

Exhibit 5

Text of the Proposed Rule Change

Underlining indicates additions; [Brackets] indicate deletion

	Amount	Billable Unit	Frequency	Notes
Electronic Market Place				
Execution Fees				
		* * *		
Options				
		* * *		
<ul style="list-style-type: none"> Customer (Singly Listed Indexes, Singly Listed ETFs and FX Options) 	\$0.18	contract/side	Transaction	Singly Listed Indexes include options on DMA, FUM, HSX, OOG, BYT, HVY, RUF, JLO, SIN, RND, HHO, PMP, POW, TNY, WMX, IXZ, UKX and NXTQ. Singly Listed ETFs include options on FIW <u>and CQQQ</u> . For Complex Orders, fee charged only for the leg of the trade consisting of the most contracts. For a pilot period ending on June 30, 2010, this fee is waived entirely on incremental volume above 5,000 contracts for single-sided FX options orders of at least 5,000 contracts. This fee is waived entirely for public customer orders exposed to and executed by Members pursuant to Supplementary Material .02 to Rule 803.
<ul style="list-style-type: none"> Payment for Order Flow 	\$0.65, except for options on issues that are trading in the Penny Pilot, \$0.25	contract	Transaction	Applies to market makers only for each public customer contract executed; does not apply to the execution of a Public Customer Order by a Primary Market Maker if the Primary Market Maker executes a corresponding P/A trade on another exchange; does not apply to a market maker executing a Public Customer Order in the Price Improvement Mechanism; does not apply to executions occurring in options listed in the Second Market; does not apply to transactions in [FIW,] DMA, FUM, HSX, OOG, BYT, HVY, RUF, JLO, SIN, RND, HHO, PMP, POW, TNY, WMX, <u>and IXZ</u>], UKX and NXTQ]; does not apply to transactions in FX options. The Payment for Order Flow

Fee will be rebated proportionately to the members that paid the fee such that on a monthly basis the Payment for Order Flow fund balance administered by a Primary Market Maker for a Group of options established under Rule 802(b) does not exceed \$100,000 and the Payment for Order Flow fund balance administered by a preferenced Competitive Market Maker for such a Group does not exceed \$100,000. With respect to orders preferenced to a Competitive Market Maker under Rule 713, a preferenced Competitive Market Maker that elects not to administer a fund will not be charged the Payment for Order Flow fee. This fee is waived entirely for public customer orders exposed to and executed by Members pursuant to Supplementary Material .02 to Rule 803. Each month, the Exchange assesses an administrative fee of .45% on the total amount of the funds collected each month.

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