

(\$1,826/month). Differences in the proposed fees depend on whether the electrical power is primary or redundant and the specific voltage and amp requirements.

The proposal also adds various charges for market data in the current section entitled "Market Data Fees/Terminals." These proposed fees range from \$113.76 a year (\$9.48/month) to \$3,120 a year (\$260/month). The proposed charges are for fees in connection with various market data services such as Dow Jones and Bloomberg.

With respect to the proposed fee additions to the section entitled "Equipment," members and member firms would be assessed for the use of "Podia"<sup>6</sup> and "MCTV"<sup>7</sup> in the amount of \$1,044 per year (\$87/month) and \$479.88 per year (\$39.99/month), respectively. As provided for in the proposed Floor Fee Schedule, these charges would defray the Exchange's cost of providing this equipment to members. Similarly, the proposed "Internet Service Fee" of \$840.00 per year (\$70/month) in the section entitled "Telecommunications" will defray the cost of providing this service to those members and member firms that choose to access the internet through the Exchange.

Lastly, the current "Floor Wire Privilege Fee" would be eliminated under the proposal because the proposed charges in connection with "Amex Port Charges" apply to network connectivity so that the "Floor Wire Privilege Fee" is not necessary.

## 2. Statutory Basis

The proposed fee change is consistent with section 6(b)(4) of the Act<sup>8</sup> regarding the equitable allocation of reasonable dues, fees and other charges among exchange members and other persons using exchange facilities. The Exchange believes that the proposal is an equitable allocation of reasonable fees/charges among floor members because the fees/charges relating to floor facilities, network connectivity, power and telecommunications are assessed only against those floor members who choose to employ the Exchange's offering of such products/services. In addition, the Exchange submits that the proposed fees/charges are reasonable in connection with the Exchange's offered products/services, and are largely expected to cover the cost to the Exchange of providing such products/

services. Accordingly, the Exchange seeks, through this proposal, to better manage its costs for supplying member technology and computer networks.

### B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

### C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

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

The foregoing proposed rule change has become effective pursuant to section 19(b)(3)(A)(ii) of the Act,<sup>9</sup> and Rule 19b-4(f)(2)<sup>10</sup> thereunder, because it establishes or changes a due, fee, or other charge imposed by the Exchange, applicable only to members. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate 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.

## 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](mailto:rule-comments@sec.gov). Please include File Number SR-Amex-2007-80 on the subject line.

### Paper Comments

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

All submissions should refer to File Number SR-Amex-2007-80. 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 inspection and copying in the Commission's Public Reference Room, 100 F. Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of Amex. 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-Amex-2007-80 and should be submitted on or before October 9, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>11</sup>

**Florence E. Harmon,**

*Deputy Secretary.*

[FR Doc. E7-18269 Filed 9-17-07; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-56384; File No. SR-NYSE-2007-80]

### Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to the Elimination of One of its NYSE OpenBook® Services

September 11, 2007.

Pursuant to 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 30, 2007, the New York Stock Exchange LLC ("NYSE" or the "Exchange") filed

<sup>6</sup> "Podia" refers to an increment of space used by specialists at a trading post.

<sup>7</sup> "MCTV" is cable television.

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

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

<sup>10</sup> 17 CFR 240.19b-4(f)(2).

<sup>11</sup> 17 CFR 200.30-3(a)(12).

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

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

with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been substantially prepared by the Exchange. The Commission is publishing this notice to solicit comment on the proposed rule change from interested persons.

### **I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

The Exchange is proposing to eliminate one of its NYSE OpenBook<sup>®</sup> services as described below. The text of the proposed rule change is available at NYSE, the Commission's Public Reference Room, and <http://www.nyse.com>.

### **II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

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 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. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

##### **1. Purpose**

NYSE OpenBook provides market participants with depth-of-market data. It is a compilation of limit order data that the Exchange provides to market data vendors, broker-dealers, private network providers, and other entities through a data feed. For every limit price, NYSE OpenBook includes the aggregate order volume.

Currently, the Exchange provides two NYSE OpenBook services. One of the services updates NYSE OpenBook limit order information every five seconds (the "Five-Second NYSE OpenBook Service"). The other NYSE OpenBook service updates NYSE OpenBook limit order information in real-time (the "Real-Time NYSE OpenBook Service"). The Five-Second NYSE OpenBook Service imposes a device fee of \$50.00 per month for each terminal through which the end user is able to display the service. The Commission approved the Five-Second NYSE OpenBook Service

device fee in December 2001.<sup>3</sup> The Real-Time NYSE OpenBook Service imposes a device fee of \$60.00 per month for each such terminal. The Commission approved the Real-Time NYSE OpenBook Service device fee in April 2006.<sup>4</sup> The Exchange is not proposing to modify the NYSE OpenBook device or access fees in this proposed rule change.

In order to minimize customer impact, the Exchange made the business decision to support both versions of OpenBook (the Five-Second NYSE OpenBook Service and the Real-Time NYSE OpenBook Service) for an undefined acceptance period. The Exchange has made the Real-Time NYSE OpenBook Service available for more than a year now. In that time, NYSE OpenBook subscribers have switched from the Five-Second NYSE OpenBook Service to the Real-Time NYSE OpenBook Service. The Exchange states that currently, all recipients of the NYSE OpenBook data feed receive the Real-Time NYSE OpenBook data feed, although a small and dwindling number of them also receive the Five-Second NYSE OpenBook data feed. In addition, more than 99 percent of all end-users of NYSE OpenBook information use Real-Time NYSE OpenBook rather than Five-Second NYSE OpenBook information.

