diversified portfolio and will mitigate the risk of manipulation. In addition, the Fund’s investment in CDOs will be subject to the Fund’s liquidity procedures as adopted by the Board, and the Adviser does not expect that investments in CDOs of up to 20% of the total assets of the Fund will have any material impact on the liquidity of the Fund’s investments.

B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purpose of the Act. The Exchange believes that the proposed rule change will facilitate listing and trading of shares of another actively managed ETF that principally holds fixed income securities, and that will enhance competition among market participants, to the benefit of investors and the marketplace.

C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the Federal Register or up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve or disapprove the proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission’s internet comment form (http://www.sec.gov/rules/sro.shtml); or

- Send an email to rule-comments@sec.gov. Please include File Number SR–NYSEArca–2019–14 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2019–14. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission’s internet website (http://www.sec.gov/rules/sro.shtml). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission’s Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2019–14 and should be submitted on or before April 23, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority, Eduardo A. Aleman, Deputy Secretary.

[FR Doc. 2019–06313 Filed 4–1–19; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION


Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rules 900.3NY, 925.1NY, and 971.1NY

March 27, 2019.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the “Act”) and Rule 19b–4 thereunder, notice is hereby given that on March 14, 2019, NYSE American LLC (“NYSE American” or the “Exchange”) 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 Substance of the Proposed Rule Change

The Exchange proposes to to [sic] amend Rules 900.3NY (Orders Defined) and 925.1NY (Market Maker Defined) to add a new order type and quotation designation and to make conforming changes to Rule 971.1NY (Single-Leg Electronic Cross Transactions). The proposed rule change is available on the Exchange’s website at 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 purpose of this filing is to modify Rules 900.3NY and 925.1NY to add a new order type and quotation designation as described herein. The Exchange also proposes to make conforming changes to these rules, as well as to Rule 971.1NY regarding the Customer Best Execution Auction or CUBE for single-leg options (the “CUBE Auction” or “Auction”), to reflect the impact of the proposed order type and quotation designation on the auction mechanism.

The proposed order type and quotation designation are substantially identical to those utilized on NYSE Arca, Inc. (“NYSE Arca”). However, in addition to addressing the impact of the proposed changes on the CUBE Auction (which NYSE Arca does not have), the proposal differs from the NYSE Arca rules to reflect the Exchange’s allocation rules, which differ from NYSE Arca’s price-time priority allocation scheme.

Pursuant to Rule 964NY (Display, Priority and Order Allocation—Trading Systems), at each price point, the Exchange ranks customer orders priority over same-priced non-Customer orders. Specifically, the Exchange ranks and allocates Customer orders at the same price in time priority and, after all Customer orders are executed at a price, non-Customer orders at the same price are allocated on a size pro rata basis. Aside from the difference in how the re pricing interest is prioritized and allocated on the Exchange, the proposed order type and quotation designation function the same as on NYSE Arca. The proposed order type and quotation designation are designed to operate seamlessly with the CUBE Auction as well as the Exchange’s Customer and price-time priority model.

Repricing PNP Order (“RPNP”)

Rule 900.3NY(p) provides that a PNP (Post No Price) Order is eligible to interact solely on the Consolidated Book, will not route, and will cancel if it locks or crosses the NBBO.7 PNP Orders provide market participants control over how their orders interact with contra-side liquidity.8 The Exchange proposes to add an order type—RPNP—that builds on the existing PNP Order functionality to allow for repricing (rather than cancellation) as described below. As proposed, a RPNP is a PNP Order that would be repriced instead of cancelled after trading with interest in the Consolidated Book9 if it would lock or cross the NBBO.10 As proposed, an RPNP may only be entered as a Day Order.11 The Exchange also proposes to amend Rule 900.3NY(p) to provide that an RPNP received during pre-open or during a trading halt will be treated as a PNP Order (i.e., as a Limit Order and will not reprice) for purposes of participating in opening auctions or re-opening auctions. This proposed rule text is based on the last sentence of NYSE Arca Rule 6.62–O(p) without any differences.

Proposed Rule 900.3NY(p)(1)(A) would provide that a RPNP to buy (sell) that would lock or cross the NBBO would be displayed at a price one MPV below (above) the NBBO. This proposed rule would further provide that if the NBO (NBB) moves up (down), the display price of the RPNP to buy (sell) and the undisplayed price at which it is eligible to trade would be continuously adjusted, up (down) to the limit price of the RPNP.12 Proposed Rule 900.3NY(p)(1)(A)(i) would provide that a RPNP to buy (sell) that is displayed at a price one MPV below (above) the NBO (NBB) would be eligible to trade at the NBO (NBB), up (down) to the limit price of the RPNP; provided, however, that if the NBO (NBB) updates to lock or cross the RPNP’s display price, such RPNP would trade at its display price, such RPNP would trade at its display price.13

2. Discussion

The Exchange proposes to modify the definition of a PNP Order to the behavior of a PNP IOC Order. See proposed Rule 900.3NY(p) (providing in relevant part that, “[a] PNP Order that is designated as IOC Order will be treated as an IOC Order (per Rule 900.3NY[k]), such that any unexecuted portion of a PNP IOC Order that is not executed immediately will cancel rather than be ranked in the Consolidated Book.”)

7 This proposed rule text is based on NYSE Arca Rule 6.62–O(p)(1)(A). The proposed rule text also operates in substantially the same manner as the Non-Convertible Limited Order (NLLO) and Non-Convertible Market Order (NCMO) on NYSE Arca’s equities market, which, like the RPNP, reprices if it would lock or cross a protected quotation of an Away Market or trade through a protected quotation. See NYSE Arca Rule 7.31–E(e)(1).

8 This proposed rule text is based on NYSE Arca Rule 6.62–O(p)(1)(A)(i) with a substantive difference not to reference that such orders would trade in time priority behind other eligible interest displayed at that price because the Exchange operates on a pro rata allocation model.

