APPROVAL	

OMB Number 3235-0045 Estimated average burden hours per response 38

Required fields are shown with yellow backgrounds and asterisks.

Page 1	l of * 17			D EXCHANGE COMMI NGTON, D.C. 20549 Form 19b-4		File No.*	* SR - 2016 - * 23 Amendments *)
Filing by Miami International Securities Exchange, LLC.  Pursuant to Rule 19b-4 under the Securities Exchange Act of 1934							
Initia	l *	Amendment *	Withdrawal	Section 19(b)(2) *	Section 2	on 19(b)(3)(A) *	Section 19(b)(3)(B) *
Pilot		ension of Time Period Commission Action *	Date Expires *		19b-4(f) 19b-4(f) 19b-4(f)	)(1)	
	ce of prop		t to the Payment, Clear Section 806(e)(2)	aring, and Settlement Ac	t of 2010	Security-Based Swa to the Securities Exc Section 3C(b)(2	-
Extra b	it 2 Sent A		Exhibit 3 Serit As Paper	Decument			
Des	cription						
Provi	de a brie	f description of the act	ion (limit 250 characte	ers, required when Initial	is checked *	)	
Amend MIAX Options Fee Schedule to delete \$100 CE Fee							
Contact Information  Provide the name, telephone number, and e-mail address of the person on the staff of the self-regulatory organization prepared to respond to questions and comments on the action.							
First Title		Deborah SVP and Associate (	Council Council	Last Name * Carroll			minute or programmy
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has d	uly caus	ed this filing to be sign	ed on its behalf by th	e undersigned thereunto	duly authori	zed.	
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Date	08/01/	2016		SVP and Associate G	eneral Coun	isel	
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NOTE: Clicking the button at right will digitally sign and lock this form. A digital signature is as legally binding as a physical signature, and once signed, this form cannot be changed.							

#### SECURITIES AND EXCHANGE COMMISSION WASHINGTON, D.C. 20549

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

#### Form 19b-4 Information \*

Remove View Add

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 \*

View

Add Remove 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

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View

Exhibit Sent As Paper Document

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 Remove View

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

Remove

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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**

Remove

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. <u>Text of Proposed Rule Change</u>

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 ("Fee Schedule") to eliminate certain Web CRD Fees in order to address the transition of the Regulatory Element of Continuing Education ("CE") to the FINRA CE Online System<sup>®</sup>.

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 applicable section of the 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 on December 10, 2015.

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 Deborah L. Carroll, Senior Vice President and Associate General Counsel at (609) 897-1447.

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

#### a. Purpose

The purpose of the proposed rule change is to amend Section 2)c) of the Regulatory Fees section of the Fee Schedule, Web CRD Fees, to (1) delete the \$100 Continuing Education Fee for All Registrations, which relates to test center delivery of the Regulatory Element of CE, and (2) clarify that the \$55 Continuing Education Fee for All Registrations if Web-based shall apply to all registrations without regard to mode of session delivery.

Specifically, the Exchange proposes to (1) delete the \$100 CE Fee in its entirety, and (2) with respect to the \$55 CE Fee, delete reference to Web-based delivery and specify that it is a "session" fee.

MIAX is proposing such Fee Schedule amendments in conjunction with FINRA's transition to CE Online and its phase out of test center delivery of the CE Regulatory Element.<sup>3</sup>

Background

On July 31, 2015, the Commission approved SR-FINRA-2015-015 relating to proposed changes to FINRA Rules to provide for Web-based delivery completion of the Regulatory Element of CE requirements. Pursuant to the rule change, the Regulatory Element of CE

See Securities Exchange Act Release No. 78281 (July 11, 2016), 81 FR 46133 (July 15, 2016) (SR- FINRA-2016-025) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to the Fee for the Regulatory Element of Continuing Education). See also Securities Exchange Act Release No.75581 (July 31, 2015), 80 FR 47018 (August 6, 2015) (SR- FINRA-2015-015) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Provide a Web-based Delivery Method for Completing the Regulatory Element of the Continuing Education Requirements), Regulatory Notice 15-28 (August 2015) and Information Notice, May 16, 2016 (Elimination of Continuing Education Delivery at Testing Centers).

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programs is administered through Web-based delivery via the FINRA CE Online System as of January 4, 2016. Pursuant to the rule change, the Regulatory Element of CE programs also continued to be offered at test centers until no later than six months after January 4, 2016. Test-center delivery of the Regulatory Element has been phased out effective July 1, 2016.<sup>4</sup> On July 11, 2016, the Commission approved SR-FINRA-2016-025 relating to proposed changes to FINRA Fees for the Regulatory Element of CE.

