considers May 28, 2013 (the day the Postal Service submitted all information required under that section), to be the date of filing of the notice. In the future, the Postal Service should file all of its

<sup>1</sup> Notice of United States Postal Service of Change in Prices Pursuant to Amendment to Express Mail Contract 11, May 24, 2013 (Notice).

<sup>2</sup> Notice of the United States Postal Service of Filing Supplemental Materials for Amendment to Express Mail Contract 11, May 28, 2013 (Supplement).

supporting information contemporaneously with its Notice.

The Amendment changes the prices that apply to packages sent under Express Mail Contract 11 and provides for an annual adjustment of the new prices. Notice, Attachment A. It is scheduled to take effect on the day that the Commission completes its review of the Amendment. Notice at 1.

The Postal Service's Notice contained the Amendment as Attachment A and sought to incorporate by reference the original application for non-public treatment in this docket. *Id.* The Supplement, filed several days later, contained the supporting financial documentation and certified statement required by 39 CFR 3015.5. The certified statement was designated as Attachment B. Supplement, Attachment B.

In the certified statement required under 39 CFR 3015.5, Steven Phelps, Manager, Regulatory Reporting and Cost Analysis, Finance Department, states that the amended prices and terms are consistent with Governors Decision No. 09-14 and 39 U.S.C. 3633(a) *Id.* He concludes that the contract is expected to cover its attributable costs and will not result in the subsidization of competitive products by market dominant products. *Id.*

## II. Notice of Filing

Interested persons may submit comments on whether the changes presented in the Postal Service's Notice and Supplement are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR part 3015, and 39 CFR 3020 subpart B. Comments are due no later than June 6, 2013. The public portions of these filings can be accessed via the Commission's Web site (<http://www.prc.gov>). Information on how to obtain access to non-public material appears at 39 CFR 3007.40.

The Commission appoints Lawrence Fenster to represent the interest of the general public (Public Representative) in this case.

## III. Ordering Paragraphs

*It is ordered:*

1. The Commission reopens Docket No. CP2011-50 for consideration of matters raised by the Postal Service's Notice.
2. Pursuant to 39 U.S.C. 505, the Commission designates Lawrence Fenster to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.
3. Comments are due no later than June 6, 2013.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

**Shoshana M. Grove,**  
Secretary.

[FR Doc. 2013-13214 Filed 6-4-13; 8:45 am]

BILLING CODE 7710-FW-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-69673; File No. SR-NYSEMKT-2013-42]

### Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending NYSE MKT Rule 980NY, To Remove Provisions Governing How the Complex Matching Engine Handles Electronic Complex Orders That Contain a Stock Leg

May 30, 2013.

Pursuant to Section 19(b)(1)<sup>1</sup> of the Securities Exchange Act of 1934 (the “Act”)<sup>2</sup> and Rule 19b-4 thereunder,<sup>3</sup> notice is hereby given that on May 17, 2013, NYSE MKT LLC (the “Exchange” or “NYSE MKT”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization’s Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to amend NYSE MKT Rule 980NY, to remove provisions governing how the Complex Matching Engine (“CME”) handles Electronic Complex Orders that contain a stock leg. The text of the proposed rule change is available on the Exchange’s Web site at [www.nyse.com](http://www.nyse.com), at the principal office of the Exchange, and at the Commission’s Public Reference Room.

#### II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received

on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

#### A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

##### 1. Purpose

The Exchange is proposing to amend NYSE MKT Rule 980NY to delete provisions governing CME functionality for Electronic Complex Orders<sup>4</sup> containing a stock leg submitted to the Exchange by ATP Holders. Exchange Rule 980NY provides that Electronic Complex Orders that are entered into the NYSE MKT system are routed to the CME for possible execution. Provisions governing the functioning of the CME were originally incorporated in Rule 980NY in 2009.<sup>5</sup> The Rule, amended in 2010,<sup>6</sup> states that the execution of the stock component of a Complex Order must be executed consistent with the rules of the stock execution venue, and sets out the priority ranking used by Exchange systems to execute Stock/Option Orders,<sup>7</sup> Stock/Complex Orders,<sup>8</sup> and the option components of such orders.

