

UNITED STATES OF AMERICA  
before the  
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934  
Release No. 98727 / October 12, 2023

Admin. Proc. File No. 3-21779

In the Matter of

CBOE BZX EXCHANGE, INC., CBOE EXCHANGE,  
INC., CBOE C2 EXCHANGE, INC., and CBOE EDGX  
EXCHANGE, INC.

ORDER REGARDING THE CERTIFIED COPY OF THE RECORD

On September 29, 2023, Cboe BZX Exchange, Inc., Cboe Exchange, Inc., Cboe C2 Exchange, Inc., and Cboe EDGX Exchange, Inc. (collectively, “Applicants”), filed an application with the Securities and Exchange Commission for review of action taken by the management committee of Options Price Reporting Authority, LLC (“OPRA”), pursuant to Rule 608(d)(1) of Regulation NMS of the Securities Exchange Act of 1934.<sup>1</sup> By letter dated October 4, 2023, OPRA was directed to file a certified copy of the record in the proceeding and an index to the record by October 18, 2023; the letter also noted that a scheduling order would issue by October 25, 2023.

It is appropriate to provide the Applicants with an opportunity to supplement the record.<sup>2</sup> Accordingly, IT IS ORDERED that the Applicants may supplement the record within 14 days after OPRA files the certified copy of the record and the record index. Alternatively, if the parties would prefer to confer and jointly settle the “record of any proceedings conducted in connection with” the action for which Applicants seek review,<sup>3</sup> the Commission would entertain

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<sup>1</sup> 17 C.F.R. § 242.608(d)(1) (providing that “[t]he Commission may, in its discretion, entertain appeals in connection with the implementation or operation of any effective national market system plan,” including “[a]ny action taken or any failure to act by any person in connection with an effective national market system plan”).

<sup>2</sup> *See Bos. Stock Exch.*, Exchange Act Release No. 58191, 2008 WL 2783572, at \*2 n.23 (July 18, 2008) (providing Rule 608(d)(1) applicants with an opportunity to submit “information . . . material to our further understanding of the nature of the dispute”).

<sup>3</sup> 17 C.F.R. § 242.608(d)(3).

a motion for an extension of time to file a single, consolidated record and accompanying index to the record.

A separate order directing and scheduling the filing of briefs will follow in due course.<sup>4</sup>

The parties' attention is directed to the e-filing requirements in the Rules of Practice.<sup>5</sup>

For the Commission, by the Office of the General Counsel, pursuant to delegated authority.

Vanessa A. Countryman  
Secretary

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<sup>4</sup> This order expresses no view regarding whether the Commission will exercise its discretion to entertain the review proceeding or the merits of Applicants' contentions. *See Am. Stock Exch., Inc.*, Exchange Act Release No. 42312, 2000 WL 3804, at \* (Jan. 4, 2000) (recognizing that the Commission's authority to review actions taken in connection with national market system plans is discretionary); *see also* Rule 608(d)(1), 17 C.F.R. § 242.608(d)(1).

<sup>5</sup> *Amendments to the Commission's Rules of Practice*, Exchange Act Release No. 90442, 2020 WL 7013370 (Nov. 17, 2020), 85 Fed. Reg. 86,464, 86,474 (Dec. 30, 2020), <https://www.sec.gov/rules/final/2020/34-90442a.pdf>; *Instructions for Electronic Filing and Service of Documents in SEC Administrative Proceedings and Technical Specifications*, <https://www.sec.gov/efapdocs/instructions.pdf>. The amendments impose other obligations such as a redaction and omission of sensitive personal information requirement. *Amendments to the Commission's Rules of Practice*, 85 Fed. Reg. at 86,465–81.