BEFORE THE UNITED STATES
SECURITIES AND EXCHANGE COMMISSION

In the Matter of the Petitions of:

BATS Global Markets, Inc.
BOX Options Exchange LLC
KCG Holdings, Inc.
Miami International Securities Exchange, LLC
and
Susquehanna International Group, LLP

File No. SR-OCC-2015-02

UNOPPOSED MOTION FOR EXTENSION OF TIME

Pursuant to Rule 161 of the SEC Rules of Practice, 17 C.F.R. § 201.161, Petitioners Susquehanna International Group, LLP; BOX Options Exchange, LLC; and Miami International Securities Exchange, LLC, together with Virtu Financial Inc. and Virtu Americas LLC (collectively, "the Petitioners") hereby move to extend the time to file additional statements regarding the OCC’s proposed rule change from November 13, 2017, to November 30, 2017.¹ The OCC has informed the Petitioners that it does not oppose this motion.

On September 14, 2017, the Commission issued an Order Scheduling Filing of Statements on Review, setting November 13, 2017 as the date on which “any party or other person may file any additional statement, which may include statements previously submitted or otherwise available, or any new information such party or other person considers relevant.” On November 1, 2017, after entering into a confidentiality agreement with the Options Clearing Corporation ("the OCC"), the Petitioners first obtained access to the confidential filings that the OCC submitted to the Commission in support of its proposed rule change. The Petitioners are in

¹ On November 2, 2017, Virtu Financial Inc. and Virtu Americas LLC filed an unopposed motion to substitute for Petitioner KCG Holdings, Inc.
the process of reviewing these materials. They are requesting this extension of time so that they
can provide the Commission with informed and deliberate comments.

Under Rule 161, the Commission may, for good cause shown, extend the time permitted
for a filing at any time prior to the closing of the record. 17 C.F.R. § 201.161(a). The
Commission may grant such a request “where the requesting party makes a strong showing that
the denial of the request or motion would substantially prejudice their case.” Id. § 201.161(b)(1).
In determining whether to grant a request for an extension of time, the Commission “shall
consider, in addition to any other relevant factors: (i) The length of the proceeding to date: (ii)
The number of postponements, adjournments or extensions already granted: (iii) The stage of the
proceedings at the time of the request: (iv) The impact of the request on the hearing officer’s
ability to complete the proceeding in the time specified by the Commission: and (v) Any other
such matters as justice may require.” Id. Ordinarily, “extensions of time for filing papers shall
not exceed 21 days.” unless the Commission sets forth the reasons why a longer extension is
necessary. Id. § 201.161(c)(1).

The Petitioners’ request for an extension of time readily meets the standard set forth in
Rule 161. First, the Petitioners will suffer substantial prejudice if their request for an extension of
time is denied. In its October 13, 2017 filing with the Commission, the OCC placed substantial
emphasis on the materials contained in the confidential appendix it submitted along with its
public filing. Because the Petitioners were required to negotiate a confidentiality agreement with
the OCC before being granted access to that appendix, they did not receive a copy until
November 1. By extending the deadline for response to November 30, the Petitioners will have
approximately the same amount of time to evaluate and respond to the OCC’s full submission as
contemplated by the scheduling order.
Second, although the OCC’s proposed rule change was originally filed with the Commission on January 14, 2015, see Notice of Filing of a Proposed Rule Change Concerning a Proposed Capital Plan for Raising Additional Capital That Would Support The Options Clearing Corporation’s Function as a Systemically Important Financial Market Utility. Exchange Act Release No. 34-74136 (Jan. 26, 2015), the proceeding is now before the Commission on remand from the United States Court of Appeals for the District of Columbia Circuit. Susquehanna Int’l Grp., LLP v. SEC, 866 F.3d 442 (D.C. Cir. 2017). The D.C. Circuit’s mandate was issued on August 18, 2017. Granting the Petitioners until November 30 to review and comment on the confidential materials that the OCC provided to them on November 1 would foster the aim of engaging in reasoned decisionmaking without unduly lengthening this remand proceeding.

Third, the Commission has previously granted no “postponements, adjournments or extensions” in this proceeding.

Fourth, the request is being made at an appropriate stage in the proceedings. Submissions in response to the Options Clearing Corporation’s submission are currently scheduled to be filed on November 13, 2017. As Petitioners obtained access to the confidential filings submitted by the OCC only on November 1, 2017, they have not unduly delayed the filing of this motion.

Finally, the requested extension will not unduly delay the resolution of this matter by the Commission. Indeed, any costs incurred as a result of this short delay would be far outweighed by the benefit to the Commission of receiving fully-informed and thoughtful public comment. The confidential filings submitted by the OCC go to the essence of its proposed rule change. Although both the Petitioners and the OCC worked diligently and amicably to reach an agreement that would permit the Petitioners to review those materials, that agreement was finalized only on November 1. Petitioners are, therefore, seeking an additional 17 days in which
to review and comment on those materials. Given the importance that the D.C. Circuit placed upon the need to engage in the informed and reasoned decisionmaking required under the Exchange Act and the Administrative Procedure Act, the benefit of adjusting the currently briefing schedule to permit informed public comments far outweigh the cost of a short delay in the closing of the period for public comment.

For all these reasons, Petitioners' motion should be GRANTED and the deadline for filing submissions responsive to the submission made by the Options Clearing Corporation extended to November 30, 2017.

Dated: November 7, 2017

[Signature]

David H. Thompson
Peter A. Patterson
Harold S. Reeves
COOPER & KIRK, PLLC
1523 New Hampshire Avenue, N.W.
Washington, D.C. 20036
(202) 220-9600
Counsel for Petitioners
CERTIFICATE OF SERVICE

I, Harold S. Reeves, counsel for Petitioners, hereby certify that on November 7, 2017, I filed the original and three copies of the attached motion with the Secretary by courier, and because of they do not reside locally, served copies on Joseph Kamnick, Senior Vice President and General Counsel of the Options Clearing Corporation (OCC), and the General Counsel of BATS Global Markets, by Federal Express at the following addresses:

Joseph Kamnick
Options Clearing Corporation
One North Wacker Drive, Ste 500
Chicago, IL 60606
Facsimile: (312) 977-0611
Counsel for OCC

General Counsel
BATS Global Markets, Inc.
8050 Marshall Drive, Suite 120
Lenexa, KS 66124
Facsimile: (913) 815-7119

Brent J. Fields
Secretary
Securities and Exchange Commission
100 F Street, N.E.
Washington, D.C. 20549
Facsimile: (202) 772-9324

Dated: November 7, 2017

Harold S. Reeves
COOPER & KIRK, PLLC
1523 New Hampshire Avenue, N.W.
Washington, D.C. 20036
(202) 220-9600
Counsel for Petitioners