

**Regulatory
Information
Bulletin****RBO-12-06
March 14, 2012**

TO: OTP Holders and OTP Firms
FROM: NYSE Regulation
SUBJECT: *Fee Rate Advisory - Section 31 Fees*

This Bulletin advises OTP Holders and OTP Firms that the Securities and Exchange Commission (“SEC” or “Commission”) has announced a mid-year adjustment 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 **April 1, 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. The Act also requires the Commission to adjust the Section 31 fee rate if it estimates that the baseline estimate of the dollar volume of sales of securities used to calculate the annual adjusted fee rate is reasonably likely to be 10 percent (or more) greater or less than the actual dollar volume for that fiscal year. Pursuant to NYSE Arca Rule 2.18, the Exchange offsets its Section 31 fee obligations by collecting “Activity Assessment Fees” from OTP Holders and OTP Firms 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. 2012-35, dated March 1, 2012, the Section 31 fee rate applicable to securities transactions for all trades settling on or after April 1, 2012 on NYSE Arca will increase from the current rate of \$18.00 per million dollars in transactions to \$22.40 per million dollars of transactions. 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 Arca Rule 2.18 can be directed to Patrick Boyle at (212) 656-5280.