SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-87964; File No. SR-MIAX-2020-01]

Self-Regulatory Organizations; Miami International Securities Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Amend Its Fee Schedule

January 14, 2020

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”), and Rule 19b-4 thereunder, notice is hereby given that on January 3, 2020, Miami International Securities Exchange LLC (“MIAX Options” or “Exchange”) filed with the Securities and Exchange Commission (“SEC” or “Commission”) the proposed rule change as described in Items I, II, and III 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 is filing a proposal to amend the MIAX Options Fee Schedule (the “Fee Schedule”).

The text of the proposed rule change is available on the Exchange’s website at http://www.miaxoptions.com/rule-filings, at MIAX’s principal office, 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 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.

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

1. **Purpose**

The Exchange proposes to amend the list of MIAX Select Symbols\(^3\) contained in the Priority Customer Rebate Program (the “Program”)\(^4\) of the Exchange’s Fee Schedule to delete the Select Symbols “CELG,” “HTZ” and “WY” from the Select Symbols list.

The Exchange initially created the list of MIAX Select Symbols on March 1, 2014,\(^5\) and has added and removed option classes from that list since that time.\(^6\) Select Symbols are rebated slightly higher in certain Program tiers than non-Select Symbols. The Exchange notes that historically, Select Symbols generally include a subset of classes of options that are included in

\(^3\) The term “MIAX Select Symbols” means options overlying AAL, AAPL, AIG, AMAT, AMD, AMZN, BA, BABA, BB, BIDU, BP, C, CAT, CELG, CLF, CVX, DAL, EBAY, EEM, FB, FCX, GE, GILD, GLD, GM, GOOGL, GPRO, HAL, HTZ, INTC, IWM, JCP, JNJ, JPM, KMI, KO, MO, MRK, NFLX, NOK, ORCL, PBR, PFE, PG, QCOM, QQQ, RIG, S, SPY, T, TSLA, USO, VALE, WBA, WFC, WMB, WY, X, XHB, XLE, XLF, XLP, XOM and XOP.

\(^4\) See section 1(a)(iii) of the Fee Schedule for a complete description of the Program.


the Penny Pilot Program, an industry-wide pilot program that provides for the quoting and trading of certain option classes in penny increments (the “Penny Pilot Program”). The Penny Pilot Program allows the quoting and trading of certain option classes in minimum increments of $0.01 for all series in such option classes with a price of less than $3.00; and in minimum increments of $0.05 for all series in such option classes with a price of $3.00 or higher. The Penny Pilot Program was initiated at the then existing option exchanges in January 2007 and currently includes more than 300 of the most active option classes.

The Exchanges notes that current Select Symbol “CELG” will no longer be included in the Penny Pilot Program industry-wide beginning January 3, 2020 and Select Symbols “HTZ” and “WY” are no longer in the Penny Pilot Program. Accordingly, for business and competitive reasons, the Exchange proposes to amend the Fee Schedule to delete the symbols “CELG,” “HTZ” and “WY” from the list of MIAx Select Symbols contained in the Program as those Select Symbols are no longer in the Penny Pilot Program.

2. Statutory Basis

The Exchange believes that its proposal to amend the Fee Schedule is consistent with Section 6(b) of the Act in general, and furthers the objectives of Section 6(b)(4) of the Act, in that it is an equitable allocation of reasonable dues, fees and other charges among Exchange


\[\text{15 U.S.C. 78f(b).}\]

\[\text{15 U.S.C. 78f(b)(4).}\]
members and issuers and other persons using its facilities, and 6(b)(5) of the Act,\(^1\) in that it is
designed 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 and is not designed to permit unfair discrimination between
customers, issuers, brokers and dealers.

In particular, the proposal to delete the symbols “CELG,” “HTZ” and “WY” from the list
of MIAx Select Symbols contained in the Program is consistent with Section 6(b)(4) of the Act
because the proposed changes will allow for continued benefit to investors by providing them an
updated list of MIAx Select Symbols contained in the Program on the Fee Schedule.

The Exchange believes that the proposal to amend an option class that qualifies for the
credit for transactions in MIAx Select Symbols is fair, equitable and not unreasonably
discriminatory. The Exchange believes that the Program itself is reasonably designed because it
incentivizes providers of Priority Customer\(^1\) order flow to send that Priority Customer order
flow to the Exchange in order to receive a credit in a manner that enables the Exchange to
improve its overall competitiveness and strengthen its market quality for all market participants.
The Program, which provides increased incentives in certain tiers in high volume select symbols,
is also reasonably designed to increase the competitiveness of the Exchange with other options
exchanges that also offer increased incentives to higher volume symbols.

The Exchange also believes that its proposal is consistent with Section 6(b)(5) of the Act
because it will apply equally to all Priority Customer orders in MIAx Select Symbols in the

\(^{10}\) 15 U.S.C. 78f(b)(1) and (b)(5).

\(^{11}\) The term “Priority Customer” means a person or entity that (i) is not a broker or dealer in
securities, and (ii) does not place more than 390 orders in listed options per day on
average during a calendar month for its own beneficial account(s). See Exchange Rule
100.
Program. All similarly situated Priority Customer orders in MIAIX Select Symbols are subject to
the same rebate schedule, and access to the Exchange is offered on terms that are not unfairly
discriminatory.

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

The Exchange does not believe that the proposed rule change will result in any burden
on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The
proposed rule change should enable the Exchange to continue to attract and compete for order
flow with other exchanges. Notwithstanding the removal of the symbols CELG, HTZ and WY
from the Select Symbols list, the Exchange’s rebates remain highly competitive with those of
other exchanges, and therefore should enable the Exchange to continue to attract and compete for
order flow with other exchanges which offer comparable rebates for particular symbols. The
Exchange notes that it operates in a highly competitive market in which market participants can
readily favor competing venues if they deem fee levels at a particular venue to be excessive. In
such an environment, the Exchange must continually adjust its fees and rebates to remain
competitive with other exchanges and to attract order flow.

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

Written comments were neither solicited nor received.

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

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the
Act,\(^\text{12}\) and Rule 19b-4(f)(2)\(^\text{13}\) thereunder. 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 should be approved or 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 e-mail to rule-comments@sec.gov. Please include File Number SR-MIAX-2020-01 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-MIAX-2020-01. This file number should be included on the subject line if e-mail 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-MIAX-2020-01, and should be submitted on or before [INSERT DATE 21 DAYS FROM PUBLICATION IN THE FEDERAL REGISTER].

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁴

J. Matthew DeLesDernier,

Assistant Secretary.
