

Exhibit 5

Text of the Proposed Rule Change

Underlining indicates additions, [Brackets] indicate deletion.

Schedule of Fees

	Amount	Billable Unit	Frequency	Notes
Electronic Market Place				
		* * *		
[• Linkage P Orders]	[\$0.27]	[contract/side]	[Transaction]	[For a pilot period expiring on July 31, 2010, this fee applies to members of other exchanges executing Linkage P Orders, except Satisfaction Orders.]
[• Linkage P/A Orders]	[\$0.18]	[contract/side]	[Transaction]	[For a pilot period expiring on July 31, 2010, this fee applies to members of other exchanges executing Linkage P/A Orders, except Satisfaction Orders.]
		* * *		
• Surcharge for options on BKK, MFX, MID, MSH, SML, and UKX.	\$0.10	contract/side	Transaction	Excludes Public Customer Orders. [Applies to P Orders and P/A Orders in these options for a pilot period expiring on July 31, 2010.]
• Surcharge for options on RMN, RUI, RUT, and MVR.	\$0.15	contract/side	Transaction	Excludes Public Customer Orders. [Applies to P Orders and P/A Orders in these options for a pilot period expiring on July 31, 2010.]
• Surcharge for options on NDX and MNX.	\$0.22	contract/side	Transaction	Excludes Public Customer Orders. [Applies to P Orders and P/A Orders in these options for a pilot period expiring on July 31, 2010.]
• Surcharge for options on FUM, HSX, POW, TNY and WMX.	\$0.05	contract/side	Transaction	Excludes Public Customer Orders. [Applies to P Orders and P/A Orders in these options for a pilot period expiring on July 31, 2010.]
• Surcharge for options on NXTQ.	\$0.02	contract/side	Transaction	Excludes Public Customer Orders. [Applies to P Orders and P/A Orders in these options for a pilot period expiring on July 31, 2010.]
• Payment for Order Flow	\$0.65, except for options on issues that are trading in	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

the Penny Pilot,
\$0.25

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 options on DMA, FUM, HSX, OOG, BYT, HVY, RUF, JLO, SIN, RND, HHO, PMP, POW, TNY, WMX and IXZ; does not apply to transactions in FX options, does not apply to the execution of orders by persons who are not broker/dealers and who are not Priority Customers. 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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