In January 2016 the Exchange amended its Rules,<sup>5</sup> in consultation with FINRA and the other exchanges, to provide for Web-based delivery of the CE Regulatory Element for registered persons.

#### **Proposal**

The Exchange now proposes to amend its Fee Schedule to delete the \$100 CE Fee for All Registrations since the test center delivery option for the Regulatory Element will no longer be offered<sup>6</sup> and the \$100 fee currently charged for administration of non-Web-based CE programs is

See Information Notice, May 16, 2016 (Elimination of Continuing Education Delivery at Testing Centers). Notwithstanding such test center phase out, participants who may need accommodations in completing their CE session due to a disability pursuant to the Americans with Disabilities Act of 1990, Pub. L. No. 101-336, 104 Stat. 328 (1990) ("ADA") may apply for an accommodation and complete their CE Regulatory Element session at a test center. See FINRA's CE Online Delivery Accommodation Web page, available at <a href="http://www.finra.org/industry/accommodations-continuing-education-ce-online-participants">http://www.finra.org/industry/accommodations-continuing-education-ce-online-participants</a>.

See Securities Exchange Act Release No. 76892 (January 13, 2016), 81 FR 3206 (January 20, 2016)(SR-MIAX-2016-01)

See supra note 4.

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therefore retired.<sup>7</sup> Therefore, the Exchange proposes to delete this fee from its current Fee Schedule.

The Exchange further proposes to clarify that the \$55 CE Fee will now generally apply to all CE sessions without further specifying the Web-based delivery mode since there will no longer be more than one mode of CE delivery. Therefore, the Exchange proposes to delete the reference to Web-based delivery from Section 2)c) of the Fee Schedule and specify that it is a "session" fee in order to provide clarity and avoid confusion.

## b. Statutory Basis

The Exchange believes that its proposal to amend its Fee Schedule is consistent with Section 6(b) of the Act<sup>9</sup> in general, and furthers the objectives of Section 6(b)(4) of the Act<sup>10</sup> in particular, in that it is an equitable allocation of reasonable fees and other charges among Exchange Members and issuers and other persons using its facilities.

See Securities Exchange Act Release No. 78281 (July 11, 2016), 81 FR 46133 (July 15, 2016)(SR- FINRA-2016-025) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to the Fee for the Regulatory Element of Continuing Education).

With the exception of participants who may need accommodations in completing their CE session due to a disability pursuant to the ADA and to whom the session fee of \$55 for the Regulatory Element shall apply regardless of whether the session is completed at a test center or through the CE Online System. See Securities Exchange Act Release No. 78281 (July 11, 2016), 81 FR 46133 (July 15, 2016) (SR- FINRA-2016-025) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to the Fee for the Regulatory Element of Continuing Education).

<sup>&</sup>lt;sup>9</sup> 15 U.S.C. 78f(b).

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

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The Exchange believes that the proposal is fair, equitable and not unreasonably discriminatory because the fee change applies equally to all Members and persons associated with Members. The Exchange believes that the proposal is reasonable because FINRA will administer the CE program only through the FINRA CE Online System and will no longer offer a testing center CE delivery option, except as specifically noted above in which case FINRA has aligned its \$55 session fee for all participants. In addition, the Exchange believes this session fee is equitable and not unfairly discriminatory as it will apply uniformly to all Members and persons associated with the Members who choose to participate in the CE program provided through FINRA.

### 4. <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. The Exchange further believes that the proposal does not impose any burden on competition because FINRA has made, and the Exchange believes that the other exchanges will make, similar changes to their fee schedules.<sup>12</sup>

- 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.
- Extension of Time Period for Commission Action
   Not applicable.

See supra note 7.

See id.

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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 based on filings recently submitted by FINRA.<sup>13</sup>

- 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

See supra note 3.

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**EXHIBIT 1** 

SECURITIES AND EXCHANGE COMMISSION (Release No. 34-; File No. SR-MIAX-2016-23)

August\_\_\_, 2016

Self-Regulatory Organizations: Notice of Filing and Immediate Effectiveness of a Proposed Rule Change by Miami International Securities Exchange LLC to Amend Its 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 August 1, 2016, 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>
<u>Rule Change</u>

The Exchange is filing a proposal to amend the MIAX Options Fee Schedule ("Fee Schedule") to eliminate certain Web CRD Fees in order to address the transition of the Regulatory Element of Continuing Education ("CE") to the FINRA CE Online System<sup>®</sup>.