9 See proposed Rule 900.3NY(p)(1).

10 See proposed Rule 900.3NY(p)(1). This proposed rule text is based on the last sentence of NYSE Arca Rule 6.62–O(p)(1)(A) with a substantive difference not to reference Reserve Orders, which are not available on the Exchange.

12 This proposed rule text is based on NYSE Arca Rule 6.62–O(p)(1)(A). The proposed rule text also operates in substantially the same manner as the Non-Convertible Limited Order (NLLO) and Non-Convertible Market Order (NCMO) on NYSE Arca’s equities market, which, like the RPNP, reprices if it would lock or cross a protected quotation of an Away Market or trade through a protected quotation. See NYSE Arca Rule 7.31–E(e)(1).

13 This proposed rule text is based on NYSE Arca Rule 6.62–O(p)(1)(A)(i) with a substantive difference not to reference that such orders would trade in time priority behind other eligible interest displayed at that price because the Exchange operates on a pro rata allocation model.

14 See proposed Rule 900.3NY(p)(1)(A)(ii). This proposed rule text is based on NYSE Arca Rule 6.62–O(p)(1)(A)(ii) with a substantive difference to cross reference the Exchange’s allocation model under Rule 964NY rather than NYSE Arca’s price-time allocation model.
would reprice such interest. As proposed, an incoming RPNP would be cancelled after trading with eligible interest (if any) if its limit price to buy (sell) is more than a configurable number of MPVs above (below) the initial display price (on arrival) of the RPNP. The Exchange would determine the configurable number of MPVs, which would be announced by Trader Update.

The Exchange believes the proposed RPNP would give market participants more flexibility and control over the circumstances under which their orders trade with contra-side-interest, while ensuring that RPNPs priced too far through the contra-side NBBO would be rejected. The Exchange believes the proposed RPNP would assist market participants in maximizing opportunities for execution (as such orders would reprice rather than reject) while encouraging the provision of greater liquidity to the market, which would contribute to public price discovery.

The following examples illustrate the proposed RPNP order type and how it would function under the Exchange’s allocation model.

RPNP Example 1 (the MPV is $0.01)

<table>
<thead>
<tr>
<th>BOX</th>
<th>Qty</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>BD1</td>
<td>50</td>
<td>@1.25</td>
</tr>
<tr>
<td>BD2</td>
<td>10</td>
<td>@1.26</td>
</tr>
<tr>
<td>BD3</td>
<td>15</td>
<td>@1.27</td>
</tr>
<tr>
<td>Specialist</td>
<td>30</td>
<td>@1.24–1.30</td>
</tr>
<tr>
<td>BD4</td>
<td>15</td>
<td>@1.25</td>
</tr>
<tr>
<td>MM</td>
<td>100</td>
<td>@1.20–1.25</td>
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<tr>
<td>BD5</td>
<td>10</td>
<td>@1.25</td>
</tr>
<tr>
<td>Cust</td>
<td>20</td>
<td>@1.40</td>
</tr>
</tbody>
</table>

Expected Result

BOX NBO @1.26

BD1, BD2, Specialist sell 10 to BD3 @1.23 (leaving Specialist with 25)

RPNP Example 2 (the MPV is $0.01)

<table>
<thead>
<tr>
<th>BOX</th>
<th>Qty</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>BD1</td>
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<td>@1.25</td>
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<tr>
<td>Cust</td>
<td>10</td>
<td>@1.25</td>
</tr>
<tr>
<td>BD2</td>
<td>10</td>
<td>@1.26</td>
</tr>
<tr>
<td>BD3</td>
<td>15</td>
<td>@1.27</td>
</tr>
<tr>
<td>Specialist</td>
<td>30</td>
<td>@1.24–1.30</td>
</tr>
<tr>
<td>BD4</td>
<td>15</td>
<td>@1.25</td>
</tr>
<tr>
<td>MM</td>
<td>100</td>
<td>@1.20–1.25</td>
</tr>
<tr>
<td>BD5</td>
<td>10</td>
<td>@1.25</td>
</tr>
<tr>
<td>Cust</td>
<td>20</td>
<td>@1.40</td>
</tr>
</tbody>
</table>

Expected Result

BOX NBO @1.26

BD1, Cust1, Specialist sell 10 to BD3 @1.23 (leaving Specialist with 0)

RPNP Example 3 (the MPV is $0.01)

<table>
<thead>
<tr>
<th>BOX</th>
<th>Qty</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>BD1</td>
<td>50</td>
<td>@1.25</td>
</tr>
<tr>
<td>Cust</td>
<td>10</td>
<td>@1.25</td>
</tr>
<tr>
<td>BD2</td>
<td>10</td>
<td>@1.26</td>
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<tr>
<td>BD3</td>
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<tr>
<td>Specialist</td>
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<td>@1.24–1.30</td>
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<tr>
<td>BD4</td>
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<td>@1.25</td>
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<tr>
<td>MM</td>
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<td>@1.20–1.25</td>
</tr>
<tr>
<td>BD5</td>
<td>10</td>
<td>@1.25</td>
</tr>
<tr>
<td>Cust</td>
<td>20</td>
<td>@1.40</td>
</tr>
</tbody>
</table>

Expected Result

BOX NBO @1.26

BD1, Cust1, Specialist sell 10 to BD3 @1.23 (leaving Specialist with 0)}
Exchange believes that this handling of MMRPs (which is consistent with the proposed handling of RPNPs) would respect and preserve the Exchange Customer priority and pro rata allocation model.

The Exchange notes that an MMRP may be submitted when a series is not open for trading (i.e., during pre-open or a trading halt) and such MMRP would be eligible to participate in the opening auction and re-opening auction (as applicable) at the limit price of the MMRP. Such MMRPs would not be repriced as an option series may not open (or re-open) if a quote is locked or crossed.

