

the proposed rule change.⁵ On June 29, 2018, the Division of Trading and Markets, for the Commission pursuant to delegated authority,⁶ approved the proposed rule change, as modified by Amendment No. 1.⁷

On June 29, 2018, the Secretary of the Commission notified the Exchange that pursuant to Rule 431 of the Commission's Rules of Practice,⁸ the Commission would review the Delegated Order and that the Delegated Order was stayed until the Commission ordered otherwise.⁹ On July 20, 2018, the Commission issued a scheduling order allowing the filing of additional statements.¹⁰

On August 15, 2018, IEX withdrew the proposed rule change (SR-IEX-2018-06).¹¹

Under Commission Rule of Practice 431(a), the Commission may “affirm, reverse, modify, set aside or remand for further proceedings, in whole or in part, any action made pursuant to” delegated authority.¹² We find that, in light of the IEX's withdrawal of the proposed rule change, it is appropriate to set aside the Delegated Order.

⁵ See letter from Claudia Crowley, Chief Regulatory Officer, Investors Exchange LLC, dated June 27, 2018, available at <https://www.sec.gov/comments/sr-iex-2018-06/iex201806-3956434-167066.pdf>.

⁶ 17 CFR 200.30-3(a)(12).

⁷ See Securities Exchange Act Release No. 83558 (June 29, 2018), 83 FR 31614 (July 6, 2018) (“Delegated Order”).

⁸ 17 CFR 201.431.

⁹ See Letter from Secretary of the Commission to Sophia Lee, Associate General Counsel, Investors Exchange LLC, dated June 29, 2018, available at <https://www.sec.gov/rules/sro/iex/2018/34-83558-letter-from-secretary.pdf>.

¹⁰ See Exchange Act Release No. 83678, 83 FR 35300 (July 25, 2018).

¹¹ See letter from Claudia Crowley, Chief Regulatory Officer, IEX, to Brent J. Fields, Secretary, Commission, dated August 15, 2018.

¹² 17 CFR 201.431(a).

Accordingly, IT IS ORDERED that the June 29, 2018 order approving by delegated authority IEX's proposed rule change number SR-IEX-2018-06, be, and it hereby is, set aside.

By the Commission.

J. Matthew DeLesDernier,

Assistant Secretary.