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Page 1 of * 15	S. Contraction of the Contractio	WASHIN	D EXCHANGE COMMISS NGTON, D.C. 20549 Form 19b-4	Amendment No. (req. fo	.* SR - 2013 - * 52 r Amendments *)
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Exhibit 2 Sent		exhibit 3 Sent As Paper	Document		
Contact Info	name, telephone numbe espond to questions and		action.	of the self-regulatory organiz	eation
First Name	Brian		Last Name * O'Neill		
Title *	Vice President and S				
E-mail *	boneill@miami-holdir	ngs.com		SE BUILD TO THE E	
Telephone *	(609) 897-1434	Fax			
	he requirements of the S sed this filing to be sign		Act of 1934, ne undersigned thereunto d	uly authorized. (Title *)	
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### SECURITIES AND EXCHANGE COMMISSION WASHINGTON, D.C. 20549

For complete Form 19b-4 instructions please refer to the EFFS website.

Form 19b-4 Information \*

Add Remove View

The self-regulatory organization must provide all required information, presented in a clear and comprehensible manner, to enable the public to provide meaningful comment on the proposal and for the Commission to determine whether the proposal is consistent with the Act and applicable rules and regulations under the Act.

### Exhibit 1 - Notice of Proposed Rule Change \*

Add

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The Notice section of this Form 19b-4 must comply with the guidelines for publication in the Federal Register as well as any requirements for electronic filing as published by the Commission (if applicable). The Office of the Federal Register (OFR) offers guidance on Federal Register publication requirements in the Federal Register Document Drafting Handbook, October 1998 Revision. For example, all references to the federal securities laws must include the corresponding cite to the United States Code in a footnote. All references to SEC rules must include the corresponding cite to the Code of Federal Regulations in a footnote. All references to Securities Exchange Act Releases must include the release number, release date, Federal Register cite, Federal Register date, and corresponding file number (e.g., SR-[SRO] -xx-xx). A material failure to comply with these guidelines will result in the proposed rule change being deemed not properly filed. See also Rule 0-3 under the Act (17 CFR 240.0-3)

### **Exhibit 1A- Notice of Proposed Rule** Change, Security-Based Swap Submission, or Advance Notice by Clearing Agencies

The Notice section of this Form 19b-4 must comply with the guidelines for publication in the Federal Register as well as any requirements for electronic filing as published by the Commission (if applicable). The Office of the Federal Register (OFR) offers guidance on Federal Register publication requirements in the Federal Register Document Drafting Handbook, October 1998 Revision. For example, all references to the federal securities laws must include the corresponding cite to the United States Code in a footnote. All references to SEC rules must include the corresponding cite to the Code of Federal Regulations in a footnote. All references to Securities Exchange Act Releases must include the release number, release date, Federal Register cite, Federal Register date, and corresponding file number (e.g., SR-[SRO] -xx-xx). A material failure to comply with these guidelines will result in the proposed rule change, security-based swap submission, or advance notice being deemed not properly filed. See also Rule 0-3 under the Act (17 CFR 240.0-3)

### Exhibit 2 - Notices, Written Comments, Transcripts, Other Communications

Add

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Exhibit Sent As Paper Document

Copies of notices, written comments, transcripts, other communications. If such documents cannot be filed electronically in accordance with Instruction F, they shall be filed in accordance with Instruction G.

### Exhibit 3 - Form, Report, or Questionnaire

Add

Remove Exhibit Sent As Paper Document

View

Copies of any form, report, or questionnaire that the self-regulatory organization proposes to use to help implement or operate the proposed rule change, or that is referred to by the proposed rule change.

### **Exhibit 4 - Marked Copies**

Add

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The full text shall be marked, in any convenient manner, to indicate additions to and deletions from the immediately preceding filing. The purpose of Exhibit 4 is to permit the staff to identify immediately the changes made from the text of the rule with which it has been working.

### **Exhibit 5 - Proposed Rule Text**

Add

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The self-regulatory organization may choose to attach as Exhibit 5 proposed changes to rule text in place of providing it in Item I and which may otherwise be more easily readable if provided separately from Form 19b-4. Exhibit 5 shall be considered part of the proposed rule change.

#### Partial Amendment

If the self-regulatory organization is amending only part of the text of a lengthy proposed rule change, it may, with the Commission's permission, file only those portions of the text of the proposed rule change in which changes are being made if the filing (i.e. partial amendment) is clearly understandable on its face. Such partial amendment shall be clearly identified and marked to show deletions and additions.