To avoid accepting MMRPs priced too far through the NBBO, the Exchange proposes to limit the extent to which it would reprice such interest. Specifically, an incoming MMRP that has a limit price more than a configurable number of MPVs above (below) the initial display price (on arrival) would first trade with marketable interest in the Consolidated Book up (down) to the NBO (NBBO) and any remaining balance would be cancelled. Similarly, the Exchange would reject an incoming MMRP that does not trade (i.e., because there is no marketable interest in the Consolidated Book) and has a limit price to buy (sell) that is more than a configurable number of MPVs above (below) the initial display price (on arrival) of the MMRP.

The Exchange would determine the applicable number of

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28 See proposed Rule 925.1NY(a)(5). This proposed rule text is based on NYSE Arca Rule 6.37A–O(a)(5) without any differences. The Exchange also proposes to make clear that “[a]ll resting quotations will be cancelled in the event of a trading halt.” See id.

29 See Rule 925NY(b)(E) (providing in relevant part, that “[i]f the System does not open a series with an Auction Process, the System shall open the series for trading after receiving notification of an initial uncrossed NBBO disseminated by OPRA for the series . . . .”).

30 See proposed Rule 925.1NY(a)(4)(C)(iii). This proposed rule text is based on NYSE Arca Rule 6.37A–O(a)(4)(C)(iii) without any differences. The Exchange notes that incoming MMRPs that fail the MPV check would be rejected while similarly-priced RPNPs would be accepted and then cancelled. The Exchange notes that this is a distinction without a difference and simply reflects an operational difference in how the Exchange evaluates these types of interest. The Exchange also proposes to re-locate text that is currently at the end of this provision to the beginning, such that the Rules state that “[a]n incoming quotation will be rejected, and the Exchange will cancel the Market Maker’s current quotation on the same side of the market, if . . . .” as the Exchange believes this would streamline the Rule making it easier to navigate and understand. See id. This proposed rule change is also based on NYSE Arca Rule 6.37A–O(a)(4)(D).

31 See proposed Rule 925.1NY(a)(4)(C)(iii). For example, in a Penny Pilot issue, if the local best offer is 0.99 and the away best offer is 1.00 with a configuration set to 2 MPVs and a MMRP to buy at 1.03 or greater would trade with the local offer at 0.99 and any remaining interest will be cancelled (because the initial display price was 0.99 which is 4 MPVs away from its limit price). Because the MMRP is cancelled, the Exchange would also cancel the opposite-side quote for that Market Maker. See Rule 925.1NY(a)(4)(B)(or, as renumbered, proposed Rule 925.1NY(a)(4)(C)) (providing, “[w]hen such quantity of an incoming quotation is cancelled, the Exchange will also cancel the Market Maker’s current quotation on the opposite side of the market”). See also NYSE Arca Rule 6.37A–O(a)(4)(C).

32 See Plan, dated April 14, 2009, available here, http://www.optionsclearing.com/components/docs/clearing/services/options/order_protection_plan.pdf. See also Securities Exchange Act Release No. 60405 (July 30, 2009), 74 FR 39362 (August 6, 2009) (File No. S-546) (order approving the Plan). The Plan obligates the participating exchanges to provide order protection, including addressing locked and crossed markets and the potential for trade-throughs in certain options classes. See id. Consistent with the 0.00/0.00 rule of the Exchange include prohibitions against trade-throughs and a pattern or practice of displaying certain quotations that lock or cross away markets. See, e.g., Rules 991NY, 992NY.

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33 See proposed Rule 925.1NY(a)(3)(B) and (a)(4)(B).

34 See proposed Rule 925.1NY(a)(3)(B) and (a)(4)(C).

35 See proposed Rule 925.1NY(a)(4)(C). This rule text is based on NYSE Arca Rule 6.37A–O(a)(4)(C) without any differences.

36 See proposed Rule 925.1NY(a)(4)(C)(i) and (ii). This proposed rule text is based on NYSE Arca Rule 6.37A–O(a)(4)(C)(ii) and (ii) without any differences.

37 See proposed Rule 925.1NY(a)(4)(D). This proposed rule text is based on NYSE Arca Rule 6.37A–O(a)(4)(D)(ii) without any differences.

38 See proposed Rule 925.1NY(a)(4)(D). This proposed rule text is based on NYSE Arca Rule 6.37A–O(a)(4)(D)(ii) without any differences.
eligible to trade with displayed and undisplayed interest.” 39

The Exchange notes that this proposal does not relieve a Market Maker of its continuous quoting or firm quote obligations pursuant to Rules 925.1NY and 970NY, respectively. Further, the Exchange notes that Market Makers would still be able to send orders in (and out of) classes to which they are appointed, as orders are not affected by this proposal.

RPNP/MMRP and the CUBE Auction

The Exchange proposes to modify Rule 971.1NY, regarding the single-leg CUBE Auction, to reflect current functionality relating to how the proposed RPNP/MMRP would potentially interact with a CUBE Auction. 40 The CUBE Auction is an electronic cross mechanism through which an ATP Holder (“Initiating Participant”) may initiate a CUBE Auction by submitting for execution a limit order as agent on behalf of a public customer, broker dealer, or any other entity (the “CUBE Order”). The Initiating Participant, however, must guarantee the execution of the CUBE Order by submitting a contra-side order (“Contra Order”) representing principal interest or non-Customer interest if it has solicited to trade solely with the CUBE Order at a single “stop price,” or a range of prices that will either “auto-match” all interest received during the auction or have a price limit on the matching (i.e. “auto match limit price”). 41 Rule 971.1NY(b) sets for [sic] the conditions that must exist for a CUBE Auction to commence, including the range of permissible executions and that a CUBE Order will be rejected if the NBBO is crossed. 42

The CUBE Auction is designed to afford price improvement opportunities to CUBE Orders while interacting seamlessly with the Consolidated Book (i.e., the Auction should not disrupt the Exchanges’ price-time priority model). ATP Holders may participate in the Auction with RFR Responses received during the Response Time Interval (“RTI”). 43

39 See proposed Rule 925.1NY(a)(3)(A). This proposed rule text is based on NYSE Arca Rule 6.37A-O(o)(3)(A) without any differences.

