

Text of Proposed Rule Change

New text is underscored; deleted text is in brackets

**NYSE AMEX OPTIONS FEE SCHEDULE\***

\*NYSE Amex Options is the options trading facility of NYSE Amex, LLC

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**NYSE AMEX OPTIONS: TRADE-RELATED CHARGES**

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TRANSACTION FEE - PER CONTRACT

Order Type	Rate Per Contract
Specialists, eSpecialists	\$0.10
NYSE Amex Options Market Maker – Non Directed	\$0.17
NYSE Amex Options Market Maker – Directed	\$0.15
Broker Dealer & Firm Electronic	\$0.[15]30
Broker Dealer & Firm Manual	\$0.25
Non BD Customer Electronic	\$0.00
Non BD Customer Manual	\$0.00
Firm Facilitation – Manual	\$0.00

(The Firm Facilitation fee applies to any transaction involving a firm proprietary trading account, that has a customer of that same Firm on the contra side of the transaction)

<u>ROUTING SURCHARGE</u>	<u>\$0.11 per contract plus pass-through fees<sup>9</sup></u>
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ELECTRONIC COMPLEX ORDER EXECUTIONS	Complex Order to Complex Order	\$0.10 per contract side
	Complex Order to Complex Order, same firm representing both sides	\$0.05 per contract side

Complex Orders executed against individual orders in the Consolidated Book will be subject to Standard Execution rate per contract.

Standard Marketing Charges apply to all electronic complex order executions.

CANCELLATION FEE <sup>9 10</sup> [(Waived until February 1, 2010)]	\$1.50 per cancelled order	
LIMIT OF FEES ON OPTIONS STRATEGY EXECUTIONS	\$750 cap on transaction fees for Strategy Executions involving (a) reversals and conversions, (b) dividend spreads, (c) box spreads (d) short stock interest spreads, (e) merger spreads, and (f) jelly rolls. The cap applies to all Strategy Execution executed on the same trading day in the same option class. Transaction fees for Strategy Executions are further capped at \$25,000 per month per initiating firm. All Royalty fees associated with Strategy Executions on Index and Exchange Traded Funds will be passed through to trading participants on the Strategy Executions on a pro-rata basis. These Royalty fees will not be included in the calculation of the \$750 per trade cap or the \$25,000 per month strategy fee cap.	
MARKETING CHARGE	\$0.65 per contract side on transactions in non Penny Pilot issues where market makers trade against electronic customer orders.	
	\$0.25 per contract side on transactions in Penny Pilot issues where market makers trade against electronic customer orders.	
ROYALTY FEES <sup>10 11</sup>	MNX, NDX	\$0.22
	Russell 2000 Index (RUT)	\$0.15
	All other premium products, ETFs	\$0.00
RATIO THRESHOLD FEE <sup>11 12</sup>	<u>Monthly Order to Execution Ratio</u>	<u>Monthly Charge</u>
	Between 10,000 and 14,999 to 1	\$5,000
	Between 15,000 and 19,999 to 1	\$10,000
	Between 20,000 and 24,999 to 1	\$20,000
	25,000 to 1 and greater	\$35,000

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<sup>1</sup> Base rate on rights fee will be allocated to Specialists, e-Specialists and DOMM's based on their prorated share of contract volume on the Exchange in each issue. This fee is in addition to the Market Maker Fee and will be billed on a per issue basis to the ATP Firm acting as Specialist, e-Specialist, or Directed Market Maker in the issue. Average National Daily Customer Contracts Per Issue is calculated based on public customer contracts traded using a rolling three month basis with a one month lag.

<sup>2</sup> This fee will be assessed for all initial and dual registration Form U-4 filings. \$85.00 of this fee will be retained by FINRA as its CRD Processing Fee and \$60.00 will be disbursed by FINRA to the Exchange as its Initial Registration Fee.

<sup>3</sup> This fee will be assessed in connection with Forms U-4 and U-5 for all filings that contain new or amended disclosure information. This fee will be retained by FINRA as its Disclosure Processing Fee.

<sup>4</sup> This fee will be assessed during the yearly renewal cycle. \$30.00 of this fee will be retained by FINRA as its Annual System Processing Fee assessed during renewals and \$50.00 will be disbursed by FINRA to the Exchange as its Annual Maintenance Fee

<sup>5</sup> This fee will be assessed for receiving hard copy fingerprint cards as part of the registration function and submitting and processing the results of each card received. This fee will be retained by FINRA as its Fingerprint Card Processing Fee.

<sup>6</sup> This fee will be retained by the FINRA.

<sup>7</sup> This fee is a one time fee that will be assessed on all individuals whose U-4s will be refiled electronically with Web CRD as part of the Exchange's migration to Web CRD. This fee will be retained by FINRA.

<sup>8</sup> This fee will be assessed in connection with all Form U-5 filings. This fee will be disbursed by FINRA to the Exchange.

<sup>9</sup> Assessed on all non-customer orders routed to away markets and on Customer orders that are charged transaction fees at another exchange. If the executing exchange does not charge a transaction fee for the execution of the Customer order, the Routing Surcharge will be waived. The Routing Surcharge will be made up of (i) \$0.11 per contract and (ii) all actual charges assessed by the away exchange(s) (calculated on an order-by-order basis since different away exchanges charge different amounts). The Routing Surcharge is in addition to NYSE Amex's customary execution fees applicable to the order.

<sup>9</sup><sup>10</sup> A fee of \$1.50 will be assessed to an executing clearing member for each cancelled public customer order (origin code "C") in excess of the number of public customer orders that the executing clearing member executes in a month for itself or for a correspondent firm. All public customer options orders from the same executing clearing member for itself or for such correspondent firm executed in the same series on the same side of the market at the same price within a 300 second period will be aggregated and counted as one executed order for purposes of this fee. This fee shall not apply: (i) if an executing clearing member cancels less than 500 public customer orders in a month for itself or for a correspondent firm; and (ii) to cancelled orders that improve the Exchange's prevailing bid-offer (BBO) market at the time the orders are received.

<sup>10</sup><sup>11</sup> Assessed on a per contract basis for firm, broker/dealer, and Market Maker transactions. Customer volumes will not be subject to any royalty fees, license fees or premium product fees of any type. Please refer to "Limit of Fees on Options Strategy Executions" section of this schedule for information regarding Royalty Fees associated with Options Strategy Executions.

<sup>11</sup><sup>12</sup> The Ratio Threshold Fee is calculated on a monthly basis. Orders that improve the Exchange's prevailing best bid-offer (BBO) market at the time the orders are received will not be included in the order to execution ratio. ATP Holders will not be charged the Ratio Threshold Fee if they incur charges on a monthly basis pursuant to the Cancellation Fee.