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### 1. Text of Proposed Rule Change

(a) Miami International Securities Exchange, LLC ("MIAX" or "Exchange"), pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> proposes to amend the MIAX Options Fee Schedule (the "Fee Schedule").

A notice of the proposed rule change for publication in the <u>Federal Register</u> is attached hereto as <u>Exhibit 1</u>, and a copy of the proposed amended Fee Schedule is attached hereto as <u>Exhibit 5</u>.

- (b) Not applicable.
- (c) Not applicable.

## 2. <u>Procedures of the Self-Regulatory Organization</u>

The proposed rule change was approved by the Chief Executive Officer of the Exchange pursuant to authority delegated by the MIAX Board of Directors of the Exchange on December 5, 2012. Exchange staff will advise the Board of Directors of any action taken pursuant to delegated authority. No other action by the Exchange is necessary for the filing of the proposed rule change.

Questions and comments on the proposed rule change may be directed to Brian O'Neill, Vice President and Senior Counsel, at (609) 897-1434.

3. <u>Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis</u> for, the Proposed Rule Change

### a. Purpose

The Exchange proposes to amend the MIAX Options Fee Schedule (the "Fee Schedule") to offer additional Limited Service MEI Ports to Market Makers.

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

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

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Currently, MIAX assesses monthly MEI Port Fees on Market Makers based upon the number of MIAX matching engines<sup>3</sup> used by the Market Maker. MEI Port users are allocated two Full Service MEI Ports<sup>4</sup> and two Limited Service MEI Ports<sup>5</sup> per matching engine to which they connect. The Exchange currently assesses a fee of \$1,000 per month on Market Makers for the first matching engine they use; \$500 per month for each of matching engines 2 through 5; and \$250 per month for each of matching engines 6 and above. For example, a Market Maker that wishes to make markets in just one symbol would require the two MEI Ports in a single matching engine; a Market Maker wishing to make markets in all symbols traded on MIAX would require the two MEI Ports in each of the Exchange's matching engines. The MEI Port includes access to MIAX's primary and secondary data centers and its disaster recovery center.

The Exchange recently added the Limited Service MEI Ports to enhance the MEI Port connectivity made available to Market Makers.<sup>6</sup> Limited Service MEI Ports have been well received by Market Makers thus far. The Exchange now proposes to make available to Market

A "matching engine" is a part of the MIAX electronic system that processes options quotes and trades on a symbol-by-symbol basis. Some matching engines will process option classes with multiple root symbols, and other matching engines will be dedicated to one single option root symbol (for example, options on SPY will be processed by one single matching engine that is dedicated only to SPY). A particular root symbol may only be assigned to a single designated matching engine. A particular root symbol may not be assigned to multiple matching engines.

Full Service MEI Ports provide Market Makers with the ability to send Market Maker quotes, eQuotes, and quote purge messages to the MIAX System. Full Service MEI Ports are also capable of receiving administrative information. Market Makers are limited to two Full Service MEI Ports per matching engine.

Limited Service MEI Ports provide Market Makers with the ability to send eQuotes and quote purge messages only, but not Market Maker Quotes, to the MIAX System. Limited Service MEI Ports are also capable of receiving administrative information. Market Makers initially receive two Limited Service MEI Ports per matching engine.

See Securities Exchange Act Release No. 70137 (August 8, 2013), 78 FR 49586 (August 14, 2013) (SR-MIAX-2013-39).

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Makers additional Limited Service MEI Ports per matching engine in addition to the current two Limited Service MEI Ports per matching engine. The Exchange proposes to charge \$10 per month for each additional Limited Service MEI Port per matching engine. Market Makers will be limited to two additional Limited Service MEI Ports per matching engine, for a total of four per matching engine. The Exchange proposes making a corresponding change to specify that Market Makers initially receive two Limited Service Ports per engine, and that they will be limited to two additional Limited Service MEI Ports per matching engine, for a total of four per matching engine. As with the existing Full Service MEI Ports and Limited Service MEI Ports, the additional Limited Service MEI Port includes access to MIAX's primary and secondary data centers and its disaster recovery center.