40 The Exchange notes that Rule 971.2NY describes the Complex CUBE Auction which is not implicated by this filing.

41 See Rule 971.1NY(a), (c)(1)(A)-(C).

42 The Exchange proposes to modify Rule 971.1NY(b)(9) to reflect current functionality and make clear that a CUBE Order is today (and will be) rejected if NBBO is “locked or crossed” (emphasis added), which builds clarity to Exchange rules. See proposed Rule 971.1NY(b)(9).

43 The RTI is subject to a random time period that is no less than 100 milliseconds and no more than 1 second. See Rule 971.1NY(c)(2)(B).

Modify Definition of RFR Responses To Include Resting Interest

Current Rule 971.1NY(c)(2)(C) provides that RFR Responses include GTX Orders submitted specifically to interact with the Auction and unrelated interest that is on the opposite side of the CUBE Order and within the range of permissible executions. 44

Regarding the latter categories of RFR Responses (i.e., unrelated quotes and orders), the Exchange proposes to clarify that current CUBE functionality treats interest “resting in the Consolidated Book when the Auction commences” as an RFR Response, provided the interest is on the opposite side of the CUBE Order and eligible to participate within the range of permissible executions specified in Rule 971.1NY(b)(1). 45

This proposed change reflects current CUBE Auction functionality: Currently, standard Market Maker quotes as well as resting PNP Blind Orders (each a “PNPB”) which, when undisplayed are not included in the quoted market, are considered “unrelated quotes and orders” for purposes of Rule 971.1NY(b)(2)(C)(i). 46

The proposed change would also account for the proposed RPNP/MMRP, which like a PNPB, may be resting undisplayed on the Book at the start of a CUBE Auction at a price with which a CUBE Order may execute. This proposed amendment is consistent with existing rule text regarding how the Exchange handles Customer interest resting at the start of an Auction (which could include a PNP Blind Order or a proposed RPNP).

Specifically, such resting interest, at a price, gets first priority to trade with the CUBE Order ahead of Customer interest, at a price, that arrives during the Auction. 47 Thus, the Exchange believes that the proposed change reflects current functionality and adds clarity, transparency and internal consistency to Exchange rules. Moreover, allowing unrelated quotes and orders resting in the Consolidated Book at the beginning of the Auction—including eligible PNPBs or the proposed RPNP/MMRPs—to interact with the CUBE Auction should increase the number of participants against which the CUBE Order may be executed, and is consistent with the primary goal of the CUBE Auction: To maximize price improvement opportunities for the CUBE Order. 48

Early End Scenarios

The Exchange also proposes to modify Rule 971.1NY((4), which specifies scenarios when a CUBE Auction would conclude early (i.e., before the end of the RTI). The purpose of these provisions is to enable the CUBE Auction to integrate seamlessly within the Exchange’s Consolidated Book. Accordingly, a CUBE Auction will conclude early as a result of certain events that would otherwise disrupt the priority of the Auction within the Consolidated Book. Early conclusion allows the Exchange to appropriately handle unrelated quotes and orders without the CUBE Auction impacting that handling, and further allows the CUBE Order, which has been guaranteed an execution, to execute against the best-priced interest in the Auction.

Current Rule 971.1NY((4)(B) provides that a CUBE Auction will conclude early if the Exchange receives during the RTI “an unrelated quote or order that is on the same side of the market as the CUBE Order, that is marketable against any RFR Responses or the NBBO (or the BBO, for a non-routable order) at the time of arrival.” Because PNP Orders, although non-routable are, by definition, checked against the NBBO (not the BBO), the Exchange proposes to modify the rule text to provide “or the BBO, for a non-routable order that is not a PNP

44 See Rule 971.1NY(c)(2)(C)(i) (defining GTX Orders as non-routable order with a time-in-force contingency for the RTI that will not be displayed on the Consolidated Book and will cancel after trading (if at all) in the CUBE Auction).

45 See Rule 971.1NY(c)(2)(C)(i) (including as RFR Responses any “unrelated quotes and orders” in the same series as, and opposite side of, the CUBE Order that arrive during the RTI and eligible to participate within the range of permissible executions specified in Rule 971.1NY(b)(1)).

46 See proposed Rule 971.1NY(c)(2)(C)(i) (regarding “Unrelated quotes and orders”).

47 See Rule 900.3NY(x) (defining a PNPB (or Post No Preference Blind) as a Limit Order that is to be displayed in whole or in part on the Exchange, and the portion not so executed is to be ranked in the Consolidated Book, without routing any portion of the order to another Market Center; however, if the PNPB locks or crosses the NBBO, the price and size of the order is not disseminated. Once the PNPB no longer locks or crosses the NBBO, the price and size will be disseminated). See Rule 971.1NY(b)(9) (providing that “[f]or purposes of determining whether a CUBE Order is eligible to initiate an Auction,” references to the NBBO or BBO “refer to the quoted market at the time the Auction is initiated”).

48 See Rule 971.1NY(c)(5)(A) (providing that “[a]t each price level, any Customer orders resting on the Consolidated Book at the start of the CUBE Auction shall have first priority” to trade with the CUBE Order).

