

SECURITIES AND EXCHANGE COMMISSION
(Release No. 34-98806; File No. SR-CboeBYX-2023-013)

October 27, 2023

Self-Regulatory Organizations; Cboe BYX Exchange, Inc.; Notice of Withdrawal of Proposed Rule Change to Amend Its Fee Schedule Related to Physical Port Fees

On September 1, 2023, Cboe BYX Exchange, Inc. (“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 certain connectivity and port fees.

The proposed rule change was immediately effective upon filing with the Commission pursuant to Section 19(b)(3)(A) of the Act.³ The proposed rule change was published for comment in the Federal Register on September 20, 2023.⁴ On September 29, 2023, pursuant to Section 19(b)(3)(C) of the Act,⁵ the Commission: (1) temporarily suspended the proposed rule change; and (2) instituted proceedings under Section 19(b)(2)(B) of the Act⁶ to determine

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 15 U.S.C. 78s(b)(3)(A). A proposed rule change may take effect upon filing with the Commission if it is designated by the exchange as “establishing or changing a due, fee, or other charge imposed by the self-regulatory organization on any person, whether or not the person is a member of the self-regulatory organization.” 15 U.S.C. 78s(b)(3)(A)(ii).

⁴ See Securities Exchange Act Release No. 98393 (September 14, 2023), 88 FR 64933.

⁵ 15 U.S.C. 78s(b)(3)(C).

⁶ 15 U.S.C. 78s(b)(2)(B).

whether to approve or disapprove the proposed rule change.⁷ On October 25, 2023, the Exchange withdrew the proposed rule change (SR-CboeBYX-2023-013).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁸

J. Matthew DeLesDernier,

Deputy Secretary.

⁷ See Securities Exchange Act Release No. 98647, 88 FR 68798 (October 4, 2023).

⁸ 17 CFR 200.30-3(a)(12).