

SECURITIES AND EXCHANGE COMMISSION  
(Release No. 34-94677; File No. SR-EMERALD-2022-05)

April 11, 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 Additional Limited Service MIAX Emerald Express Interface Ports

On February 1, 2022, 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”),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> a proposed rule change to amend the Exchange’s Fee Schedule to adopt a tiered-pricing structure for additional limited service express interface ports.

The proposed rule change was immediately effective upon filing with the Commission pursuant to Section 19(b)(3)(A) of the Act.<sup>3</sup> On February 22, 2022, the proposed rule change was published for comment in the Federal Register and, pursuant to Section 19(b)(3)(C) of the Act,<sup>4</sup> the Commission: (1) temporarily suspended the proposed rule change; and (2) instituted proceedings under Section 19(b)(2)(B) of the Act<sup>5</sup> to determine whether to approve or

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<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> 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).

<sup>4</sup> 15 U.S.C. 78s(b)(3)(C).

<sup>5</sup> 15 U.S.C. 78s(b)(2)(B).

disapprove the proposed rule change.<sup>6</sup> On March 30, 2022, the Exchange withdrew the proposed rule change (SR-EMERALD-2022-05).

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

J. Matthew DeLesDernier  
Assistant Secretary

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<sup>6</sup> See Securities Exchange Act Release No. 94260 (February 15, 2022), 87 FR 9695.

<sup>7</sup> 17 CFR 200.30-3(a)(12).