49 The Exchange notes that to the extent that an order that was resting undisplayed at the start of the CUBE Order is eligible to trade with the CUBE Order, that interest would trade behind Customer and displayed interest, at a price, so as not to disturb the Exchange’s allocation rules, per proposed Rule 971.1NY(c)(5), Order Allocation (as discussed herein).
Order." 50 The proposed language does not alter the current operation of this provision—as a same-side PNP Order that is marketable against the NBBO would cause an early end to the Auction—but merely clarifies that PNP Orders would differ because they would be checked against the NBBO, not the BBO. This carve out of PNP Order would include the proposed RPnP (and a PNPB). Also of note regarding this early end scenario is the modified definition of RFR Responses to include eligible interest in the Consolidated Book at the start of an Auction. This modified definition clarifies current functionality that an Auction may end early if incoming same-side interest is marketable against interest (i.e., an RFR Response) that may not have been included in the NBBO or BBO but was resting undisplayed at the start of the Auction—which could include a proposed RPnP/MMRP or a PNPB. Thus, this provision, as modified, is consistent with CUBE functionality and simply updates the rule text to reflect the operation of PNP Orders and the interest that may cause an early end.

Current Rule 971.1NY(c)(4)(B) also provides that "[w]hen the Auction concludes, the CUBE Order will execute pursuant to paragraph (c)(5) [Order Allocation] of this Rule" and any unexecuted "GTX Orders" may trade with the interest that caused the Auction to end early and then will cancel. The Exchange proposes to modify this provision to make clear that any RFR Response—not just those marked as GTX Orders—are eligible to trade with the interest that caused the Auction to end. As proposed, "[a]ny RFR Responses that do not execute in the CUBE Auction will execute against the unrelated quote or order that caused the CUBE Auction to conclude early to the extent possible and GTX Orders will then cancel."51 This proposed change reflects the current operation of the CUBE, thus adding clarity, transparency and internal consistency to Exchange rules, and accounts for the modified definition of RFR Responses (which also reflects current functionality) to include interest resting (potentially undispatched) at the start of the Auction such as a PNPB or the proposed RPnP/MMRP.

Current Rule 971.1NY(c)(4)(C) provides that a CUBE Auction will conclude early if the Exchange receives during the RTI "any RFR Response that is marketable against the NBBO (or the BBO, for a non-routable order) at the time of arrival." Consistent with the proposed change to paragraph (c)(4)(B) regarding same-side interest, the Exchange proposes to modify the text to make clear that incoming opposite-side interest is checked against "the BBO, for a non-routable order that is not a PNP Order," as PNP Orders are checked against the NBBO.52 As noted above, this proposed change [sic] not alter the current operation of this provision, but merely clarifies that distinct operation of (non-routable) PNP Orders. This carve out of PNP Order would include the proposed RPnP (and a PN). In addition, the Exchange proposes to modify this provision to include opposite-side interest that is marketable against "any interest resting in the Consolidated Book."53 The Exchange notes that this proposed change reflects current functionality and clarifies that an RFR Response may be marketable against undispatched interest in the Book—specifically a PNBP or a RPnP/MMRP—that is not fillable in the quoted BBO resulting in the early end of an Auction. This proposed change reflects the current operation of the CUBE (in regards to a PNBP) and also updates the rule to reflect the proposed RPnP/MMRP, thus adding clarity, transparency and internal consistency to Exchange rules.

Current Rule 971.1NY(c)(4)(D) provides that a CUBE Auction will conclude early if the Exchange receives during the RTI "an unrelated, non-marketable quote or limit order that is on the same side of the market as the CUBE Order to buy (sell) and that would adjust the lower (upper) bound of the range of permissible executions to be higher (lower) than the initiating price." 55 To clarify existing functionality, the Exchange proposes to add new paragraph (c)(4)(D)(i) to provide that a same-side IOC that would otherwise meet the requirements of paragraph (c)(4)(D) (i.e., if its limit price was incorporated into the NBBO, which it is not) would cause an Auction to end early, even if the IOC Order cancels without trading.56 If such an IOC Order causes a CUBE Auction to end early, the CUBE Order and other eligible auction interest would be processed pursuant to paragraph (c)(4)(D). This proposed modification reflects existing functionality based on how the mechanism is built and would add clarity and transparency to the CUBE rule.

Order Allocation

The Exchange also proposes to modify Rule 971.1NY(c)(5) regarding the allocation of the CUBE Order with eligible interest. Current Rule 971.1NY(c)(5)(A) provides that, at each price level, the CUBE Order will first trade with resting Customers orders, followed by Customer orders that arrived during the Auction.

