

exchanges or among members of the Exchange, but rather between IDS and its commercial competitors.

<sup>46/47</sup> 15 U.S.C. 78f(b)(8).

<sup>47/48</sup> McKay Letter, *supra* note 30/31, at note 33.

<sup>48/49</sup> *Id.*, at 7.

<sup>49/50</sup> A market participant in any of the Third Party Data Centers or the Mahwah data center also may create a proprietary wireless market data connection, connect through another market participant, or utilize fiber connections offered by the Exchange, ICE Affiliates, and other service providers and third party telecommunications providers.

<sup>50/51</sup> *Id.*, at 4.

8. *The Exchange proposes to add a list under “Exhibit 5—Text of the Proposed Rule Change” on page 23 of the Filing:*

The Exchange proposes to add a new Exhibit 5B. Accordingly, the Exchange proposes to add a list under “Exhibit 5—Text of Proposed Rule Change” on page 23 of the Filing, as follows (new text italicized):

Exhibit 5—Text of the Proposed Rule Change

A. *Text of the Proposed Schedule of Wireless Connectivity Fees and Charges*

B. *Text of the Proposed Rule*

9. *The Exchange proposes to add new text to the first full paragraph of Section I on page 24 of the Exhibit 1:*

The Exchange proposes to add new text to the first full paragraph of Section I on page 24 of the Exhibit 1, as follows (new text italicized):

The Exchange proposes to establish a schedule of Wireless Connectivity Fees and Charges (the “Wireless Fee Schedule”) with wireless connections between the Mahwah, New Jersey data center and other data centers and add a new rule to place restrictions on the use of a pole on the grounds of the Mahwah, New Jersey data center that is used for such wireless connections. The proposed rule change is available on the Exchange’s website at [www.nyse.com](http://www.nyse.com), at the principal office of the Exchange, and at the Commission’s Public Reference Room.

10. *The Exchange proposes to amend “Exhibit 5” to “Exhibit 5A” on page 55 of the Exhibit 5:*

To reflect the addition of a new Exhibit 5B, the Exchange proposes to add “A” to “EXHIBIT 5” on page 55 of the Exhibit 5, to make it to “EXHIBIT 5A”.

\* \* \* \* \*

All other representations in the Filing remain as stated therein and no other changes are being made.

### III. Date of Effectiveness of the Proposed Rule Change As Modified By Partial Amendment No. 1 and Timing for Commission Action

Within 180 days after the date of publication of the initial Notice of Filing

in the **Federal Register** or within such longer period up to an additional 60 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will issue an order approving or disapproving such proposed rule change, as amended.

### IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended by Partial Amendment No. 1, 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 email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR–NYSECHX–2020–02 on the subject line.

#### Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.
- All submissions should refer to File Number SR–NYSECHX–2020–02. This file number should be included on the subject line if email 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 website (<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. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should

submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSECHX–2020–02, and should be submitted on or before August 28, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>12</sup>

J. Matthew DeLesDernier,  
Assistant Secretary.

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## SECURITIES AND EXCHANGE COMMISSION

### Sunshine Act Meetings

**TIME AND DATE:** 2:00 p.m. on Wednesday, August 12, 2020.

**PLACE:** The meeting will be held via remote means and/or at the Commission’s headquarters, 100 F Street NE, Washington, DC 20549.

**STATUS:** This meeting will be closed to the public.

#### MATTERS TO BE CONSIDERED:

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

In the event that the time, date, or location of this meeting changes, an announcement of the change, along with the new time, date, and/or place of the meeting will be posted on the Commission’s website at <https://www.sec.gov>.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552(b)(3), (5), (6), (7), (8), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

The subject matter of the closed meeting will consist of the following topic:

Institution and settlement of injunctive actions;  
Institution and settlement of administrative proceedings;  
Resolution of litigation claims; and  
Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting agenda items that may consist of adjudicatory,

<sup>12</sup> 17 CFR 200.30–3(a)(12).

examination, litigation, or regulatory matters.

**CONTACT PERSON FOR MORE INFORMATION:**

For further information; please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551-5400.

Dated: August 5, 2020.

