

SECURITIES AND EXCHANGE COMMISSION  
(Release No. 34-84497)

October 29, 2018

Order Lifting the Automatic Stay of the Order Denying Applications by New York Stock Exchange LLC, NYSE MKT LLC, NYSE Arca, Inc., and NYSE National, Inc., Respectively, for Confidential Treatment Pursuant to Rule 24b-2 under the Exchange Act for Material Filed Pursuant to Rule 6a-2 under the Exchange Act

On November 26, 2014,<sup>1</sup> September 1, 2015,<sup>2</sup> and June 30, 2016,<sup>3</sup> New York Stock Exchange LLC (“NYSE”), NYSE MKT LLC (“NYSE MKT”) (n/k/a NYSE American LLC), and NYSE Arca, Inc. requested that the Securities and Exchange Commission (“Commission”) grant confidential treatment under Rule 24b-2 under the Securities Exchange Act of 1934 (“Exchange Act”)<sup>4</sup> for certain information contained in Exhibit D of their amendments to Form 1,<sup>5</sup> which were filed pursuant to Rule 6a-2 under the Exchange Act<sup>6</sup> and includes 2013,

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<sup>1</sup> See Letter from Martha Redding, Chief Counsel and Assistant Secretary, NYSE, to The Secretary, Commission, dated November 26, 2014, submitted on behalf of NYSE, NYSE MKT, and NYSE Arca (“FY 2013 Confidential Treatment Request”).

<sup>2</sup> See Letter from Martha Redding, Chief Counsel and Assistant Secretary, NYSE, to Brent J. Fields, Secretary, Commission, dated September 1, 2015, submitted on behalf of NYSE, NYSE MKT, and NYSE Arca (“FY 2014 Confidential Treatment Request”).

<sup>3</sup> See Letter from Martha Redding, Chief Counsel and Assistant Secretary, NYSE, to Brent J. Fields, Secretary, Commission, dated June 30, 2016, submitted on behalf of NYSE, NYSE MKT, and NYSE Arca (“FY 2015 Confidential Treatment Request”).

<sup>4</sup> 17 C.F.R. 240.24b-2.

<sup>5</sup> 17 C.F.R. 249.1 (Form 1, “Application for, and Amendments to Application for, Registration as a National Securities Exchange or Exemption from Registration Pursuant to Section 5 of the Exchange Act.”)

<sup>6</sup> 17 C.F.R. 240.6a-2. Exhibit D to Form 1 requires an exchange to “[F]or each subsidiary or affiliate of the exchange, provide unconsolidated financial statements for the latest fiscal year. Such financial statements shall consist, at a minimum, of a balance sheet and an income statement with such footnotes and other disclosures as necessary to avoid rendering the financial statements misleading.”

2014, and 2015 fiscal year financial information. In letters dated June 23, 2017,<sup>7</sup> August 22, 2017,<sup>8</sup> and June 28, 2018,<sup>9</sup> NYSE, NYSE MKT, NYSE Arca, and NYSE National, Inc. (“NYSE National”) (collectively, “Exchanges”) requested that the Commission grant confidential treatment under Rule 24b-2 under the Exchange Act for information contained in Exhibit D of their amendments to Form 1, which were filed pursuant to Rule 6a-2 under the Exchange Act, and includes 2016 and 2017 fiscal year financial information.

On August 1, 2018, the Division of Trading and Markets, acting pursuant to delegated authority, denied the Exchanges’ requests for confidential treatment (“Denial Order”).<sup>10</sup> On August 9, 2018, the Exchanges conveyed to the Secretary of the Commission written notice of the Exchanges’ intent to petition for review of the Denial Order. Pursuant to Rule of Practice 431(e), the Denial Order was stayed by the filing with the Commission of a notice of intention to petition

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<sup>7</sup> See Letter from Martha Redding, Associate General Counsel and Assistant Secretary, NYSE, to Brent J. Fields, Secretary, Commission, dated June 23, 2017 (“FY 2016 Confidential Treatment Request I”), submitted on behalf of NYSE, NYSE MKT, NYSE Arca, and NYSE National.

<sup>8</sup> See Letter from Martha Redding, Associate General Counsel and Assistant Secretary, NYSE, to Brent J. Fields, Secretary, Commission, dated August 22, 2017 (“FY 2016 Confidential Treatment Request II”), submitted on behalf of NYSE, NYSE MKT, NYSE Arca, and NYSE National.

<sup>9</sup> See Letter from Martha Redding, Associate General Counsel and Assistant Secretary, NYSE, to Brent J. Fields, Secretary, Commission, dated June 28, 2018 (“FY 2017 Confidential Treatment Request”), submitted on behalf of NYSE, NYSE MKT, NYSE Arca, and NYSE National.

<sup>10</sup> See Securities Exchange Act Release No. 83760 (August 1, 2018) (Order Denying Applications by New York Stock Exchange LLC, NYSE MKT LLC, NYSE Arca, Inc., and NYSE National, Inc., Respectively, for a Confidential Treatment Pursuant to Rule 24b-2 under the Exchange Act for Material Filed Pursuant to Rule 6a-2 under the Exchange Act).

for review (the “Automatic Stay”).<sup>11</sup> As a result, the Denial Order is stayed until the Commission orders otherwise.<sup>12</sup>

The Commission’s Rules of Practice establish procedures for Commission review of staff actions by delegated authority. A party seeking review must file the petition for review within five days after the filing of a notice of intention to petition for review.<sup>13</sup> The Commission notes that such petition for review was required to be filed, if at all, no later than August 16, 2018. The Exchanges have not filed such a petition for review.

Accordingly, IT IS ORDERED that the Automatic Stay be hereby lifted.

By the Commission.

Eduardo A. Aleman  
Assistant Secretary

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<sup>11</sup> 17 CFR 201.431(e). See also 17 CFR 240.24b-2(e)(1)-(2).

<sup>12</sup> 17 CFR 201.431(e).

<sup>13</sup> 17 CFR 201.430(b)(2).