Participant may guarantee the execution

50 See proposed Rule 971.1NY(c)(4)(B) ("Same Side Marketable Against BFR Responses or NBBO (or BBO)") (providing, in relevant part, that the Auction would end early if during the RTI the Exchange receives a same-side unrelated quote or order that is marketable against "any RFR Responses or the NBBO (or the BBO, for a non-routable order that is not a PNP Order) at the time of arrival").
51 See id. Consistent with this change, the Exchange also proposes to modify paragraph (c)(4)(D), another early end scenario based on same-side interest with similar rule text, to replace "GTX Orders" with "RFR Responses" in terms of interest received during the RTI that may trade in the Auction after the CUBE Order is filled. See proposed Rule 971.1NY(c)(4)(D) (providing, in relevant part, that "[u]nfilled RFR Responses are eligible to execute against the unrelated interest that caused the CUBE Auction to conclude early and GTX Orders will then cancel").
52 See proposed Rule 971.1NY(c)(4)(C).
53 See proposed Rule 971.1NY(c)(4)(C) (Opposite Side Marketable Against Interest in the Consolidated Book, the NBBO (or BBO) at the Time of Arrival) (providing, in relevant part, that the Auction would end early if during the RTI the Exchange receives an "any RFR Response that is marketable against the NBBO (or BBO, for a non-routable order) at the start of the Auction such as a PNPB or the proposed RPnP/MMRP")
54 See supra note 47 (regarding Rule 971.1NY(b), providing, in relevant part, that "[u]nfillied RFR Responses are eligible to execute against the unrelated interest that caused the CUBE Auction to conclude early and GTX Orders will then cancel").
55 See supra note 51 (regarding modifications to last sentence of paragraph (c)(5)(D) regarding unfilled RFR Responses and GTX Orders).
56 See supra note 8 (defining IOC Order).
57 See proposed Rule 971.1NY(c)(4)(D)(i).
58 See proposed Rule 971.1NY(c)(5)(A) (providing, that, at each price level, displayed Customer interest on the Book at the start of the Auction have first priority, followed by displayed Customer orders that arrived as RFR Responses, pursuant to Rule 964NY(c)(2)(A), provides that an inbound order will first be matched against all available displayed Customer interest in the Book (emphasis added). See also proposed Rule 971.1NY(c)(5)(B) (providing that "[a]fter displayed Customer interest at a particular price level has been satisfied, remaining contracts shall be allocated among the Contra Order and RFR Responses as follows:").
59 See Rule 964NY(c)(2)(A) ("the inbound order will first be matched against all available displayed Customer interest in the Consolidated Book").
modify the Rule regarding the allocation of a CUBE Order that is guaranteed by auto match. In short, the current rule provides that the Contra Order is "allocated an equal number of contracts as the aggregate size of all other RFR Responses at each price level" starting with the best priced RFR Response, "until a price point is reached where the balance of the CUBE Order can be fully executed (the 'clean-up price')." 64 At the clean-up price, if the Contra Order has not yet received its allocation guarantee, and if sufficient size of the CUBE Order remains, the Contra Order will be allocated the requisite additional contracts.65 Further, under the current rule, "[i]f there are other RFR Responses at the clean-up price, the remaining CUBE Order contracts will be allocated to such interest pursuant to the size pro rata algorithm set forth in Rule 964NY(b)(3), and next to any undisplayed RFR Responses at that price in time priority, pursuant to Rule 964NY(c)." 66 The Exchange proposes to modify the rule to specify the priority of Responses at the clean-up price (if any portion of the CUBE Order remains after the Contra Order receives its allocation guarantee) to provide that CUBE Order contracts "will be allocated first to GTX Orders and displayed RFR Responses pursuant to the size pro rata algorithm set forth in Rule 964NY(b)(3), and next to any undisplayed RFR Responses at that price in time priority, pursuant to Rule 964NY(c)." 67 This proposed change is consistent with the operation of Rule 964NY and simply updates the rule to reflect current functionality regarding the treatment of a PNPB and to account for the proposed RPNP/MMRP.

Finally, in a similar vein, the Exchange proposes to modify the rule to address how the CUBE Order will be allocated when auto-match limit is selected. In short, the current rule provides that the CUBE Order will trade with any RFR Responses priced better than the auto-match limit price (size pro rata), starting with the best-priced RFR Responses until the auto-match limit price is reached.68 At prices equal to or worse than the auto-match limit price (assuming sufficient size of CUBE Order remains), the Contra Order will be allocated an equal number of contracts as the aggregate size of all other RFR Responses and will receive its allocation guarantee (if not already met) at the clean-up price. If CUBE Order contracts remain after the Contra Order gets its allocation guarantee, RFR Responses will trade with the CUBE Order at that (clean-up) price, pro rata.69 The Exchange proposes to modify paragraph (c)(5)(B)(iii)(a), regarding the allocation of the CUBE Order with the best-priced Responses, to provide that "[a]t each price point, the CUBE Order shall be allocated first to GTX Orders and displayed RFR Responses pursuant to the size pro rata algorithm set forth in Rule 964NY(b)(3), and next to any undisplayed RFR Responses at that price in time priority, pursuant to Rule 964NY(c)." 70 Regarding the CUBE Order trading with RFR Responses at the clean-up price (if size remains), the Exchange proposes to modify the rule to provide such contracts "will be allocated first to GTX Orders and displayed RFR Responses pursuant to the size pro rata algorithm set forth in Rule 964NY(b)(3), and next to any undisplayed RFR Responses at that price in time priority, pursuant to Rule 964NY(c)." 71 This proposed change is consistent with the operation of the CUBE and simply updates the rule to reflect current functionality regarding the treatment of a PNPB and to account for the proposed RPNP/MMRP.

The following is an example that illustrates RPNPs trading in a CUBE Auction at their undisplayed price in time priority (behind displayed interest).

**CUBE Example (the MPV is $0.01)**

<table>
<thead>
<tr>
<th>Expected Result</th>
<th>BOX 100 × 1.25 – 1.25 × 100</th>
</tr>
</thead>
<tbody>
<tr>
<td>Firm1 RPNP B 100 @1.26</td>
<td>MM 10 × 0.95 – 1.30 × 10</td>
</tr>
<tr>
<td>Firm2 RPNP B 100 @1.26</td>
<td>CUBE Order S 100 @1.20/Contra Order Buy guaranteed by auto match</td>
</tr>
</tbody>
</table>

**At the end of the CUBE auction:** The CUBE Order sells 40 to the Contra Order @1.25 (i.e., 40% participation guarantee), per Rule 971.1NY(c)(5)(B)(ii)(a), then 60 to

64 See Rule 971.1NY(c)(5)(B)(ii)(a).
65 See Rule 971.1NY(c)(5)(B)(ii)(b).
66 See id. As is the case today, if all RFR Responses are filled, any remaining portion of CUBE Order contracts is allocated to the Contra Order at the initiating price and, in the event there are no RFR Responses received in a given Auction, the CUBE trades entirely with the Contra Order at the initiating price. See Rule 971.1NY(c)(5)(B)(ii)(b).c.
67 See Rule 971.1NY(c)(5)(B)(ii)(b).c.
68 See Rule 971.1NY(c)(5)(B)(ii)(b).
69 See Rule 971.1NY(c)(5)(B)(ii)(b).
70 See Rule 971.1NY(c)(5)(B)(ii)(a).
71 See Rule 971.1NY(c)(5)(B)(ii)(b).
Implementation
The Exchange will announce by Trader Update the implementation date of the proposed rule change within 90 days of the effective date of this rule filing.

