



8011-01
SECURITIES AND EXCHANGE COMMISSION
(Release No. 34-78966; File No. SR-NYSE-2016-45)

September 28, 2016

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Designation of Longer Period for Commission Action on a Proposed Rule Change, as Modified by Amendment No. 1, Amending the Co-location Services Offered by the Exchange to Add Certain Access and Connectivity Fees

On July 29, 2016, the New York Stock Exchange LLC (“NYSE” 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 (1) to provide additional information regarding access to various trading and execution services; connectivity to market data feeds and testing and certification feeds; connectivity to third party systems; and connectivity to DTCC provided to Users using data center local area networks; and (2) to establish fees relating to a User’s access to various trading and execution services; connectivity to market data feeds and testing and certification feeds; connectivity to DTCC; and other services. The Exchange filed Amendment No. 1, which supersedes and replaces the proposed rule change in its entirety, on August 16, 2016.³ The proposed rule change was published for comment in the Federal Register on August 17, 2016 without Amendment No. 1.⁴ Amendment No. 1 was published for comment in the Federal

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ Amendment No. 1 more closely aligns the proposed rule change with companion proposals filed by the Exchange’s affiliates NYSE Arca and NYSE MKT. See Securities Exchange Act Release No. 34–78628 (August 22, 2016), 81 FR 59004 (August 26, 2016) (SR-NYSEArca-2016-89); Securities Exchange Act Release No. 34–78629 (August 22, 2016), 81 FR 58992 (August 26, 2016) (SR-NYSEMKT-2016-63). Amendment No. 1 is also available at <https://www.sec.gov/comments/sr-nyse-2016-45/nyse201645-1.pdf>.

⁴ See Securities Exchange Act Release No. 34-78556 (August 11, 2016), 81 FR 54877

Register on September 26, 2016.⁵ The Commission received one comment in response to the proposed rule change, as modified by Amendment No. 1.⁶

Section 19(b)(2) of the Act⁷ provides that, within 45 days of the publication of the notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The Commission is extending this 45-day time period.

The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change, as modified by Amendment No. 1. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,⁸ designates November 15, 2016, as the date by which the Commission should approve, disapprove, or

(“Notice”).

⁵ See Securities Exchange Act Release No. 34-78887 (September 20, 2016), 81 FR 66095.

⁶ See letter to Brent J. Fields, Secretary, Commission, from John Ramsay, Chief Market Policy Officer, Investors Exchange LLC (IEX), dated September 9, 2016.

In response to this Comment Letter, the NYSE submitted a response.

⁷ 15 U.S.C. 78s(b)(2).

⁸ Id.

institute proceedings to determine whether to disapprove the proposed rule change (File No. SR-NYSE-2016-45), as modified by Amendment No. 1.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁹

Robert W. Errett
Deputy Secretary

⁹ 17 CFR 200.30-3(a)(57).

