

SECURITIES AND EXCHANGE COMMISSION
(Release No. 34-94159; File No. SR-EMERALD-2021-42)

February 4, 2022

Self-Regulatory Organizations; MIAX Emerald, LLC; Notice of Withdrawal of Proposed Rule Change to Amend the MIAX Emerald Fee Schedule to Adopt a Tiered-Pricing Structure for Certain Connectivity Fees

On December 1, 2021, MIAX Emerald, LLC (“MIAX Emerald” or “Exchange”) 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 the Exchange’s Fee Schedule to adopt a tiered pricing structure for certain connectivity fees. The proposed rule change was immediately effective upon filing with the Commission pursuant to Section 19(b)(3)(A) of the Act.³ The proposed rule change was published for comment in the Federal Register on December 20, 2021.⁴ On January 27, 2022, the Commission temporarily suspended the proposed rule change and instituted proceedings under Section 19(b)(2)(B) of the Act⁵ to determine whether to approve or disapprove the

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 15 U.S.C. 78s(b)(3)(A). A proposed rule change may take effect upon filing with the Commission if it is designated by the exchange as “establishing or changing a due, fee, or other charge imposed by the self-regulatory organization on any person, whether or not the person is a member of the self-regulatory organization.” 15 U.S.C. 78s(b)(3)(A)(ii).

⁴ See Securities Exchange Act Release No. 93776 (December 14, 2021), 86 FR 71983.

⁵ 15 U.S.C. 78s(b)(2)(B).

proposed rule change.⁶ On February 1, 2022, the Exchange withdrew the proposed rule change (SR-EMERALD-2021-42).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁷

J. Matthew DeLesDernier
Assistant Secretary

⁶ See Securities Exchange Act Release No. 94089, 87 FR 5910 (February 2, 2022).

⁷ 17 CFR 200.30-3(a)(12).