2. Statutory Basis
The Exchange believes that its proposal is consistent with Section 6(b) of the Act, in general, and furthers the objectives of Section 6(b)(5) of the Act, in particular, that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

RPNP and MMRP
The proposed RPNP would remove impediments to and perfect the mechanism of a free and open market and a national market system because RPNPs would provide market participants with greater flexibility and control over how their orders interact with liquidity on the Exchange. The Exchange believes this proposal allows market participants to provide and access greater liquidity on the Exchange, thus benefiting Exchange members. The proposed order type would provide a means to display such orders at prices that are designed to maximize their opportunities for execution. Specifically, allowing any eligible RPNP to be repriced and potentially trade at multiple price points would improve the mechanism of price discovery. The Exchange believes that ranking a repriced RPNP with other interest eligible to trade at a price respects and preserves principles of Customer, as well as price-time, priority and therefore would remove impediments to and perfect the mechanism of a free and open market and a national market system.

Because the options market is quote driven and Market Makers are vital to the price discovery process, the Exchange believes that the proposed (optional) quote types would provide Market Makers with a greater level of determinism, in terms of managing their exposure, and thus may encourage more aggressive liquidity provision, resulting in more trading opportunities and tighter spreads. This too would help improve the mechanism of price discovery. Accordingly, the Exchange believes that the proposal would improve overall market quality and enhance competition on the Exchange to the benefit of all market participants.

Moreover, the Exchange also notes that the proposed MMRP is materially the same as the RPNP order type recently approved for trading on NYSE Arca, except as noted herein.

Similar to the proposed RPNP, the proposed MMRP quote designation would remove impediments to and perfect the mechanism of a free and open market and a national market system because MMRPs would provide Market Makers with increased control over interactions with contra-side liquidity and would increase opportunities for such interactions. The Exchange notes that, absent the proposed repricing functionality associated with the MMRP, a Market Maker quote that locks or crosses interest on the Exchange or an away market would reject or cancel. In the case of MMRPs, the proposal would afford Market Makers more certainty when providing liquidity, while ensuring that MMRPs priced too far through the contra-side NBBO would cancel or reject after trading with any eligible interest on the Exchange. The Exchange notes that the proposed MMRP is optional and Market Makers have the choice to utilize this quote type (or not). The Exchange believes that ranking the repriced MMRP with other interest available to trade at a price respects and preserves principles of Customer, as well as price-time, priority and therefore would remove impediments to and perfect the mechanism of a free and open market and a national market system.

Because the options market is quote driven and Market Makers are vital to the price discovery process, the Exchange believes that the proposed (optional) quote types would provide Market Makers with a greater level of determinism, in terms of managing their exposure, and thus may encourage more aggressive liquidity provision, resulting in more trading opportunities and tighter spreads. This too would help improve the mechanism of price discovery. Accordingly, the Exchange believes that the proposal would improve overall market quality and enhance competition on the Exchange to the benefit of all market participants.

Moreover, the Exchange also notes that the proposed MMRP is materially the same as the RPNP quote designation recently approved for trading on NYSE Arca, except as noted herein. Accordingly, the Exchange believes that the proposal would improve overall market quality and improve competition on the Exchange, to the benefit of all market participants.

RPNP/MMRP and the CUBE Auction
The Exchange believes that the proposed changes to the conduct of the CUBE Auction would remove impediments to and perfect the mechanism of a free and open market and a national market system because the proposed changes are consistent with the current operation of the CUBE system and would avoid disturbing priority in the Consolidated Book, in accordance with Rule 964NY, regarding priority of quotes and orders.

Specifically, the proposal to modify rule text to make clear that RFR Responses include interest resting in the Consolidated Book at the start of the Auction would align the rule text with current functionality and add transparency and internal consistency to Exchange rules, which in turn, would promote just and equitable principles of trade and remove impediments to and perfect the mechanism of a free and open market and a national market system. This proposed change aligns with the treatment of Customer interest resting at the start of a CUBE Auction and would make clear that the proposed RPNP/MMRP (and PNPBs) may participate in the Auction even if resting undisplayed on the Book at the start of a CUBE Auction (and not included in the quoted market).

The Exchange believes that allowing eligible unrelated quotes and orders resting on the Consolidated Book at the start of an Auction—including eligible RPNP/MMMRPs (and PNPBs)—to interact with the CUBE Auction protects investors and the public interest because this inclusion of resting interest in the Auction should increase the number of participants against which the CUBE Order may be executed, and is consistent with the primary goal of the CUBE Auction: To maximize price improvement opportunities for the CUBE Order, while seamlessly interacting with the Consolidated Book. Similarly, the proposed modifications to make clear that—in the event of an early end to the Auction—all RFR Responses, not solely GTX Orders, are eligible to trade with interest received in the Auction, which would protect investors and the investing public because it adds clarity, specificity, and transparency to Exchange rules.

Further, the proposed modification of the early end scenarios would remove

Note: See Rule 971.1NY(c)(5)(A) (providing that “[a]ll price levels, any Customer orders resting on the Consolidated Book at the start of the CUBE Auction shall have first priority” to trade with the CUBE Order).

