



September 14, 2020

Via Email

Ms. Vanessa Countryman
Secretary
U.S. Securities and Exchange Commission
100 F Street NE
Washington, D.C. 20549

Re: Securities Exchange Act Release Nos. 88168 (February 11, 2020) (SR-NYSE-2020-05); 88169 (February 11, 2020) (SR-NYSEAMER-2020-05); 88170 (February 11, 2020) (SR-NYSEArca-2020-08); 88172 (February 11, 2020) (SR-NYSECHX-2020-02); and 88171 (February 11, 2020) (SR-NYSENAT-2020-03); 88237 (February 19, 2020) (SR-NYSE-2020-11); 88238 (February 19, 2020) (SR-NYSEAMER-2020-10); 88239 (February 19, 2020) (SR-NYSEArca-2020-15); 88240 (February 19, 2020) (SR-NYSECHX-2020-05); and 88241 (February 19, 2020) (SR-NYSENAT-2020-08) (collectively and as amended, the “Wireless Filings”)

Dear Ms. Countryman:

Intercontinental Exchange, Inc. (“ICE”) respectfully submits this comment letter on behalf of its ICE Data Services business (“IDS”)¹ in connection with the Wireless Filings.² ICE is the indirect parent of the national securities exchanges New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., NYSE Chicago, Inc., and NYSE National,

¹ Through its IDS business line, ICE operates the ICE Global Network (“IGN”), a global connectivity network whose infrastructure provides access to over 150 global markets and over 750 data sources. IGN also offers market participants access to aggregated global markets through the ICE Consolidated Feed, which aggregates content from over 600 sources, including data from more than 150 exchanges, over-the-counter markets, indices, and news. IDS offers other services as well, and is comprised of multiple corporate entities.


² The Wireless Filings were recently amended. See Partial Amendment No. 2 to SR-NYSE-2020-05 (September 10, 2020); Partial Amendment No. 2 to SR-NYSEAMER-2020-05 (September 10, 2020); Partial Amendment No. 2 to SRNYSEArca-2020-08 (September 10, 2020); Partial Amendment No. 2 to SR-NYSECHX-2020-02(September 10, 2020); Partial Amendment No. 2 to SR-NYSENAT-2020-03 (September 10, 2020); Partial Amendment No. 2 to SR-NYSE-2020-11 (September 10, 2020); Partial Amendment No. 2 to SR-NYSEAMER-2020-10 (September 10, 2020); Partial Amendment No. 2 to SRNYSEArca-2020-15 (September 10, 2020); Partial Amendment No. 2 to SR-NYSECHX-2020-05 (September 10, 2020); and Partial Amendment No. 2 to SR-NYSENAT-2020-08 (September 10, 2020). Capitalized terms not otherwise defined herein are used as defined in the Wireless Filings.

Inc. (together, the “NYSE Exchanges”), as well as the IDS entities, making them all corporate affiliates of each other.³

IDS strongly supports and agrees with the comment letters on the Wireless Filings submitted by NYSE Group, Inc. on behalf of the NYSE Exchanges.⁴ As those comments explain, the services described therein (the “Wireless Services”) are not “facilities” of an Exchange within the meaning of the Securities Exchange Act of 1934.

In May 2020,⁵ IDS commented on the proposed rulemaking on Market Data Infrastructure from the Commission, and Part IV of the May IDS Letter⁶ expressed the concerns, competitive and otherwise, that arise when services offered by any entity affiliated with an exchange are considered a “facility” of that exchange.⁷ IDS respectfully requests that the Commission also consider Part IV of the May IDS Letter in connection with its consideration of the Wireless Filings, given that the points expressed therein apply to the Wireless Services with equal force.

Respectfully submitted,



Doris Choi
Co-General Counsel
ICE Data Services

cc: Honorable Jay Clayton, Chairman
Honorable Hester M. Peirce, Commissioner

³ ICE is the parent company of 12 regulated exchanges around the world, including the NYSE Exchanges, futures markets, and clearing houses.

⁴ See letter from Elizabeth K. King, Chief Regulatory Officer, ICE, General Counsel and Corporate Secretary, NYSE, to Ms. Vanessa Countryman, Secretary, Commission, dated May 8, 2020, and letter from Elizabeth K. King, Chief Regulatory Officer, ICE, General Counsel and Corporate Secretary, NYSE, to Ms. Vanessa Countryman, Secretary, Commission, dated July 31, 2020.

⁵ See letter from Doris Choi, Co-General Counsel, ICE Data Services, to Ms. Vanessa Countryman, Secretary, Securities and Exchange Commission (“Commission”), dated May 29, 2020 (“May IDS Letter”). See also letter from Doris Choi, Co-General Counsel, ICE Data Services, to Ms. Vanessa Countryman, Secretary, Commission, dated August 12, 2020.

⁶ May IDS Letter, supra note 5, at 15-21.

⁷ See Securities Exchange Act Release No. 88216 (February 14, 2020), 85 FR 16726 (March 24, 2020) (File No. S7-03-20).

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Honorable Elad L. Roisman, Commissioner
Honorable Allison Herren Lee, Commissioner
Honorable Caroline A. Crenshaw, Commissioner

Brett Redfearn, Director, Division of Trading and Markets