

SECURITIES AND EXCHANGE COMMISSION
(Release No. 34-89400; File No. SR-CBOE-2020-052)

July 27, 2020

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change, as Modified by Amendment No. 1, to Amend Rules 5.37, 5.38, and 5.73

On June 3, 2020, Cboe Exchange, Inc. (“Exchange”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”)¹ and Rule 19b-4 thereunder,² a proposed rule change to amend Rules 5.37, 5.38, and 5.73 to (1) allow the Exchange to determine to disseminate the stop price in auction notification messages for Automated Improvement Mechanism (“AIM”), Complex Automated Improvement Mechanism (“C-AIM”), and FLEX AIM auctions in SPX; and (2) modify the minimum increment for C-AIM and FLEX AIM auction responses in connection with index combo orders in SPX. The proposed rule change was published for comment in the Federal Register on June 18, 2020.³ On July 22, 2020, the Exchange submitted Amendment No. 1 to the proposed rule change, which replaced and superseded the proposed rule change in its entirety.⁴

¹ 15 U.S.C.78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 89063 (June 12, 2020), 85 FR 36923. Comments on the proposed rule change can be found at: <https://www.sec.gov/comments/sr-cboe-2020-052/srcboe2020052.htm>.

⁴ In Amendment No. 1, the Exchange: (1) amended the proposal to add that, when the proposed stop price dissemination in auction notification messages is enabled for AIM, C-AIM, or FLEX AIM auctions in SPX, it would apply to all such AIM, C-AIM, or FLEX AIM auctions; (2) amended the proposal to specify that the proposed minimum increment modification applies to index combo orders in SPX, and to correct an internal cross-reference within the proposed rules; (3) provided additional detail to the description and examples of the proposed modification to the minimum increment for index combo orders in SPX; and (4) provided additional justification and support for the proposed rule change. The full text of Amendment No. 1 is available on the Commission’s website at: <https://www.sec.gov/comments/sr-cboe-2020-052/srcboe2020052-7464403-221166.pdf>.

Section 19(b)(2) of the Act⁵ provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding, or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is August 2, 2020. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change, as modified by Amendment No. 1, and the comments received. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,⁶ designates September 16, 2020 as the date by which the Commission shall either approve or disapprove, or institute proceedings to

⁵ 15 U.S.C. 78s(b)(2).

⁶ Id.

determine whether to disapprove, the proposed rule change, as modified by Amendment No. 1 (File No. SR-CBOE-2020-052).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁷

J. Matthew DeLesDernier
Assistant Secretary

⁷ 17 CFR 200.30-3(a)(31).