approval of the Exchange's proposal to adopt its Program for a one-year pilot term. 3 The exemption was granted coterminous with the effectiveness of the pilot Program; both the pilot Program and exemption were scheduled to expire on September 30, 2019.4

The Exchange now seeks to extend the exemptions until October 31, 2019.5 The Exchange's request was made in conjunction with an immediately effective filing that extends the operation of the Program through the same date.6 In its request to extend the exemption, the Exchange notes that the participation in the Program has increased more recently with additional Retail Liquidity Providers. Accordingly, the Exchange has asked for additional opportunities to both allow for additional opportunities for greater participation in the Program and allow for further assessment of the results of such participation. For this reason and the reasons stated in the Order originally granting the limited exemptions, the Commission finds that extending the exemption, pursuant to its authority under Rule 612(c) of Regulation NMS, is appropriate in the public interest and consistent with the protection of investors.

Therefore, it is hereby ordered that, pursuant to Rule 612(c) of Regulation NMS, the Exchange is granted a limited exemption from Rule 612 of Regulation NMS that allows it to accept and rank orders priced equal to or greater than $1.00 per share in increments of $0.001, in connection with the operation of its Retail Liquidity Program, until October 31, 2019.

The limited and temporary exemption extended by this Order is subject to modification or revocation if at any time the Commission determines that such action is necessary or appropriate in furtherance of the purposes of the Securities Exchange Act of 1934.

Responsibility for compliance with any applicable provisions of the Federal securities laws must rest with the persons relying on the exemptions that are the subject of this Order.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.7

Eduardo A. Aleman,
Deputy Secretary.

[FR Doc. 2019–21493 Filed 10–2–19; 8:45 am]

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 2:00 p.m. on Tuesday, October 8, 2019.

PLACE: The meeting will be held at the Commission’s headquarters, 100 F Street NE, Washington, DC 20549.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

In the event that the time, date, or location of this meeting changes, an announcement of the change, along with the new time, date, and/or place of the meeting will be posted on the Commission’s website at https://www.sec.gov.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (6), (7), (8), (9B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

The subject matters of the closed meeting will consist of the following topics:

- Institution and settlement of injunctive actions;
- Institution and settlement of administrative proceedings;
- Resolution of litigation claims;
- Regulatory matters regarding certain financial institutions; and
- Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting agenda items that may consist of adjudicatory, examination, litigation, or regulatory matters.

CONTACT PERSON FOR MORE INFORMATION:

For further information; please contact Vanessa A. Countryan from the Office of the Secretary at (202) 551–5400.
SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–87143; File No. SR–CboeEDGA–2019–014]

Self-Regulatory Organizations; Cboe EDGA Exchange, Inc.; Suspension of and Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change Amending the Fee Schedule Assessed on Members To Establish a Monthly Trading Rights Fee

September 27, 2019.

I. Introduction

On August 1, 2019, Cboe EDGA Exchange, Inc. ("EDGA" or the "Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),1 and Rule 19b–4 thereunder,2 a proposed rule change to amend the EDGA fee schedule to establish a monthly Trading Rights Fee that would be assessed on Members that trade more than a specified volume in U.S. equities.3 Specifically, the Exchange proposes to charge Members a Trading Rights Fee of $250 per month for the ability to trade on the Exchange.4 A Member would not be charged the monthly Trading Rights Fee if it qualifies for one of the following waivers: (1) The Member has a monthly ADV5 of less than 100,000 shares, or (2) a new Member is within the first three months of their membership.6

II. Description of the Proposed Rule Change

The Exchange proposes to amend the Membership Fees section of the EDGA fee schedule to establish a monthly Trading Rights Fee, which would be assessed on Members that trade more than a specified volume in U.S. equities.7 Specifically, the Exchange proposes to charge Members a Trading Rights Fee of $250 per month for the ability to trade on the Exchange.8 A Member would not be charged the monthly Trading Rights Fee if it qualifies for one of the following waivers: (1) The Member has a monthly ADV9 of less than 100,000 shares, or (2) a new Member is within the first three months of their membership.10

III. Suspension of the Proposed Rule Change

Pursuant to Section 19(b)(3)(C) of the Act,11 at any time within 60 days of the date of filing of a proposed rule change pursuant to Section 19(b)(1) of the Act,12 the Commission summarily may temporarily suspend the change in the rules of a self-regulatory organization ("SRO") 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. As discussed below, the Commission believes a temporary suspension of the proposed rule change is necessary and appropriate to allow for additional analysis of the proposed rule change’s consistency with the Act and the rules thereunder.

The Exchange asserts that the proposed Trading Rights Fee "contributes to "ensuring that adequate funding their regulatory efforts."13 The Exchange also asserts that the proposed fee is reasonable because it "represents a modest charge" applied to firms that “have chosen to become members of the Exchange,” and such firms consume more regulatory resources and “benefit from the Exchange’s regulatory efforts by having access to a well-regulated market.”14 The Exchange notes that its Regulatory Services Agreement ("RSA") costs, which cover regulatory services in connection with market and financial surveillance, examinations, investigations, and disciplinary procedures, have increased 18.9%, while the Exchange’s overall regulatory costs have grown 115.1%, from 2016 to 2019.15 The Exchange also asserts that the proposed Trading Rights Fee is reasonable because the "cost of this membership fee is generally less than the analogous membership fees of other markets” and that a number of national securities exchanges currently charge similar Trading Rights fees to assist in funding their regulatory efforts.16

The Exchange states that it believes the proposed Trading Rights Fee is equitable and not unfairly discriminatory because it will apply equally to all Members that do not qualify for a waiver.17 The Exchange further asserts that the proposed fee is equitable and not unfairly discriminatory because it will “contribute to a portion of the costs incurred by the Exchange in providing its Members with an efficient and well-regulated market, which benefits all Members.”18

In regard to the proposed waivers pursuant to which Members would not be charged the Trading Rights Fee, the Exchange states that it believes that such waivers are reasonable.19 Specifically, the Exchange states that the proposed waiver for Members that trade less than a monthly ADV of 100,000 shares is reasonable because it would allow such smaller Members to continue to trade at a lower cost.20 In addition, the Exchange states the waiver is reasonable because such firms consume fewer regulatory resources.21

The Exchange also asserts that the proposed ADV threshold of 100,000 is approved.

8 See id.
9 See id. “ADV” means average daily volume calculated as the number of shares added or removed, combined, per day. ADV is calculated on a monthly basis. See id. at n.5.
10 See id. at 43242. For any month in which a firm is approved for Membership with the Exchange, the monthly Trading Rights Fee would be pro-rated in accordance with the date on which Membership is approved. See id. at 43243.
13 See Notice, supra note 4, at 43243–44.
14 See id. at 43244.
15 See id.
16 See id. The Exchange notes, for example, that the Exchange’s proposed Trading Rights Fee of $250 a month is “substantially lower” than the monthly $1,250 Trading Rights Fee that Nasdaq assesses on its members. Id.
17 See id. at 43244.
18 See id.
19 See id. The Exchange also asserts that the waivers are equitable and not unfairly discriminatory in the Notice. See id.
20 See id.
21 See id.