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

<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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the proposed rule change. The text of these statements may be examined at the places specified 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</u> <u>Basis for, the Proposed Rule Change</u>

## 1. <u>Purpose</u>

The purpose of the proposed rule change is to amend Section 2)c) of the Regulatory Fees section of the Fee Schedule, Web CRD Fees, to (1) delete the \$100 Continuing Education Fee for All Registrations, which relates to test center delivery of the Regulatory Element of CE, and (2) clarify that the \$55 Continuing Education Fee for All Registrations if Web-based shall apply to all registrations without regard to mode of session delivery.

Specifically, the Exchange proposes to (1) delete the \$100 CE Fee in its entirety, and (2) with respect to the \$55 CE Fee, delete reference to Web-based delivery and specify that it is a "session" fee.

MIAX is proposing such Fee Schedule amendments in conjunction with FINRA's transition to CE Online and its phase out of test center delivery of the CE Regulatory Element.<sup>3</sup>

Background

On July 31, 2015, the Commission approved SR-FINRA-2015-015 relating to proposed changes to FINRA Rules to provide for Web-based delivery completion of the Regulatory

See Securities Exchange Act Release No. 78281 (July 11, 2016), 81 FR 46133 (July 15, 2016) (SR- FINRA-2016-025)( Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to the Fee for the Regulatory Element of Continuing Education). See also Securities Exchange Act Release No.75581 (July 31, 2015), 80 FR 47018 (August 6, 2015) (SR- FINRA-2015-015) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Provide a Web-based Delivery Method for Completing the Regulatory Element of the Continuing Education Requirements), Regulatory Notice 15-28 (August 2015) and Information Notice, May 16, 2016 (Elimination of Continuing Education Delivery at Testing Centers).

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Element of CE requirements. Pursuant to the rule change, the Regulatory Element of CE programs is administered through Web-based delivery via the FINRA CE Online System as of January 4, 2016. Pursuant to the rule change, the Regulatory Element of CE programs also continued to be offered at test centers until no later than six months after January 4, 2016. Test-center delivery of the Regulatory Element has been phased out effective July 1, 2016. On July 11, 2016, the Commission approved SR-FINRA-2016-025 relating to proposed changes to FINRA Fees for the Regulatory Element of CE.

In January 2016 the Exchange amended its Rules,<sup>5</sup> in consultation with FINRA and the other exchanges, to provide for Web-based delivery of the CE Regulatory Element for registered persons.

## **Proposal**

The Exchange now proposes to amend its Fee Schedule to delete the \$100 CE Fee for All Registrations since the test center delivery option for the Regulatory Element will no longer be offered<sup>6</sup> and the \$100 fee currently charged for administration of non-Web-based CE programs is

See Information Notice, May 16, 2016 (Elimination of Continuing Education Delivery at Testing Centers). Notwithstanding such test center phase out, participants who may need accommodations in completing their CE session due to a disability pursuant to the Americans with Disabilities Act of 1990, Pub. L. No. 101-336, 104 Stat. 328 (1990) ("ADA") may apply for an accommodation and complete their CE Regulatory Element session at a test center. See FINRA's CE Online Delivery Accommodation Web page, available at <a href="http://www.finra.org/industry/accommodations-continuing-education-ce-online-participants">http://www.finra.org/industry/accommodations-continuing-education-ce-online-participants</a>.

See Securities Exchange Act Release No. 76892 (January 13, 2016), 81 FR 3206 (January 20, 2016)(SR-MIAX-2016-01)

See supra note 4.

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therefore retired.<sup>7</sup> Therefore, the Exchange proposes to delete this fee from its current Fee Schedule.

The Exchange further proposes to clarify that the \$55 CE Fee will now generally apply to all CE sessions without further specifying the Web-based delivery mode since there will no longer be more than one mode of CE delivery.<sup>8</sup> Therefore, the Exchange proposes to delete the reference to Web-based delivery from Section 2)c) of the Fee Schedule and specify that it is a "session" fee in order to provide clarity and avoid confusion.

#### 2. Statutory Basis

The Exchange believes that its proposal to amend its Fee Schedule is consistent with Section 6(b) of the Act<sup>9</sup> in general, and furthers the objectives of Section 6(b)(4) of the Act<sup>10</sup> in particular, in that it is an equitable allocation of reasonable fees and other charges among Exchange members and issuers and other persons using its facilities.