The purpose of this amendment to the Fee Schedule is to provide Market Makers with the technical flexibility to connect additional Limited Service Ports to independent servers that host their eQuote and purge functionality. The Exchange believes that the additional ports will help Market Makers mitigate the risk of using the same server for all of their Market Maker quoting activity. By using the Limited Service MEI Ports for risk purposes, Market Makers can place purge functionality on a different server than the Market Maker quoting server (via the Limited Service MEI Ports), which provides them a failsafe for getting out of the market in case they have an issue with the quote server. Additionally, Market Makers may opt to use the Limited Service MEI Ports to submit eQuotes. Because eQuotes are frequently generated by a different algorithm that determines when to respond to an auction message, the additional ports enable Market Makers to connect to a different server that processes auctions and eQuotes rather than forcing them to use their Market Maker Standard quote server as a gateway for communicating eQuotes to MIAX.

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### b. <u>Statutory Basis</u>

The Exchange believes that its proposal to amend its Fee Schedule is consistent with Section 6(b) of the Act<sup>7</sup> in general, and furthers the objectives of Section 6(b)(4) and 6(b)(5) of the Act<sup>8</sup> in particular, in that it is an equitable allocation of reasonable fees and other charges.

The Exchange believes that the proposal is reasonable and not unfairly discriminatory because only Market Makers that decide that they need additional Limited Service MEI Ports will be charged the additional fee. The Exchange further believes that the availability of the additional Limited Service MEI Ports is equitable and not unfairly discriminatory because it enhances the MIAX System and marketplace by helping Market Makers to better manage risk, thus preserving the integrity of the MIAX markets, all to the benefit of and protection of investors and the public as a whole.

## 4. <u>Self-Regulatory Organization's Statement on Burden on Competition</u>

MIAX does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

On the contrary, MIAX believes that the additional protection provided to Market Makers and the investing public should enhance competition by attracting liquidity and order flow to the Exchange.

5. <u>Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others</u>

No written comments were either solicited or received.

<sup>&</sup>lt;sup>7</sup> 15 U.S.C. 78f(b).

<sup>&</sup>lt;sup>8</sup> 15 U.S.C. 78f(b)(4).

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### 6. Extension of Time Period for Commission Action

The Exchange does not consent to an extension of the time period for Commission action.

7. <u>Basis for Summary Effectiveness Pursuant to Section 19(b)(3) or for Accelerated Effectiveness Pursuant to Section 19(b)(2)</u>

Pursuant to Section 19(b)(3)(A)(ii) of the Act, and Rule 19b-4(f)(2) thereunder the Exchange has designated this proposal as establishing or changing a due, fee, or other charge imposed on any person, whether or not the person is a member of the self-regulatory organization, which renders the proposed rule change effective upon filing.

8. <u>Proposed Rule Change Based on rules of Another Self-Regulatory Organization or of the Commission</u>

The proposed rule change is not based on the rules of another self-regulatory organization or of the Commission.

- Security-Based Swap Submissions Filed Pursuant to Section 3C of the Act
   Not applicable.
- 10. Advance Notices Filed Pursuant to Section 806(e) of the Payment, Clearing and Settlement Supervision Act

Not applicable.

### 11. Exhibits

- 1. Completed notice of proposed rule change for publication in the <u>Federal Register</u>.
- 5. Copy of the applicable section of the MIAX Options Fee Schedule.

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**EXHIBIT 1** 

SECURITIES AND EXCHANGE COMMISSION (Release No. 34-; File No. SR-MIAX-2013-52)

November\_\_\_, 2013

Self-Regulatory Organizations: Notice of Filing and Immediate Effectiveness of a Proposed Rule Change by Miami International Securities Exchange LLC to Amend the MIAX Options Fee Schedule

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on November 12, 2013, Miami International Securities Exchange LLC ("MIAX" or "Exchange") filed with the Securities and Exchange Commission ("Commission") a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. <u>Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed</u>
Rule Change

The Exchange is filing a proposal to amend the MIAX Options Fee Schedule (the "Fee Schedule").

The text of the proposed rule change is available on the Exchange's website at <a href="http://www.miaxoptions.com/filter/wotitle/rule\_filing">http://www.miaxoptions.com/filter/wotitle/rule\_filing</a>, at MIAX's principal office, and at the Commission's Public Reference Room.

II. <u>Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change</u>

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified

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

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

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in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

# A. <u>Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change</u>

## 1. Purpose

The Exchange proposes to amend the MIAX Options Fee Schedule (the "Fee Schedule") to offer additional Limited Service MEI Ports to Market Makers.

