

available publicly. All submissions should refer to File Number SR–NASDAQ–2017–062 and should be submitted on or before August 7, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>20</sup>

**Jill M. Peterson,**

*Assistant Secretary.*

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81123; File No. SR–NASDAQ–2017–038]

### Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change, as Modified by Amendment No. 1, Relating to the First Trust Municipal High Income ETF

July 11, 2017.

On May 16, 2017, The NASDAQ Stock Market LLC (“Nasdaq” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”), 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> a proposed rule change relating to the First Trust Municipal High Income ETF (“Fund”) of First Trust Exchange-Traded Fund III, the shares of which have been approved by the Commission for listing and trading under Nasdaq Rule 5735. The proposed rule change was published for comment in the **Federal Register** on June 2, 2017.<sup>3</sup> On July 10, 2017, the Exchange filed Amendment No. 1 to the proposed rule change.<sup>4</sup> The Commission has received no comment letters on the proposed rule change.

Section 19(b)(2) of the Act<sup>5</sup> provides that, within 45 days of the publication of notice of the filing of a proposed rule

change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is July 17, 2017. The Commission is extending this 45-day time period.

The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,<sup>6</sup> designates August 31, 2017, as the date by which the Commission shall either approve or disapprove or institute proceedings to determine whether to disapprove the proposed rule change (File Number SR–NASDAQ–2017–038).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>7</sup>

**Jill M. Peterson,**

*Assistant Secretary.*

[FR Doc. 2017–14893 Filed 7–14–17; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81119; File No. SR–PEARL–2017–31]

### Self-Regulatory Organizations; MIAx PEARL, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend MIAx PEARL Rule 524, Reporting of Matched Trades to Clearing Corporation

July 11, 2017.

Pursuant to the provisions of 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 June 28, 2017, MIAx PEARL, LLC (“MIAx PEARL” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) a 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 is filing a proposal to amend Exchange Rule 524, Reporting of Matched Trades to Clearing Corporation.

The text of the proposed rule change is available on the Exchange’s Web site at <http://www.miaxoptions.com/rule-filings/pearl> at MIAx PEARL’s principal office, 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 the Statutory Basis for, the Proposed Rule Change

##### 1. Purpose

The Exchange proposes to amend Exchange Rule 524, Reporting of Matched Trades to Clearing Corporation, to adopt Interpretations and Policies .01, to state that post-trade adjustments that do not affect the contractual terms of a trade are to be performed by the Exchange Member <sup>3</sup> via an Exchange approved electronic interface. The Exchange will notify Members of the approved electronic interface via Regulatory Circular. The Exchange notes that an identical filing has been submitted by its affiliate, MIAx Options. In order to ensure consistent operation of both MIAx PEARL and MIAx Options through having consistent rules, the Exchange proposes to amend MIAx PEARL Rule 524 as described below.

<sup>3</sup> The term “Member” means an individual or organization approved to exercise the trading rights associate with a Trading Permit. Members are deemed “members” under the Exchange Act. See Exchange Rule 100.

<sup>20</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.

<sup>3</sup> See Securities Exchange Act Release No. 80802 (May 26, 2017), 82 FR 25648 (June 2, 2017).

<sup>4</sup> In Amendment No. 1, which amended and replaced the proposed rule change in its entirety, Nasdaq (a) deleted references to the “Liquidity Rule,” and (b) made certain changes to the percentages to the Fund’s investments in Municipal Securities that are, at the time of investment, rated investment grade and below investment grade. Because Amendment No. 1 does not materially alter the substance of the proposed rule change or raise unique or novel regulatory issues, Amendment No. 1 is not subject to notice and comment. Amendment No. 1 to the proposed rule change is available at: <https://www.sec.gov/comments/sr-nasdaq-2017-038/nasdaq2017038-1841718-155073.pdf>.

<sup>5</sup> 15 U.S.C. 78s(b)(2).

<sup>6</sup> *Id.*

<sup>7</sup> 17 CFR 200.30–3(a)(31).

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

<sup>2</sup> 17 CFR 240.19b–4.