The Exchange believes that the proposal is fair, equitable and not unreasonably discriminatory because the fee change applies equally to all Members and persons associated with Members. The Exchange believes that the proposal is reasonable because FINRA will administer the CE program only through the FINRA CE Online System and will no longer offer

See Securities Exchange Act Release No. 78281 (July 11, 2016), 81 FR 46133 (July 15, 2016) (SR- FINRA-2016-025) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to the Fee for the Regulatory Element of Continuing Education).

With the exception of participants who may need accommodations in completing their CE session due to a disability pursuant to the ADA and to whom the session fee of \$55 for the Regulatory Element shall apply regardless of whether the session is completed at a test center or through the CE Online System. See Securities Exchange Act Release No. 78281 (July 11, 2016), 81 FR 46133 (July 15, 2016) (SR-FINRA-2016-025) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to the Fee for the Regulatory Element of Continuing Education).

<sup>&</sup>lt;sup>9</sup> 15 U.S.C. 78f(b).

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

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a testing center CE delivery option, except as specifically noted above in which case FINRA has aligned its \$55 session fee for all participants. In addition, the Exchange believes this session fee is equitable and not unfairly discriminatory as it will apply uniformly to all Members and persons associated with the Members who choose to participate in the CE program provided through FINRA.

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

The Exchange 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. The Exchange further believes that the proposal does not impose any burden on competition because FINRA has made, and the Exchange believes that the other exchanges will make, similar changes to their fee schedules.<sup>12</sup>

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

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the

Act, 13 and Rule 19b-4(f)(2)14 thereunder. At any time within 60 days of the filing of the proposed

rule change, the Commission summarily may temporarily suspend such rule change if it appears

to the Commission that such action is necessary or appropriate in the public interest, for the

protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission

See supra note 7.

See id.

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

<sup>&</sup>lt;sup>14</sup> 17 CFR 240.19b-4(f)(2).

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takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

#### 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 (<a href="http://www.sec.gov/rules/sro.shtml">http://www.sec.gov/rules/sro.shtml</a>); or
- □ Send an e-mail to rule-comments@sec.gov. Please include File Number SR-MIAX-2016-23 on the subject line.

#### Paper comments:

□ Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street, NE, Washington, DC 20549-1090.

All submissions should refer to File Number SR-MIAX-2016-23. 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.

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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-2016-23 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>15</sup>

Brent J. Fields Secretary

<sup>&</sup>lt;sup>15</sup> 17 CFR 200.30-3(a)(12).

Exhibit 5

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

\*\*\*\*

## **MIAX Options Fee Schedule**

- 1) No change.
- 2) a) -b) No change.

### c) Web CRD Fees

The following fees will be collected and retained by FINRA through the Web Central Registration Depository (CRD<sup>SM)</sup> registration system for the registration of associated persons of Electronic Exchange Members and Market Maker organizations that are not also FINRA members:

#### **GENERAL REGISTRATION FEES:**

\$100.00	FINRA CRD Processing Fee <sup>17</sup>
\$110.00	FINRA Disclosure Processing Fee <sup>18</sup> (Form U4, Form U5, Form BD & amendments)
\$45.00	FINRA Annual System Processing Fee assessed only during Renewals

#### **FINRA Fingerprint Card Processing Fees:**

\$29.50	First card submission (electronic)
\$44.50	First card submission (hard copy)
\$15.00	Second card submission (electronic)
\$30.00	Second card submission (hard copy)
\$29.50	Third card submission (electronic)
\$44.50	Third card submission (hard copy)
\$30.00	FINRA Processing Fee for Fingerprint Results Submitted by Other SROs
\$00.00	MIAX Initial Registration Fee (Individual)
\$00.00	MIAX Annual Individual Renewal Fee
\$00.00	MIAX Transfer Fee
\$00.00	MIAX Termination Fee
\$00.00	MIAX Broker Dealer Registration Fee
\$00.00	MIAX Broker Dealer Renewai Fee

## Continuing Education Fees<sup>19</sup>

For all Initial, Transfer, Relicense, and Dual Registration Form U4 filings. This fee is assessed when a non-FINRA firm (i.e., a firm that is not a member of FINRA) submits its first Initial, Transfer, Relicense, or Dual Registration Form U4 filing on behalf of a registered person.

For all registration, transfer, or termination filings with new or amended disclosure information or that require certification, as well as any amendment to disclosure information.

The session fee will be assessed to each individual who is required to complete the Regulatory Element of the Continuing Education Requirements pursuant to MIAX Rule 1304.

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[\$100.00 Continuing Education Fee for All Registrations]

\$55.00 Continuing Education <u>Session</u> Fee for All Registrations [if Web-based]

**Qualification Examination Fee** 

\$120.00 Series 57 Examination Fee

\*\*\*\*