

SECURITIES AND EXCHANGE COMMISSION

(Release No. 34-93107; File Nos. SR-NYSE-2021-15, SR-NYSEAMER-2021-13, SR-NYSEArca-2021-15, SR-NYSENAT-2021-05, SR-NYSECHX-2021-04)

September 23, 2021

Self-Regulatory Organizations; New York Stock Exchange LLC; NYSE American LLC; NYSE Arca, Inc.; NYSE National, Inc.; NYSE Chicago, Inc.; Notice of Designation of a Longer Period for Commission Action on Proceedings to Determine Whether to Approve or Disapprove a Proposed Rule Change to Amend Each of the Exchange’s Fee Schedules Related to Co-Location

On March 10, 2021, New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., NYSE National, Inc., and NYSE Chicago, Inc. each 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 provide Users with access to the systems and connectivity to the data feeds of several third parties and establish associated fees.³ Each proposed rule change was immediately effective upon filing with the Commission pursuant to Section 19(b)(3)(A) of the Act.⁴ The proposed rule changes were published for comment in the Federal Register on March 29, 2021.⁵ On May 7, 2021, the Commission, pursuant to Section 19(b)(3)(C) of the Act⁶ temporarily suspended File Nos. SR-

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ The New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., NYSE National, Inc, and NYSE Chicago, Inc. are collectively referred to herein as “NYSE” or the “Exchanges.”

⁴ 15 U.S.C. 78s(b)(3)(A).

⁵ See Securities Exchange Act Release Nos. 91386 (March 23, 2021), 86 FR 16410 (March 29, 2021); 91387 (March 23, 2021), 86 FR 16417 (March 29, 2021); 91388 (March 23, 2021), 86 FR 16433 (March 29, 2021); 91389 (March 23, 2021), 86 FR 16403 (March 29, 2021); 91390 (March 23, 2021), 86 FR 16424 (March 29, 2021) (collectively, the “Notices”).

⁶ 15 U.S.C. 78s(b)(3)(C).

NYSE-2021-15, SR-NYSEAMER-2021-13, SR-NYSEArca-2021-15, SR-NYSENAT-2021-05, and SR-NYSECHX-2021-04; and (2) instituted proceedings to determine whether to approve or disapprove File Nos. SR-NYSE-2021-15, SR-NYSEAMER-2021-13, SR-NYSEArca-2021-15, SR-NYSENAT-2021-05, and SR-NYSECHX-2021-04.⁷ The Commission received two comment letters on the proposal from the Exchanges.⁸

Section 19(b)(2) of the Act⁹ provides that, after initiating proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of the filing of the proposed rule change. The Commission may extend the period for issuing an order approving or disapproving the proposed rule change, however, by not more than 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination. The proposed rule changes were published for comment in the Federal Register on March 29, 2021.¹⁰ The 180th day after publication of the Notices is September 25, 2021. The Commission is extending the time period for approving or disapproving the proposal for an additional 60 days.

The Commission finds that it is appropriate to designate a longer period within which to

⁷ See Securities Exchange Act Release No. 91790 (May 7, 2021), 86 FR 26242 (May 13, 2021) (SR-NYSE-2021-15, NYSEAMER-2021-13, SR-NYSEArca-2021-15, SR-NYSENAT-2021-05, SR-NYSECHX-2021-04).

⁸ See, respectively, letter dated June 21, 2021 from Elizabeth K. King, Chief Regulatory Officer, ICE, General Counsel and Corporate Secretary, NYSE to Vanessa Countryman, Secretary, Commission; and letter dated September 7, 2021 from Elizabeth K. King, Chief Regulatory Office, ICE, General Counsel and Corporate Secretary, NYSE to Vanessa Countryman, Secretary, Commission. All comments received by the Commission on the proposed rule change are available on the Commission's website at: <https://www.sec.gov/comments/sr-nyse-2021-15/srnyse202115.htm>. NYSE filed comment letters on behalf of all of the Exchanges.

⁹ 15 U.S.C. 78s(b)(2).

¹⁰ See supra note 5.

issue an order approving or disapproving the proposed rule change so that it has sufficient time to consider the proposed rule changes along with the comments received. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,¹¹ designates November 24, 2021 as the date by which the Commission should either approve or disapprove the proposed rule changes (File Nos. SR-NYSE-2021-15, SR-NYSEAMER-2021-13, SR-NYSEArca-2021-15, SR-NYSENAT-2021-05, NYSECHX-2021-04).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹²

J. Matthew DeLesDernier
Assistant Secretary

¹¹ 15 U.S.C. 78s(b)(2).

¹² 17 CFR 200.30-3(a)(12).