

FINANCIAL INFORMATION FORUM

5 Hanover Square
New York, New York 10004

212-422-8568

February 24, 2010

Elizabeth M. Murphy
Secretary
Securities and Exchange Commission
100 F Street, NE
Washington, DC 20549-1090

Re: SR-FINRA-2010-001

Dear Ms. Murphy,

The Financial Information Forum (FIF)¹ would like to take this opportunity to provide feedback on SR-FINRA-2010-001. This proposed rule would require member firms, which opt in to have their ATS dark pool volume published by TRF Business Members, to use a separate Market Participant Identifier (MPID) designated exclusively for reporting the member's ATS dark pool transactions. While the publishing of ATS dark pool volume is voluntary, the requirement of a separate MPID designated exclusively for reporting a member's ATS dark pool transactions could limit ATS participation and delay implementation because of both administrative processes and technology modifications required to implement this reporting in the manner defined in the rule filing. FIF believes that publishing ATS dark pool volume is beneficial to the market and the public and that FINRA should therefore consider other methods to achieve this goal. The results of a written and oral survey with many of our members came to the following conclusions:

Modifications to Back Office Systems, Reprogramming OMS/EMS and Other Clearing Processes
Obtaining a new MPID will impact both on the ATS and its broker dealer back office and OATS reporting. Substantial changes will need to be made to OATS because the ATS will have to send its own report and the ATS' broker-dealer clients will need to use the new MPID for their OATS reporting. Both ATSs and broker-dealers clients will have to modify their back office systems and perform extensive testing to clear under the new MPID. There may also be a requirement to establish a separate environment for OMS systems. If a broker dealer utilizes a service bureau, it must work together in coordinating efforts to recognize the second MPID. FIF

¹ FIF (www.fif.com) was formed in 1996 to provide a centralized source of information on the implementation issues that impact the financial technology 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.

members estimate two to four man months to make all necessary changes which involve development and testing.

Additional administrative processes required

There is extra work associated with establishing and filing new clearing and tape reporting MPID relationship. FIF members have indicated obtaining a separate MPID requires re-signing and re-filing to FINRA NASDAQ or FINRA NYSE TRF new Attachment 2 forms for all Broker Dealer ATS's clients as well as ATS destinations. In addition, supervisory procedures and compliance manuals need to be re-evaluated and re-written. The approximate time frame required for this procedure is two man months.

Alternatives to Identifying ATS Dark Pool Volume

FIF members have identified alternatives to identifying ATS dark pool volume other than obtaining a separate MPID. The "Memo" field of the NASDAQ ACT message types F & W can be encoded to identify the ATS dark pool. The dark pool can also print a certain letter to the trade report similar to an ISO printing "f".

In order to ensure participation and not limit the number of ATS's, it is our recommendation that FINRA review the alternatives to collecting the appropriate information in a more cost and time efficient manner which would facilitate the availability of this information to the investment community. The separate MPID issue can then be discussed as part of the broader SEC Dark Pool Reporting filing. As a neutral forum with exchange, broker-dealer and vendor participation, FIF stands ready to help drive this initiative forward in a timely manner including facilitation of industry meetings and coordination of industry feedback.

Thank you for your consideration.

Regards,

A handwritten signature in cursive script that reads "Thomas J. Jordan".

Tom Jordan
Advisory Committee Chair
Financial Information Forum