<sup>4</sup> An “Electronic Complex Order” is any Complex Order, as defined in Exchange Rule 900.3NY(e), or Stock/Option Order or Stock/Complex Order, as defined in Rule 900.3NY(h) (*see, infra*, footnotes 6 and 7). Rule 900.3NY(e) defines a Complex Order as any order involving the simultaneous purchase and/or sale of two or more different option series in the same underlying security, for the same account, in a ratio that is equal to or greater than one-to-three (.333) and less than or equal to three-to-one (3.00) and for the purpose of executing a particular investment strategy. Exchange Rule 900.3NY governs Complex Orders, Stock/Option Orders and Stock/Complex Orders on the Exchange and Rule 990NY lists definitions applicable to intermarket linkage.

<sup>5</sup> See Securities Exchange Act Release No. 60554 (Aug. 21, 2009), 74 FR 43737 (Aug. 27, 2009) (SR-NYSEAmex-2009-42) (order granting approval).

<sup>6</sup> See Securities Exchange Act Release No. 63558 (Dec. 16, 2010), 75 FR 80553 (Dec. 22, 2010) (SR-NYSEAmex-2010-100) (order granting approval).

<sup>7</sup> A Stock/Option Order is defined in Rule 900.3NY(h)(1) as an order to buy or sell a stated number of units of an underlying stock or a security convertible into the underlying stock coupled with the purchase or sale of options contract(s) on the opposite side of the market representing either (A) the same number of units of the underlying stock or convertible security, or (B) the number of units of the underlying stock necessary to create a delta neutral position, but in no case in a ratio greater than eight options contracts per unit of trading of the underlying stock or convertible security established for that series by the Clearing Corporation.

<sup>8</sup> A Stock/Complex Order is defined in Rule 900.3NY(h)(2) as the purchase or sale of a Complex Order coupled with an order to buy or sell a stated number of units of an underlying stock or a security

The Exchange is proposing to amend Rule 980NY to delete provisions governing how the CME processes Electronic Complex Orders that contain a stock leg. Two types of Electronic Complex Orders, Stock/Option Orders and Stock/Complex Orders, contain a stock leg. Rule 980NY(c)(i) provides that “the CME will accept an incoming Electronic Complex Order and will automatically execute it against Electronic Complex Orders in the Consolidated Book, or, if not marketable against another Electronic Complex Order, against individual quotes or orders residing in the Consolidated Book,” subject to specified conditions. The CME, however, rejects Electronic Complex Orders that contain a stock leg. The development and implementation of the technology supporting the CME’s capability to accept Electronic Complex Orders that contain a stock leg has taken longer than anticipated to complete and is not yet available. The Exchange is therefore proposing to delete from the Rule those provisions that permit the CME to accept Electronic Complex Orders that contain a stock leg.

The Exchange expects that this CME functionality will not be ready until the Fall of 2013. The Exchange therefore believes it is appropriate to delete from Rule 980NY provisions governing the described functionality until such time as it is ready to be implemented. In addition, the Exchange is proposing the deletion of Commentary .03 to Rule 980NY to conform the Rule’s Commentary to the proposed amendments to the Rule. When the CME functionality to support the acceptance of a Stock/Option Order or Stock/Complex Order is ready to be implemented, the Exchange will file a rule proposal to add back the provisions relating to the functionality, amended as necessary to reflect how such functionality would operate.

The use of Stock/Option and Stock/Complex Orders in open outcry trading on the Exchange Floor remains available to ATP Holders and is not impacted by the proposed amendment to Rule 980NY, which only relates to CME’s current inability to accept Electronic Complex Orders that contain a stock leg.

convertible into the underlying stock (“convertible security”) representing either (A) the same number of units of the underlying stock or convertible security as are represented by the options leg of the Complex Order with the least number of options contracts, or (B) the number of units of the underlying stock necessary to create a delta neutral position, but in no case in a ratio greater than eight-to-one (8.00), where the ratio represents the total number of units of the underlying stock or convertible security in the option leg to the total number of units of the underlying stock or convertible security in the stock leg.

<sup>1</sup> 15 U.S.C.78s(b)(1).

<sup>2</sup> 15 U.S.C. 78a.

<sup>3</sup> 17 CFR 240.19b-4.