Currently, MIAX assesses monthly MEI Port Fees on Market Makers based upon the number of MIAX matching engines<sup>3</sup> used by the Market Maker. MEI Port users are allocated two Full Service MEI Ports<sup>4</sup> and two Limited Service MEI Ports<sup>5</sup> per matching engine to which they connect. The Exchange currently assesses a fee of \$1,000 per month on Market Makers for the first matching engine they use; \$500 per month for each of matching engines 2 through 5; and \$250 per month for each of matching engines 6 and above. For example, a Market Maker that wishes to make markets in just one symbol would require the two MEI Ports in a single matching engine; a Market Maker wishing to make markets in all symbols traded on MIAX

A "matching engine" is a part of the MIAX electronic system that processes options quotes and trades on a symbol-by-symbol basis. Some matching engines will process option classes with multiple root symbols, and other matching engines will be dedicated to one single option root symbol (for example, options on SPY will be processed by one single matching engine that is dedicated only to SPY). A particular root symbol may only be assigned to a single designated matching engine. A particular root symbol may not be assigned to multiple matching engines.

Full Service MEI Ports provide Market Makers with the ability to send Market Maker quotes, eQuotes, and quote purge messages to the MIAX System. Full Service MEI Ports are also capable of receiving administrative information. Market Makers are limited to two Full Service MEI Ports per matching engine.

Limited Service MEI Ports provide Market Makers with the ability to send eQuotes and quote purge messages only, but not Market Maker Quotes, to the MIAX System. Limited Service MEI Ports are also capable of receiving administrative information. Market Makers initially receive two Limited Service MEI Ports per matching engine.

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would require the two MEI Ports in each of the Exchange's matching engines. The MEI Port includes access to MIAX's primary and secondary data centers and its disaster recovery center.

The Exchange recently added the Limited Service MEI Ports to enhance the MEI Port connectivity made available to Market Makers. Limited Service MEI Ports have been well received by Market Makers thus far. The Exchange now proposes to make available to Market Makers additional Limited Service MEI Ports per matching engine in addition to the current two Limited Service MEI Ports per matching engine. The Exchange proposes to charge \$10 per month for each additional Limited Service MEI Port per matching engine. Market Makers will be limited to two additional Limited Service MEI Ports per matching engine, for a total of four per matching engine. The Exchange proposes making a corresponding change to specify that Market Makers initially receive two Limited Service Ports per engine, and that they will be limited to two additional Limited Service MEI Ports per matching engine, for a total of four per matching engine. As with the existing Full Service MEI Ports and Limited Service MEI Ports, the additional Limited Service MEI Port includes access to MIAX's primary and secondary data centers and its disaster recovery center.

The purpose of this amendment to the Fee Schedule is to provide Market Makers with the technical flexibility to connect additional Limited Service Ports to independent servers that host their eQuote and purge functionality. The Exchange believes that the additional ports will help Market Makers mitigate the risk of using the same server for all of their Market Maker quoting activity. By using the Limited Service MEI Ports for risk purposes, Market Makers can place purge functionality on a different server than the Market Maker quoting server (via the Limited Service MEI Ports), which provides them a failsafe for getting out of the market in case they

See Securities Exchange Act Release No. 70137 (August 8, 2013), 78 FR 49586 (August 14, 2013) (SR-MIAX-2013-39).

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have an issue with the quote server. Additionally, Market Makers may opt to use the Limited Service MEI Ports to submit eQuotes. Because eQuotes are frequently generated by a different algorithm that determines when to respond to an auction message, the additional ports enable Market Makers to connect to a different server that processes auctions and eQuotes rather than forcing them to use their Market Maker Standard quote server as a gateway for communicating eQuotes to MIAX.

### 2. Statutory Basis

The Exchange believes that its proposal to amend its fee schedule is consistent with Section 6(b) of the Act<sup>7</sup> in general, and furthers the objectives of Section 6(b)(4) of the Act<sup>8</sup> in particular, in that it is an equitable allocation of reasonable fees and other charges.

The Exchange believes that the proposal is reasonable and not unfairly discriminatory because only Market Makers that decide that they need additional Limited Service MEI Ports will be charged the additional fee. The Exchange further believes that the availability of the additional Limited Service MEI Ports is equitable and not unfairly discriminatory because it enhances the MIAX System and marketplace by helping Market Makers to better manage risk, thus preserving the integrity of the MIAX markets, all to the benefit of and protection of investors and the public as a whole.

