

Exhibit 5 - Text of the Proposed Rule Change  
Underlining indicates additions; [Brackets] indicate deletion

\* \* \*

**IX. Legal & Regulatory**

**A. – B. No Change**

**C. Options Regulatory Fee**

\$0.00~~[42]~~39 per Contract. [Effective January 1, 2010, t]The Options Regulatory fee [will be] is assessed by ISE to each member for all options transactions in Standard Options and in Mini Options executed or cleared by the member that are cleared by The Options Clearing Corporation (OCC) in the customer range regardless of the exchange on which the transaction occurs. The fee is collected indirectly from members through their clearing firms by OCC on behalf of ISE.

**D. – E. No Change**

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