

SECURITIES AND EXCHANGE COMMISSION  
(Release No. 34-99415; File No. SR-CboeBZX-2023-063)

January 23, 2024

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Withdrawal of a Proposed Rule Change to Adopt an Alternative to the Minimum \$4 Price Requirement for Companies Seeking to List Tier II Securities on the Exchange

On September 19, 2023, Cboe BZX Exchange, Inc. (“BZX” 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”),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> a proposed rule change to adopt an alternative to the minimum \$4 price requirement for companies seeking to list Tier II securities on the Exchange. The proposed rule change was published for comment in the Federal Register on October 2, 2023.<sup>3</sup> On November 6, 2023, pursuant to Section 19(b)(2) of the Act,<sup>4</sup> the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.<sup>5</sup> The Commission received two comments on the proposed rule change.<sup>6</sup>

On December 27, 2023, the Commission instituted proceedings under Section 19(b)(2)(B) of the Act<sup>7</sup> to determine whether to approve or disapprove the proposed rule

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<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> See Securities Exchange Act Release No. 98532 (Sept. 26, 2023), 88 FR 67852.

<sup>4</sup> 15 U.S.C. 78s(b)(2).

<sup>5</sup> See Securities Exchange Act Release No. 98860, 88 FR 77647 (Nov. 13, 2023).

<sup>6</sup> Comments received on the proposed rule change are available at: <https://www.sec.gov/comments/sr-cboebzx-2023-063/srcboebzx2023063.htm>.

<sup>7</sup> 15 U.S.C. 78s(b)(2)(B).

change.<sup>8</sup> On January 17, 2024, the Exchange withdrew the proposed rule change (SR-CboeBZX-2023-063).

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

**Sherry R. Haywood,**

*Assistant Secretary.*

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<sup>8</sup> See Securities Exchange Act Release No. 99247, 89 FR 425 (Jan. 3, 2024).

<sup>9</sup> 17 CFR 200.30-3(a)(12).