## B. <u>Self-Regulatory Organization's Statement on Burden on Competition</u>

MIAX does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

<sup>&</sup>lt;sup>7</sup> 15 U.S.C. 78f(b).

<sup>&</sup>lt;sup>8</sup> 15 U.S.C. 78f(b)(4).

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On the contrary, MIAX believes that the additional protection provided to Market Makers and the investing public should enhance competition by attracting liquidity and order flow to the Exchange.

C. <u>Self-Regulatory Organization's Statement on Comments on the Proposed Rule</u>
<u>Change Received from Members, Participants, or Others</u>

Written comments were neither solicited nor received.

### IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act.

Comments may be submitted by any of the following methods:

### Electronic comments:

Use the Commission's Internet comment form (http://www.sec.gov/rules/sro.shtml);
or
Send an e-mail to rule-comments@sec.gov. Please include File Number SR-
MIAX-2013-52 on the subject line

<sup>9 15</sup> U.S.C. 78s(b)(3)(A)(ii).

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### Paper comments:

□ Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE, Washington, DC 20549-1090.

All submissions should refer to File Number SR-MIAX-2013-52. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (http://www.sec.gov/rules/sro.shtml).

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street, NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR-MIAX-2013-52 and should be submitted on or before [insert date 21 days from publication in the <u>Federal Register</u>]. For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>10</sup>

Kevin M. O'Neill Deputy Secretary

<sup>&</sup>lt;sup>10</sup> 17 CFR 200.30-3(a)(12).

New text is <u>underlined</u>; Deleted text is in [brackets] Exhibit 5

\*\*\*\*

# **MIAX Options Fee Schedule**

1) - 4) No Change

# 5) System Connectivity Fees

a) - c) No Change.

## d) Port Fees

- i) No Change.
- ii) MEI Port Fees

MIAX will assess monthly MIAX Express Interface ("MEI")<sup>16</sup> Port fees on Market Makers based upon the number of MIAX matching engines<sup>17</sup> used by the Market Maker. MEI Port users will be allocated two (2) Full Service MEI Ports<sup>18</sup> and two (2) Limited Service MEI Ports<sup>19</sup> per matching engine to which they connect. An MEI Port provides a Market Maker with the connectivity necessary to submit electronic quotes to the MIAX System.

MIAX Express Interface is a connection to MIAX systems that enables Market Makers to submit electronic quotes to MIAX.

A "matching engine" is a part of the MIAX electronic system that processes options quotes and trades on a symbol-by-symbol basis. Some matching engines will process option classes with multiple root symbols, and other matching engines will be dedicated to one single option root symbol (for example, options on SPY will be processed by one single matching engine that is dedicated only to SPY). A particular root symbol may only be assigned to a single designated matching engine. A particular root symbol may not be assigned to multiple matching engines.

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Limited Service MEI Ports provide Market Makers with the ability to send eQuotes and quote purge messages only, but not Market Maker Quotes, to the MIAX System. Limited Service MEI Ports are also capable of receiving administrative information. Market Makers [are limited to]initially receive two Limited Service MEI Ports per matching engine.

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MEI Fees	MIAX Monthly MEI Fees Includes MEI Ports at the Primary, Secondary and Disaster Recovery Data Centers
Market Maker's 1st Engine	\$1,000 per month for 2 full service ports and 2 limited service ports for first engine
Market Maker's Engines 2 through 5	\$500 per month for 2 full service ports and 2 limited service ports for each engine
Market Maker's Engines over 5	\$250 per month for 2 full service ports and 2 limited service ports for each engine
Additional Limited Service MEI Ports	\$10 per month per additional limited service port for each engine <sup>20</sup>

# iii) No Change

# iv) AIS Port[20] 21 Fees

AIS Ports	AIS Monthly Port Fees	
1 <sup>st</sup> Engine	\$1,000.00 per month for 2 ports for first engine	
Engines 2 through 5	\$250.00 for 2 ports for each engine	
Engines over 5	\$125.00 for 2 ports for each engine	

# e) No Change

# 6) No Change

Market Makers are limited to two additional Limited Service MEI Ports per matching engine, for a total of four per matching engine.

<sup>[20] 21</sup> An AIS Port provides an AIS with the connectivity necessary to receive administrative information from the MIAX system.