

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–101091; File No. 4–820]

Options Price Reporting Authority; Notice of Designation of a Longer Period for Commission Action on a Proposed Amendment To Modify the OPRA Plan Relating to Dissemination of Exchange Proprietary Market Data Information

September 18, 2024.

On November 8, 2023, the Cboe Exchange, Inc., Cboe C2 Exchange, Inc., Cboe BZX Exchange, Inc., and Cboe EDGX Exchange, Inc. filed with the Securities and Exchange Commission (“Commission”) a proposal (“Proposed Amendment”) to amend the plan of the Options Price Reporting Authority (“OPRA”) for reporting of consolidated options last sale reports and quotation information (“OPRA Plan”).¹ The proposed amendment was published for comment in the **Federal Register** on January 22, 2024.²

On April 19, 2024, the Commission instituted proceedings pursuant to Rule 608(b)(2)(i) of Regulation NMS³ to determine whether to approve or disapprove the Proposed Amendment or to approve the Proposed Amendment with any changes or subject to any conditions the Commission deems necessary or appropriate.⁴ On July 11, 2024, pursuant to Rule 608(b)(2)(i) of Regulation NMS,⁵ the Commission extended the period within which to conclude proceedings regarding the Proposed Amendment to 240 days from the date of publication of the Notice.⁶ The 240th day after publication of the Notice is September 18, 2024.

Rule 608(b)(2)(ii) of Regulation NMS⁷ provides that the time for conclusion of proceedings to determine whether a national market system plan or proposed amendment should be disapproved may be extended for an additional period up to 60 days (up to 300 days from the date of notice

¹ See https://cdn.opraplan.com/documents/OPRA_Plan.pdf.

² See Securities Exchange Act Release No. 99345 (Jan. 16, 2024), 89 FR 3963 (Jan. 22, 2024) (“Notice”). Comments received in response to the Notice are available on the Commission’s website at <https://www.sec.gov/comments/4-820/4-820.htm>.

³ 17 CFR 242.608(b)(2)(i).

⁴ See Securities Exchange Act Release No. 99994 (Apr. 19, 2024), 89 FR 31785 (Apr. 25, 2024) (“Order Instituting Proceedings”). Comments received in response to the Order Instituting Proceedings are available on the Commission’s website at <https://www.sec.gov/comments/4-820/4-820.htm>.

⁵ See 17 CFR 242.608(b)(2)(i).

⁶ See Securities Exchange Act Release No. 100495 (July 11, 2024), 89 FR 58212 (July 17, 2024).

⁷ See 17 CFR 242.608(b)(2)(ii).

publication) if the Commission determines that a longer period is appropriate and publishes the reasons for such determination or the plan participants consent to the longer period. The Commission is extending this 240 day period.

The Commission finds that it is appropriate to designate a longer period within which to conclude proceedings regarding the Proposed Amendment so that it has sufficient time to consider the important policy issues raised by the Proposed Amendment and the comments received. Accordingly, pursuant to Rule 608(b)(2)(ii) of Regulation NMS,⁸ the Commission designates November 15, 2024, as the date by which the Commission shall conclude the proceedings to determine whether to approve or disapprove the Proposed Amendment or to approve the Proposed Amendment with any changes or subject to any conditions the Commission deems necessary or appropriate (File No. 4–820).

By the Commission.

Vanessa A. Countryman,
Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–101076; File No. SR–ISE–2024–45]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Expand Its Co-Location Services

September 18, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),¹ and Rule 19b–4 thereunder,² notice is hereby given that on September 5, 2024, Nasdaq ISE, LLC (“ISE” or “Exchange”) filed with the Securities and Exchange Commission (“SEC” or “Commission”) the 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. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to expand its co-location services.

⁸ *Id.*

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

The text of the proposed rule change is available on the Exchange’s website at <https://listingcenter.nasdaq.com/rulebook/ise/rules>, at the principal office of the Exchange, and at the Commission’s Public Reference Room.

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

The Exchange proposes to expand its co-location services by offering new cabinet, power, and power distribution unit options in the Exchange’s expanded data center.³

The Exchange’s current data center (“NY11”) in Carteret, NJ is undergoing an expansion (“NY11–4”) in response to demand for power and cabinets. NY11–4 is not a new or distinct co-location facility. Instead, NY11–4 is simply an expansion of the existing Nasdaq NY11 data center,⁴ and Nasdaq intends to operate it generally in the same manner as existing aspects of NY11.⁵ Client connections to the matching engine will be equal across the board, within and among NY11 and NY11–4. In 2010, the Exchange undertook a similar expansion to its data center, where connectivity to

³ The Exchange previously submitted a similar proposal earlier this year, see Securities Exchange Act Release No. 34–100563 (July 19, 2024), 89 FR 60479 (July 25, 2024) (SR–ISE–2024–28) (the “Prior Proposal”), but withdrew it on August 29, 2024 to allow for the Exchange to address outstanding comments and concerns raised by the Commission Staff and commenters.

⁴ NY11–4 is not a standalone facility. Equinix considers the site as NY11 with three expansions: NY11 Phase 1, NY11 Phase 2 and NY11–4.

⁵ As discussed below in further detail, one aspect of the data center that will be different (temporarily) in NY11–4 as compared to NY11 is telecommunications access and inter-client connectivity. In NY11–4 at its launch, connections between colocated client cabinets and the carrier cage will be equalized as will be inter-client connectivity. Presently, such connectivity is not equalized in NY11, but the Exchange intends to retrofit NY11 to be equalized in the months ahead.