

SECURITIES AND EXCHANGE COMMISSION

(Release No. 34-94155; File Nos. SR-MIAX-2021-60, SR-EMERALD-2021-43)

February 4, 2022

Self-Regulatory Organizations; Miami International Securities Exchange, LLC, MIAX Emerald, LLC; Notice of Withdrawal of Proposed Rule Changes to Amend Fee Schedules to Adopt Tiered-Pricing Structures for Additional Limited Service MIAX and MIAX Emerald Express Interface Ports

On December 1, 2021, Miami International Securities Exchange, LLC (“MIAX”) and MIAX Emerald, LLC (“MIAX Emerald”) (collectively, the “Exchanges”) each 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 (File Numbers SR-MIAX-2021-60 and SR-EMERALD-2021-43) to adopt a tiered-pricing structure for additional limited service express interface ports. The proposed rule changes were immediately effective upon filing with the Commission pursuant to Section 19(b)(3)(A) of the Act.³ The proposed rule changes were published for comment in the Federal Register on December 20, 2021.⁴ On January 27, 2022, the Commission temporarily suspended the proposed rule changes and instituted proceedings under Section 19(b)(2)(B) of the Act⁵ to

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 Nos. 93771 (December 14, 2021), 86 FR 71940 (December 20, 2021) (SR-MIAX-2021-60); 93772 (December 14, 2021), 86 FR 71965 (December 20, 2021) (SR-EMERALD-2021-43).

⁵ 15 U.S.C. 78s(b)(2)(B).

determine whether to approve or disapprove the proposed rule changes.⁶ On February 1, 2022, the Exchanges withdrew the proposed rule changes (SR-MIAX-2021-60 and SR-EMERALD-2021-43).

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. 94087, 87 FR 5918 (February 2, 2022).

⁷ 17 CFR 200.30-3(a)(12).