

FINANCIAL INFORMATION FORUM

11 Hanover Square
New York, NY 10005

May 21, 2021

By electronic mail to rule-comments@sec.gov

Vanessa Countryman, Secretary
Securities and Exchange Commission
100 F Street, NE
Washington, DC 20549-1090

Re: Notice of Filing of Amendment to the National Market System Plan Governing the Consolidated Audit Trail by BOX Exchange LLC; Cboe BYX Exchange, Inc., Cboe BZX Exchange, Inc., Cboe EDGA Exchange, Inc., Cboe EDGX Exchange, Inc., Cboe C2 Exchange, Inc. and Cboe Exchange, Inc., Financial Industry Regulatory Authority, Inc., Investors Exchange LLC, Long-Term Stock Exchange, Inc., Miami International Securities Exchange LLC, MEMX, LLC, MIAX Emerald, LLC, MIAX PEARL, LLC, Nasdaq BX, Inc., Nasdaq GEMX, LLC, Nasdaq ISE, LLC, Nasdaq MRX, LLC, Nasdaq PHLX LLC, The NASDAQ Stock Market LLC; and New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., NYSE Chicago, Inc., and NYSE National, Inc. (File No. 4-698)

Dear Ms. Countryman,

The Financial Information Forum (FIF)¹ is writing as a follow-up to the comment letter that we submitted on April 29, 2021 relating to the above-referenced Notice of Filing of Amendment to the National Market System Plan Governing the Consolidated Audit Trail (the CAT NMS Plan). FIF appreciates the opportunity to submit this follow-up comment letter relating to the above-reference Notice of Filing (the Amendment).

On April 29, 2021, FIF submitted a comment letter requesting that the Operating Committee (as defined in the CAT NMS Plan) provide additional information to assist FIF members in better understanding the fees that they would be subject to under the funding proposal set forth in the Amendment. On May 5, 2021, the Operating Committee submitted a comment letter on the Amendment providing additional

¹ FIF (www.fif.com) was formed in 1996 to provide a centralized source of information on the implementation issues that impact the securities industry across the order lifecycle. Our participants include trading and back office service bureaus, broker-dealers, market data vendors and exchanges. Through topic-oriented working groups, FIF participants focus on critical issues and productive solutions to technology developments, regulatory initiatives, and other industry changes.

information requested by FIF and other industry participants.² FIF would like to thank the Operating Committee for providing this additional information.

Based on their continuing evaluation of the financial impact of the funding proposal set forth in the Amendment, FIF members request that the Operating Committee provide the following additional information to enable FIF members to understand the financial impact of the funding proposal and to assist each firm in reconciling the data provided by the Operating Committee with the firm's internal records:³

1. The data provided by the Operating Committee to each industry member allows the industry member to derive its total number of non-market maker events. FIF members request that this data be broken-out between equity and option non-market maker reported events.
2. FIF members request confirmation whether the total message traffic count provided by the Operating Committee to industry members incorporates the market maker discount.
3. FIF members request that the Operating Committee provide the following additional guidance relating to how the number of reported events was computed for Q4 2020:
 - a. Is the number of reported events for the quarter determined based on the event date or the processing date or through another method? For example, if a firm reports events on October 1 with an event date of September 30, are these events included in the firm's number of reported events for Q4 2020? In addition, is it relevant whether a reportable event occurs after the end of the CAT Trading Day?
 - b. Are corrections, deletions and rejections included as separate reported events?
 - c. Section 6.4(d)(iii) of the CAT NMS Plan provides that "with respect to the reporting obligations of an Options Market Maker with regard to its quotes in Listed Options, Reportable Events required pursuant to Section 6.3(d)(ii) and (iv) shall be reported to the Central Repository by an Options Exchange in lieu of the reporting of such information by the Options Market Maker." Are these Quote event reported by an exchange included in the number of reported events for the applicable options market maker? FIF members are not clear about this. FIF members request that the Operating Committee confirm that these Quote events are not included in the market maker's number of reported events. Alternatively, if these Quote events are included in the market maker's number of reported events, FIF members request that the Operating Committee separately report to each impacted market maker, on request, the number of events reported by each options exchange based on the interpretation above and provide a break-out between the market maker's reported Quote events and the market maker's reported options market making events that are not Quote events.

² Letter from Michael Simon, CAT NMS Plan Operating Chair, to Vanessa Countryman, Secretary, Securities and Exchange Commission, re: File No. 4-698 (May 5, 2021).

³ Because of the diversity of FIF's membership, FIF is not commenting on the substance of the Amendment.

4. To assist industry members in reconciling the number of reported events identified by the Operating Committee with each firm's internal records, FIF members request that the Operating Committee provide more granular data to each industry member upon request: for example, the Operating Committee could provide the number of reported events for a limited number of specific days broken out based on type of reported event.
5. FIF requests that the Operating Committee provide in a CSV or spreadsheet format the number of industry-wide aggregate reported events broken out by the following categories:
 - Submitter type (equity exchange, option exchange, ATS, non-ATS industry member)
 - CAT event type (MEOR, MEOA, MOOR, MOOA, MEPA, etc.)
 - accountHolderType (including Market Making)
 - instrument type (equities, options or multi-leg).

The table would provide the number of reported events for each combination of these four categories. The categories above would be the first four columns of the table. The fifth column of the table would be the record count for each combination of the first four columns.

FIF members also support the information requests made by other commenting parties.

Because industry members do not yet have all of the necessary information to evaluate how they will be impacted by the Amendment, FIF members propose that the comment period be re-opened after all necessary information has been provided to industry members.

FIF appreciates the opportunity to submit this request for additional information. If you would like clarification on any of the items discussed in this letter or would like to discuss further, please contact me at howard.meyerson@fif.com.

Very truly yours,

/s/ Howard Meyerson

Howard Meyerson, Managing Director, Financial Information Forum

cc: Mr. Michael Simon, CAT NMS Plan Operating Committee Chair