

SECURITIES AND EXCHANGE COMMISSION
(Release No. 34-99697; File No. SR-CboeBYX-2024-003)

March 8, 2024

Self-Regulatory Organizations; Cboe BYX Exchange, Inc.; Notice of Filing of a Proposed Rule Change to Amend Rule 11.9(c)(6) and Rule 11.13(a)(4)(D) to Permit the Use of BYX Post Only Orders at Prices Below \$1.00

On January 8, 2024, Cboe BYX Exchange, Inc. (the “Exchange” or “BYX”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”)¹ and Rule 19b-4 thereunder,² a proposed rule change to amend Rule 11.9(c)(6) and Rule 11.13(a)(4)(D) to permit the use of BYX Post Only Orders at prices below \$1.00. The proposed rule change was published for comment in the Federal Register on January 29, 2024.³ The Commission has received no comment letters on the proposed rule change.

Section 19(b)(2) of the Act⁴ provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding, or as to which the self-regulatory organization consents, the Commission will either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 99413 (January 23, 2024), 89 FR 5582 (January 29, 2024) (SR-CboeBYX-2024-003).

⁴ 15 U.S.C. 78s(b)(2).

after publication of the notice for this proposed rule change is March 14, 2024. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule change, so that it has sufficient time to consider the proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,⁵ designates April 26, 2024, as the date by which the Commission shall either approve or disapprove the proposed rule change (File No. SR-CboeBYX-2024-003).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶

J. Matthew DeLesDernier,

Deputy Secretary.

⁵ 15 U.S.C. 78s(b)(2).

⁶ 17 CFR 200.30-3(a)(57).