**Vanessa A. Countryman,**  
Secretary.

[FR Doc. 2020-17406 Filed 8-5-20; 4:15 pm]

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**SECURITIES AND EXCHANGE  
COMMISSION**

[Release No. 34-89452; File No. SR-  
CboeBYX-2020-023]

**Self-Regulatory Organizations; Cboe  
BYX Exchange, Inc.; Notice of Filing  
and Immediate Effectiveness of a  
Proposed Rule Change Relating To  
Amend Rule 4.5, Which Is Part of the  
Exchange's Compliance Rule  
("Compliance Rule") Regarding the  
National Market System Plan  
Governing the Consolidated Audit Trail  
(the "CAT NMS Plan" or "Plan") To Be  
Consistent With an Amendment to the  
CAT NMS Plan Recently Approved by  
the Securities and Exchange  
Commission (the "Commission")**

August 3, 2020.

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 July 30, 2020, Cboe BYX Exchange, Inc. (the "Exchange" or "BYX") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II 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**

Cboe BYX Exchange, Inc. (the "Exchange" or "Cboe BYX") proposes to amend Rule 4.5, which is part of the Exchange's compliance rule ("Compliance Rule") regarding the National Market System Plan Governing the Consolidated Audit Trail (the "CAT NMS Plan" or "Plan")<sup>3</sup> to be consistent with an amendment to the CAT NMS Plan recently approved by the Securities and Exchange Commission (the

"Commission"). The text of the proposed rule change is provided below.

(additions are *italicized*; deletions are [bracketed])

\* \* \* \* \*

Rules of Cboe BYX Exchange, Inc.

\* \* \* \* \*

**Rule 4.5. Consolidated Audit Trail—  
Definitions**

For purposes of Rules 4.5 through 4.16:

\* \* \* \* \*

(r) "Firm Designated ID" means (1) a unique and *persistent* identifier for each trading account designated by Industry Members for purposes of providing data to the Central Repository, *provided, however, such identifier may not be the account number for such trading account if the trading account is not a proprietary account*; (2) a unique and *persistent relationship identifier* when an Industry Member does not have an account number available to its order handling and/or execution system at the time of order receipt, *provided, however, such identifier must be masked*; or (3) a unique and *persistent entity identifier* when an employee of an Industry Member is exercising discretion over multiple client accounts and creates an aggregated order for which a trading account number of the Industry Member is not available at the time of order origination, where each such identifier is unique among all identifiers from any given Industry Member [for each business date].

\* \* \* \* \*

The text of the proposed rule change is also available on the Exchange's website ([http://markets.cboe.com/us/equities/regulation/rule\\_filings/byx/](http://markets.cboe.com/us/equities/regulation/rule_filings/byx/)), at the Exchange's Office of the Secretary, 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 purpose of this proposed rule change is to amend Chapter 7, Section B of the Rules, the Compliance Rule regarding the CAT NMS Plan, to be consistent with an amendment to the CAT NMS Plan recently approved by the Commission.<sup>4</sup> The Commission approved an amendment to the CAT NMS Plan to amend the requirements for Firm Designated IDs in four ways: (1) To prohibit the use of account numbers as Firm Designated IDs for trading accounts that are not proprietary accounts; (2) to require that the Firm Designated ID for a trading account be persistent over time for each Industry Member so that a single account may be tracked across time within a single Industry Member; (3) to permit the use of relationship identifiers as Firm Designated IDs in certain circumstances; and (4) to permit the use of entity identifiers as Firm Designated IDs in certain circumstances (the "FDID Amendment"). As a result, the Exchange proposes to amend the definition of "Firm Designated ID" in Rule 4.5 to reflect the changes to the CAT NMS Plan regarding the requirements for Firm Designated IDs.

Rule 4.5(r) defines the term "Firm Designated ID" to mean "a unique identifier for each trading account designated by Industry Members for purposes of providing data to the Central Repository, where each such identifier is unique among all identifiers from any given Industry Member for each business date."

**(1) Prohibit Use of Account Numbers**

The Exchange proposes to amend the definition of "Firm Designated ID" in Rule 4.5(r) to provide that Industry Members may not use account numbers as the Firm Designated ID for trading accounts that are not proprietary accounts. Specifically, the Exchange proposes to add the following to the definition of a Firm Designated ID: "provided, however, such identifier may not be the account number for such trading account if the trading account is not a proprietary account."

**(2) Persistent Firm Designated ID**

The Exchange also proposes to amend the definition of "Firm Designated ID" in Rule 4.5(r) to require a Firm Designated ID assigned by an Industry

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

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

<sup>3</sup> Unless otherwise specified, capitalized terms used in this rule filing are defined as set forth in the Compliance Rule.

<sup>4</sup> Securities Exchange Act Release No. 89397 (July 24, 2020) (**Federal Register** pending).