Note: See Rule 971.1NY(b) (providing that “[f]or purposes of determining whether a CUBE Order is eligible to initiate an Auction,” references to the NBBO or BBO “refer to the quoted market at the time the Auction is initiated”).
impediments to and perfect the mechanisms of a free and open market and a national market system because the changes would align the rule text with existing functionality and would provide clarity and transparency in Exchange rules of when a CUBE Auction would conclude early. As noted above, the rationale for an early conclusion to an Auction is to allow the Exchange to appropriately handle unrelated quotes and orders without the CUBE Auction impacting that handling, and further allow a CUBE Order, which has been guaranteed an execution, to execute against the Contra Order and any RFR. The changes to the early end provisions are designed to ensure internal consistency (in regards to the proposed modified definition of RFR Responses) as well as clarify current functionality of the early end checks (to carve out PNP Orders from BBO check and to make clear that incoming interest may be checked for marketability against interest in the Consolidated Book, not just the BBO) to appropriately account for the fact that the best-priced interest in the Book may not be displayed and thus not included in the quoted BBO (such as the proposed RPNP/MMRP). Thus, the Exchange believes that the proposed changes are therefore consistent with the protection of investors and the public interest because the changes provide specificity in Exchange rules regarding when an Auction would conclude early.

In addition, the proposal to specify that IOC Orders that arrive during an Auction may cause the Auction to end early would promote just and equitable principles of trade and benefit investors as this clarification regarding how the CUBE Auction mechanism operates ensures that investors are aware of the potential impact of IOC Orders (even ones that do not trade) on an Auction in progress.

Finally, the proposal to clarify the order allocation provision would promote just and equitable principles of trade and benefit investors as this clarification would make clear that the priority of RFR Responses is consistent with the Exchange Customer and price-time priority model and would afford first priority, at each price point, to displayed RFR Responses followed by undisplayed RFR Responses. These proposed changes are consistent with the current operation of the CUBE and would avoid disturbing priority in the Consolidated Book, in accordance with Rule 964NY, regarding priority of quotes and orders.

Technical Changes

The Exchange notes that the proposed organizational and non-substantive changes to the rule text would provide clarity and transparency to Exchange rules and would promote just and equitable principles of trade and remove impediments to, and perfect the mechanism of, a free and open market and a national market system.\(^{*}\) The proposed rule amendments would also provide internal consistency within Exchange rules and operate to protect investors and the investing public by making the Exchange rules easier to navigate and comprehend.

B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues who offer similar functionality. The Exchange believes the proposed rule change is procompetitive because it would enable the Exchange to provide market participants with functionality that is similar to that of other options exchanges.\(^{60}\)

The Exchange believes the proposed MMRP would add value to market making on the Exchange and the proposed RPNP would provide market participants the option of exercising greater control over how orders interact with contra-side liquidity both on the Exchange and on away markets. The proposed MMRP/RPNP would allow market participants to exert greater control over how their quotes and orders interact with liquidity on the Exchange, thereby attracting more investors to the Exchange, which, in turn, leads to greater price discovery and improves overall market quality. The Exchange does not believe the proposed rule change would impose a burden on competition among the options exchanges but instead, because the Exchange would be offering the proposed (optional) MMRP and RPNP, the proposed rule would add to the existing competitive landscape. In this highly competitive market, the Exchange would be at a competitive disadvantage absent this proposal, which adopts functionality available on other options exchanges. Permitting the Exchange to operate on an even playing field relative to other exchanges that have similar functionality removes impediments to and perfects the mechanism for a free and open market and a national market system. The proposal does not impose an undue burden on intramarket competition because the proposed MMRP would be available to all Market Makers on the Exchange and the proposed RPNP would be available to all market participants. The proposal is structured to offer the same enhancement to all Market Makers and/or market participants, regardless of size, and would not impose a competitive burden on any participant.

The proposed MMRP, which provide Market Makers with enhanced determinism over their quotes, may contribute to more aggressive quoting by Market Makers, resulting in more trading opportunities and tighter spreads. To the extent this purpose is achieved, the proposed MMRP would enhance the market making function on the Exchange, which would improve overall market quality and improve competition on the Exchange to the benefit of all market participants.

The Exchange likewise does not believe that the proposed clarifications to the rule text regarding the CUBE Auction would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The rule changes are not intended to address any competitive issues. Rather, the Exchange is proposing to add more specificity, clarity and transparency regarding the current operation of the CUBE Auction, particularly in light of the proposed MMRP/RPNP.

C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section

\(^{79}\) See, e.g., supra notes 7, 19, 20, 28.

\(^{80}\) See NYSE Arca Repricing Approval Order, supra note 4.
A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii) permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay so that the proposed rule change may become operative upon filing. As noted above, the proposed order type and quote designation are substantially identical to those utilized on NYSE Arca, Inc., and the differences noted herein do not raise substantive or novel issues. Waiver of the operative delay would allow the Exchange to immediately implement the proposed functionality in coordination with the availability of the technology supporting the proposal, which is anticipated to be less than 30 days after the filing of the proposed rule change.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disagreed.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

- Use the Commission’s internet comment form (http://www.sec.gov/rules/sro.shtml); or
- Send an email to rule-comments@sec.gov. Please include File Number SR–NYSEAMER–2019–06 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEAMER–2019–06. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission’s internet website (http://www.sec.gov/rules/sro.shtml). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for viewing and printing in the Commission’s Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEAMER–2019–06 and should be submitted on or before April 23, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.

Eduardo A. Aleman,
Deputy Secretary.

SECURITIES AND EXCHANGE COMMISSION


Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Delay Implementation of the Midpoint Trade Now Functionality

March 27, 2019.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”), 1 and Rule 19b–4 thereunder, 2 notice is hereby given that on March 19, 2019, The Nasdaq Stock Market LLC (“Nasdaq” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. 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 Substance of the Proposed Rule Change

The Exchange proposes to delay implementation of the Midpoint Trade Now functionality until Q2 2019.

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 Exchange 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 these 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 aspects of such statements.