

September 29, 2004

Re: SR-AMEX-2004-75

Notice of Proposed Rule Change Relating to Revisions to Amex Rule 154

Dear Mr. Katz:

Pursuant to the above referenced rule change, it is profoundly flawed in that it permits specialists to charge a fee for cancellations and other executions for which no additional value is provided. Further, while the rule change ostensibly redounds to the detriment of all public customers, it is in fact clearly discriminatory in that it overtly targets traders and frequent investors(i.e. those with a high frequency of transactions who are most sensitive to transaction costs and timely execution). They will be either directly billed or otherwise their commission schedule will be revised upward to reflect the clearing members increased costs. The intent is patently obvious; trading is no longer cost effective and the specialist has diminished and/or dispensed with the competition. No principled party would tolerate such a deficient rule change to be enacted. In light of the S.E.C.'s own findings last year regarding abuses of public electronic access customers, greater scrutiny should be brought to bear in order to protect the investing public.

Sincerely,

Simon Lubershane