

Additions underlined

Deletions [bracketed]

Rules of NYSE MKT LLC

Rule 36 - Equities. Communications Between Exchange and Members' Offices

• • • *Supplementary Material:* -----

.20 (a) With the approval of the Exchange, and subject to the registration requirements set forth in Supplementary Material .21, a Floor broker may maintain a telephone line or use [an Exchange authorized and provided portable]a cellular or wireless telephone that[which]permits a non-member off the Floor to communicate with a member or member organization on the Floor. In addition, any Floor broker receiving orders from the public over [portable]cellular or wireless phones must be properly qualified under Exchange rules to conduct such public business ([S]see, [for] e.g., Rule 345 - Equities.) Subject to the exception contained in .23 of this Rule, the use of a [portable]cellular or wireless telephone on the Floor other than one [authorized and issued by]registered with the Exchange as provided in .21 of this Rule is prohibited.

The Exchange will approve the maintenance of such telephone lines only at the booth location of a member or member organization.

.21 Use of [an Exchange authorized and provided portable]a cellular or wireless phone by a Floor broker:

(a) Floor brokers must register, prior to use, any cellular or wireless telephone to be used on the Floor by submitting a request in writing to the Exchange in a format acceptable to the Exchange. At the time of registration, the Floor broker must attest that they are aware of and understand the rules governing the use of telephones on the Floor. In addition, no Floor broker may employ any alternative cellular or wireless phone (other than the devices as described herein) on the Floor without prior approval of the Exchange.

(b) When using [an Exchange authorized and provided portable]a cellular or wireless phone on the Floor, a Floor broker:

- (i) may engage in direct voice communication from the point of sale on the Floor to an off-Floor location;
- (ii) may provide status and oral execution reports as to orders previously received, as well as []“market look[]” observations as historically have been routinely transmitted from a broker's booth location;
- (iii) must comply with Rule 123(e) - Equities; and
- (iv) must comply with all other rules, policies, and procedures of both the Exchange and the federal securities law, including the record retention requirements, as set forth in Rule 440 - Equities and SEC Rules 17a-3 and 17a-4[; and
- (v) may not use call-forwarding or conference calling. Exchange authorized and provided portable phones used by Floor brokers shall not have these capabilities].

([b]c) Floor brokers and their member organizations must implement procedures designed to deter anyone calling their [portable]cellular or wireless phone from using caller ID block or other means to conceal the phone number from which a call is being made. Members and member organizations are required to make and retain records demonstrating compliance with such procedures.

(d) Floor brokers must maintain records of the use of telephones and all other approved alternative communication devices, including logs of calls placed, for a period of not less than three years, the first two years in an accessible place. The Exchange reserves the right to periodically inspect such records pursuant to Rule 8210.

([c]e) Floor brokers may not use [an Exchange authorized and provided portable]a cellular or wireless phone registered with the Exchange and used to trade equities while on the NYSE Amex Options Trading Floor.

(f) The Exchange may deny, limit or revoke registration of any device used on the Floor whenever it determines, in accordance with the procedures set forth in Rule 9558, that use of such device is inconsistent with the public interest, the protection of investors, or just and equitable principles of trade, or such device has been or is being used to facilitate any violation of the Securities Exchange Act of 1934, as amended, or rules thereunder, or the Exchange rules.

(g) The Exchange assumes no liability to Floor brokers due to conflicts between phones in use on the Floor or due to electronic interference problems resulting from the use of telephones on the Floor.

.23 Use of Personal Portable or Wireless Communication Devices.

Notwithstanding any other provisions of this Rule 36 - Equities, members and employees of member organizations: (1) are permitted to use [personal portable]cellular or wireless

communications devices outside the Trading Floor, provided such use is consistent with all other Exchange Rules and federal securities laws and the rules thereunder; and (2) are prohibited from using [personal portable]cellular or wireless communications devices while on the NYSE Amex Options Trading Floor. Those members and employees of member organizations that are also registered to trade options on the Exchange are permitted to use [personal portable]cellular or wireless communications devices while on the NYSE Amex Options Trading Floor in accordance with applicable Exchange Options rules and regulations, including Rules 220 and 902NY, subject to .21(e) of this Rule.
