

Regulatory Information Bulletin

RBO-Amex-12-03
January 26, 2012

TO: ATP Holders and Associated Persons

FROM: NYSE Regulation

SUBJECT: Fee Rate Advisory – Section 31 Fees

This Bulletin advises ATP Holders that the Securities and Exchange Commission (“SEC” or “Commission”) has announced changes to certain fees charged to registered broker-dealers and other market participants pursuant to the Securities Act of 1933 (“Securities Act”) and the Securities Exchange Act of 1934 (“Exchange Act”). The changes take effect on **February 21, 2012**.

I. Background

Under the Investor and Capital Markets Fee Relief Act, annual adjustments are made by the Commission to rates that are paid under Section 6(b) of the Securities Act and Sections 13(e), 14(g), and 31 of the Exchange Act. The Exchange Act requires the Commission to adjust the Section 31 fee rate on an annual basis to levels the SEC estimates will generate collections equal to numeric targets set in the statute. Pursuant to NYSE Amex Rule 393, the Exchange offsets its Section 31 fee obligations by collecting “Activity Assessment Fees” from ATP Holders based on securities transaction data reported by the Depository Trust & Clearing Corporation at a rate equal to that prescribed under Section 31.

II. Fee Adjustment

Pursuant to SEC Press Release No. 2012-15, dated January 20, 2012, the Section 31 fee rate applicable to securities transactions for all trades settling on or after February 21, 2012 on NYSE Amex will decrease from the current rate of \$19.20 per million dollars in transactions to a new rate of \$18.00 per million dollars in transactions. The current rate of \$19.20 per million will remain in effect until February 21, 2012. Furthermore, the Section 31(d) security futures transactions assessment will remain at the current rate of \$0.0042 for each round turn transaction.

III. Contact Information

Questions regarding the new fee rate for Section 31 may be directed to the SEC’s Office of Interpretation and Guidance in the Division of Trading and Markets at (202) 551-5777 or tradingandmarkets@sec.gov.

Questions on NYSE Amex Rule 393 can be directed to Patrick Boyle at (212) 656-5280.