

SECURITIES AND EXCHANGE COMMISSION

(Release No. 34-89532; File Nos. SR-NYSE-2020-05, SR-NYSEAMER-2020-05, SR-NYSEArca-2020-08, SR-NYSECHX-2020-02, SR-NYSENAT-2020-03)

August 12, 2020

Self-Regulatory Organizations; New York Stock Exchange LLC, NYSE Chicago, Inc., NYSE American LLC, NYSE Arca, Inc., and NYSE National, Inc.; Notice of Designation of a Longer Period for Commission Action on Proceedings to Determine Whether to Approve or Disapprove Proposed Rule Changes, as Modified by Amendment No. 1, to Establish a Schedule of Wireless Connectivity Fees and Charges with Wireless Connections between the Mahwah, New Jersey Data Center and Other Data Centers

On January 30, 2020, New York Stock Exchange LLC, NYSE Chicago, Inc., NYSE American LLC, NYSE Arca, Inc., and NYSE National, Inc. (collectively, the “Exchanges”) 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 establish a schedule of Wireless Connectivity Fees and Charges with wireless connections between the Mahwah, New Jersey data center and other data centers. The proposed rule changes were published for comment in the Federal Register on February 18, 2020.³ On April 1, 2020, pursuant to Section 19(b)(2) of the Act,⁴ the Commission designated a longer period within which to either approve the proposed rule changes, disapprove the proposed rule changes, or institute proceedings to determine whether to approve or disapprove the

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release Nos. 88168 (February 11, 2020), 85 FR 8938 (February 18, 2020) (SR-NYSE-2020-05); 88169 (February 11, 2020), 85 FR 8946 (February 18, 2020) (SR-NYSEAMER-2020-05); 88170 (February 11, 2020), 85 FR 8956 (February 18, 2020) (SR-NYSEArca-2020-08); 88172 (February 11, 2020), 85 FR 8923 (February 18, 2020) (SR-NYSECHX-2020-02); and 88171 (February 11, 2020), 85 FR 8930 (February 18, 2020) (SR-NYSENAT-2020-03) (collectively, the “Notices”).

⁴ 15 U.S.C. 78s(b)(2).

proposed rule changes.⁵ On May 18, 2020, the Commission instituted proceedings to determine whether to approve or disapprove the proposed rule changes.⁶ On July 27, 2020, the Exchanges each filed Amendment No. 1 to the proposed rule changes. Notice of Amendment No. 1 to the proposed rule changes was published for comment in the Federal Register on August 7, 2020.⁷ The Commission has received comment letters on the proposed rule changes, as modified by Amendment No. 1.⁸

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 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 notice and comment in the Federal Register on February 18, 2020.¹⁰ August 16,

⁵ See Securities Exchange Act Release No. 88539 (April 1, 2020), 85 FR 19553 (April 7, 2020). The Commission designated May 18, 2020, as the date by which it should approve, disapprove, or institute proceedings to determine whether to approve or disapprove the proposed rule changes.

⁶ See Securities Exchange Act Release No. 88901 (May 18, 2020), 85 FR 31273 (May 22, 2020).

⁷ See Securities Exchange Act Release Nos. 88168 (August 3, 2020), 85 FR 47992 (August 7, 2020) (SR-NYSE-2020-05); 89454 (August 3, 2020), 85 FR 48002 (August 7, 2020) (SR-NYSEAMER-2020-05); 89455 (August 3, 2020), 85 FR 48035 (August 7, 2020) (SR-NYSEArca-2020-08); 89456 (August 3, 2020), 85 FR 48024 (August 7, 2020) (SR-NYSECHX-2020-02); and 89457 (August 3, 2020), 85 FR 47997 (August 7, 2020) (SR-NYSENAT-2020-03).

⁸ Comments received on the proposed rule changes, as modified by Amendment No. 1, are available on the Commission's website at: <https://www.sec.gov/comments/sr-nyse-2020-05/srnyse202005.htm>.

⁹ 15 U.S.C. 78s(b)(2).

¹⁰ See Notices, *supra* note 3.

2020 is 180 days from that date, and October 15, 2020 is 240 days from that date.

The Commission finds it appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule changes, as modified by Amendment No. 1, so that it has sufficient time to consider the proposed rule changes, as modified by Amendment No. 1, the issues raised in the comment letters that have been submitted in connection therewith, and the Exchanges' responses to comments. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,¹¹ designates October 15, 2020 as the date by which the Commission should either approve or disapprove the proposed rule changes (File Nos. SR-NYSE-2020-05, SR-NYSEAMER-2020-05, SR-NYSEArca-2020-08, SR-NYSECHX-2020-02, SR-NYSENAT-2020-03), as modified by Amendment No. 1.

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)(31).