November 30, 2021

Submitted electronically

Ms. Vanessa Countryman
Secretary
Securities and Exchange Commission
100 F Street, N.E.
Washington, D.C. 20549-1090

RE: CTA/CQ/UTP Plan Fee Amendments, Securities Exchange Act Release Nos. 34-93625 (SRCTA/CQ-2021-03); 34-93618 (S7-24-89)

Dear Ms. Countryman:

Polygon.io, Inc. ("***Polygon.io***") appreciates the opportunity to provide comments to the Securities and Exchange Commission (the "***Commission***") with respect to the National Market System Plan Amendments filed by the Consolidated Tape Association, Consolidated Quotation, and Nasdaq UTP referenced above (the "***Amendments***") to establish fees for consolidated market data offered pursuant to the market data infrastructure rule (the "***Infrastructure Rule***").

Polygon.io is a financial market data platform that provides access to market data through easy-to-use APIs. As a registered vendor of Securities Information Processor (***"SIP"***) data and a provider of stock data APIs that compete with the exchanges who administer the SIPs, we have experienced the conflicts of interest that the Infrastructure Rule sought to rectify. The Amendments, in our opinion, go against the spirit of the changes outlined by the Infrastructure Rule.

The Infrastructure Rule was passed to facilitate investor access to critical market information in line with the Securities Exchange Act of 1934 which directs that fees for consolidated market data should be fair, reasonable, and not unfairly discriminatory. We believe, however, that the fees proposed in the Amendments represent an overall increase in cost to end users. Further, the Amendments fail to account for the shift in infrastructure costs away from the current plan administrators (which logically would lead to a decrease in fees) and onto the non-exclusive competing providers of consolidated market data feeds ("***Competing Consolidators***"). When combined, the Amendments contradict the core precept of the Infrastructure Rule by making market data *less* accessible. We support the comment letter written by MEMX (https://www.sec.gov/comments/sr-ctacq-2021-03/srctacq202103-9403088-262830.pdf), which discredits many aspects of the methodology used to determine the proposed fees, and we agree that the Amendments have failed to justify the proposed fees.

As other commenters have focused on the unreasonableness of the fees themselves, we would instead like to bring attention to other aspects of the fee structure which lack justification, cause unnecessary delays to data access, and have been unevenly applied by plan administrators in ways that conspicuously disadvantage the administrators' competitors. We ask the Commission to reject this and any future proposed amendments that maintain display/non-display and professional/non-professional classifications.

Relating the value of data to whether or not it's ultimately displayed on a screen lacks any technical justification. The cost to transmit data to a device is exactly the same whether the device displays the data or not. Arguments that the amount of data consumed is somehow related to whether or not the data will be displayed are speculative at best. Stock exchanges use broadcast technology to distribute market data rather than processing individual incoming requests, so their cost to transmit data is independent of the speed or methods by which the data is ultimately consumed by end users. Under the new system, the cost of the infrastructure that will service end-user requests will shift to Competing Consolidators, and we believe Competing Consolidators should be able to structure their product offerings and prices in ways that align best with the needs of their customers, having the flexibility to offer products that scale with usage, as well as products with fixed prices.

To visualize how erratic some of the proposed fees are, it is helpful to examine an example of a typical day trader using data on a single non-display device. For full core data, as a non-professional trader, the fees paid by the Competing Consolidator to the plan for that user would be $42 a month. As soon as the day trader decides to register an LLC, the access and non-display fees for that person would skyrocket from $42 a month to $73,679 a month (non-display fees of $37,430 for depth of book and $3,744 for auctions, as well as access fees of $29,550 for depth of book and $2,955 for auctions). That's not including any additional margin for the Competing Consolidator who is actually running the infrastructure to service the user's data access, providing the user with technical support, handling billing, etc. Again, that's almost $74,000 a month paid to the exchanges for this single day trader, *while the only cost to the exchange, both before and after the day trader registered their LLC, is the cost to broadcast messages to the Competing Consolidators*.

In addition to the implications for Competing Consolidators regarding pricing, the rules that govern display vs. non-display fees have not kept pace with technology, and ambiguity has caused very common use cases such as entitlement-controlled API access to result in confusion, unwarranted penalties and burdensome red tape. Also, proving or disproving whether or not an organization is displaying data internally is unrealistic. The totality of this situation has left an opening for current plan administrators to unevenly apply fees when and how they choose on data vendors who compete with their own proprietary feeds and has required vendors to send customers to entities administered by their competitors who then delay, deny, or apply additional fees on a "case by case" basis.

We believe that allowing the plans to continue basing their fees on unjustified usage assumptions using categories that are outdated and often unclear will impede Competing Consolidators from being able to offer better and more competitive pricing plans to customers, and will ultimately stifle innovation by perpetuating financial and bureaucratic barriers to entry for usage of core market data.

Similarly, the cost of delivering data to a professional and a non-professional are identical. It's difficult to reason that a person's profession alone should dictate the fee they pay for a product. Imagine requiring that an identical tennis racket be sold to a professional player at many times the cost that a non-professional would pay because the professional player will get more value from its use. While this rule may be characterized as benevolent towards individuals, it is also clearly discriminatory, on its face, and, again, it has left an open door for plan administrators to arbitrarily audit and fine data vendors that compete with their proprietary data offerings, using inconsistent classification criteria and wildly speculative evidentiary practices as justification. This classification of users complicates onboarding processes, causes confusion for users, and leaves customers open to unnecessary audit risk. The nefarious policing of these classifications threatens competition, adds complexity, and ultimately increases the overall cost of data for all market participants.

We therefore respectfully ask the Commission to reject the Amendments on the basis of the foregoing.

We believe that the Amendments, if not rejected, essentially ensure that Competing Consolidators will not be able to offer products at competitive prices to proprietary feeds. We also believe that innovation will be stifled by this and any amendment that maintains subjective and unjustified user and usage categorizations that cause unreasonably burdensome classification processes for data access. We further ask the Commission to reevaluate the process that led to the creation of this proposal and make substantive changes to avoid the amendment process being used as a means to derail a timely implementation of the Infrastructure Rule.

Competition is the foundation of free markets. We believe that the competition for better access to market data made possible by the Infrastructure Rule, once fairly implemented, will increase innovation and benefit all who participate in the financial markets. Until then, Polygon.io will continue the fight for fair access to market data for all.

Respectfully Submitted,

Quinton Pike
Chief Executive Officer
Polygon.io (https://polygon.io)