Due to lack of customer demand for the Five-Second NYSE OpenBook Service, the Exchange proposes to eliminate the Five-Second NYSE OpenBook Service, effective October 1, 2007.

##### **2. Statutory Basis**

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act<sup>5</sup> in general, and furthers the objectives of Section 6(b)(5) of the Act<sup>6</sup> in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

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

<sup>3</sup> See Securities Exchange Act Release No. 44138 (December 7, 2001), 66 FR 64895 (December 14, 2001) (SR-NYSE-2001-42).

<sup>4</sup> See Securities Exchange Act Release No. 53585 (March 31, 2006), 71 FR 17934 (April 7, 2006) (SR-NYSE-2004-43).

<sup>5</sup> 15 U.S.C. 78f(b).

<sup>6</sup> 15 U.S.C. 78f(b)(5).

#### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others*

The Exchange has neither solicited nor received written comments on the proposed rule change.

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

Because the foregoing proposed rule change: (i) Does not significantly affect the protection of investors or the public interest; (ii) does not impose any significant burden on competition; and (iii) does not become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>7</sup> and Rule 19b-4(f)(6)(iii) thereunder.<sup>8</sup>

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate 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.

### **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](mailto:rule-comments@sec.gov). Please include File No. SR-NYSE-2007-80 on the subject line.

#### *Paper Comments*

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

All submissions should refer to File Number SR-NYSE-2007-80. This file number should be included on the

<sup>7</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>8</sup> 17 CFR 240.19b-4(f)(6)(iii). Rule 19b-4(f)(6)(iii) requires the Exchange to give written notice to the Commission of its intent to file the proposed rule change at least five business days prior to filing. The Exchange complied with this requirement.

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 Commissions 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 inspection and copying in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such 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-NYSE-2007-80 and should

be submitted on or before October 9, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>9</sup>

**Florence E. Harmon,**

*Deputy Secretary.*

[FR Doc. E7-18270 Filed 9-17-07; 8:45 am]

BILLING CODE 8010-01-P

**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-56386; File No. SR-OCC-2007-09]

**Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Clearing Fee Reduction**

September 11, 2007.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> notice is hereby given that on August 2, 2007, The Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by OCC. The Commission is publishing this notice to

solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

The proposed rule change would reduce certain OCC clearing fees.

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

In its filing with the Commission, OCC 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 in Item IV below. OCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.<sup>2</sup>

*(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

The purpose of this rule change is to make additional fee reductions. First, OCC is further reducing its currently discounted standard clearing fee schedule, as described in the following chart.<sup>3</sup>

Contracts/Trade	Current permanent standard fee schedule, effective May 1, 2007	Discounted standard fee schedule, effective May 1, 2007	Discounted standard fee schedule, effective September 1, 2007
1-500 .....	\$0.05/contract .....	\$0.035/contract .....	\$0.02/contract.
501-1,000 .....	\$0.04/contract .....	\$0.028/contract .....	\$0.016/contract.
1,001-2,000 .....	\$0.03/contract .....	\$0.021/contract .....	\$15.00 (capped).
>2,000 .....	\$55.00 (capped) .....	\$35.00 (capped) .....	\$15.00 (capped).

Second, OCC is halving the standard market maker scratch fee to one cent per side. The discounted clearing fees and market-maker scratch fees will be effective from September 1 through December 31, 2007. Third, OCC is converting the CBOE Futures Exchange ("CFE") to its standard rebate-eligible fee schedule, effective September 1, 2007. As a result, clearing fees charged for CFE transactions will be reduced. The outdated alternative fee schedule offered to futures markets also will be eliminated.

The reductions in OCC's clearing fees reflect the strong contract volume experienced by OCC this year to date. OCC believes that these fee changes will financially benefit clearing members

and other market participants without adversely affecting OCC's ability to meet its expenses and maintain an acceptable level of retained earnings.

The proposed rule change is consistent with Section 17A of the Act because it benefits clearing members and other market participants by reducing and discounting clearing fees and allocating them in a fair and equitable manner. The proposed rule change is not inconsistent with the existing rules of OCC, including any other rules proposed to be amended.

*(B) Self-Regulatory Organization's Statement on Burden on Competition*

OCC does not believe that the proposed rule change would impose any burden on competition.

*(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

Written comments were not and are not intended to be solicited with respect to the proposed rule change, and none have been received.

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

Because the foregoing rule change changes fees charged clearing members by OCC, it has become effective pursuant to Section 19(b)(3)(A)(ii) of the

least one side of the trade is cleared by an OCC Clearing Member, and (iii) commodity futures traded on the Philadelphia Board of Trade.

<sup>9</sup> 17 CFR 200.30-3(a)(12).

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

<sup>2</sup> The Commission has modified parts of these statements.

<sup>3</sup> The standard fee schedule currently applies to (i) securities options, (ii) security futures where at