The Exchange staffs a Help Desk<sup>4</sup> to provide customer service and support to its Members. One of the support functions the Help Desk currently provides is to make certain post-trade adjustments to a Member's matched trades at the Member's request and on its behalf. The Exchange has also developed functionality that it makes available to all Members that enables Members to electronically and independently perform post-trade adjustments that do not affect the contractual terms of the transaction to their side of the matched trade. Examples of post-trade adjustments that do not affect the contractual terms of a trade include: Changing the position indicator (*e.g.*, from Open to Close or Close to Open); adding or removing Clearing Member Trade Agreement ("CMTA") information; changing the clearing account type (*e.g.*, Customer or Firm); and modifying the optional data field, which may be used by Members for their own internal back-office processing.

Despite the availability of functionality for Members to perform these straightforward post-trade adjustments on their own, the Help Desk still receives a significant number of requests on a daily basis to manually perform these adjustments. Processing these requests is a time consuming exercise for Exchange staff and is an inefficient use of Exchange time and resources given that Members have the ability to perform these adjustments themselves electronically via an Exchange provided interface. Accordingly, the Exchange proposes to mandate that Members perform their own post-trade adjustments which do not affect the contractual terms of a trade as discussed above, using the functionality provided by the Exchange. The Exchange notes that use of the functionality provided by the Exchange does not relieve Members of their obligations to abide by the rules of the Exchange.<sup>5</sup> The Exchange also represents that it has an adequate surveillance program in place to review post-trade adjustments made by its Members. Additionally, the Exchange has a Regulatory Services Agreement in place with the Financial Industry Regulatory Authority to monitor adjustments done directly at the

Options Clearing Corporation ("OCC") to ensure compliance with applicable Exchange rules and such Securities and Exchange Commission Trading rules related to options trading. Further, the Exchange notes that Members may make post-trade adjustments to trades executed on the Exchange directly at the OCC, as the OCC provides functionality for Members to update certain non-critical trade information with respect to the transaction, provided such changes are not in contravention of any rule of the Exchange on which a confirmed trade was executed.<sup>6</sup>

The Exchange notes that other exchanges offer similar functionality to their members for post-trade adjustments.<sup>7</sup> However, these Exchanges incentivize their members to perform their own post-trade adjustments by charging a fee when the member elects to have the exchange perform the adjustment on their behalf, as opposed to mandating usage of an interface to perform post-trade adjustments such as the Exchange is proposing.

## 2. Statutory Basis

MIAX PEARL believes that its proposed rule change is consistent with Section 6(b) of the Act<sup>8</sup> in general, and furthers the objectives of Section 6(b)(5) of the Act<sup>9</sup> in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes that its proposal would promote just and equitable principles of trade and not unfairly discriminate between Members because the functionality to make post-trade adjustments is available to all Members. Further, the Exchange believes that its proposal would promote a fair and orderly market and protect investors and the public interest because its proposal would result in a more efficient use of Exchange resources, which would benefit all market participants.

## 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. The proposed rule change is not designed to address any competitive issues but rather to make more efficient use of the Exchange's employee time and resources, which may ultimately benefit Members.

The Exchange does not believe that the proposed rule change will impose any burden on intra-market competition as the Rules apply equally to all Exchange Members.

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

Written comments were neither solicited nor received.

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

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to 19(b)(3)(A) of the Act<sup>10</sup> and Rule 19b-4(f)(6)<sup>11</sup> thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend 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. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

## 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.

<sup>4</sup> The term "Help Desk" means the Exchange's control room consisting of Exchange staff authorized to make certain trading determinations on behalf of the Exchange. The Help Desk shall report to and be supervised by a senior executive officer of the Exchange. See Exchange Rule 100.

<sup>5</sup> Specifically, the Exchange notes that Members have an obligation to adhere to Exchange Rule 507, Must Give Up Clearing Member.

<sup>6</sup> See OCC Rules, Chapter IV, Rule 401, Reporting of Confirmed Trades Effected on Exchanges.

<sup>7</sup> See Securities Exchange Act Release Nos. 73585 (November 13, 2014), 79 FR 68927 (November 19, 2014) (SR-NYSEArca-2014-116); and 73542 (November 6, 2014), 79 FR 67496 (November 13, 2014) (SR-NYSEMKT-2014-87).

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

<sup>9</sup> 15 U.S.C. 78f(b)(5).

<sup>10</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>11</sup> 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

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-PEARL-2017-31 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-PEARL-2017-31. 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 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 Web site 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; 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-PEARL-2017-31, and should be submitted on or before August 7, 2017.

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

**Jill M. Peterson,**

*Assistant Secretary.*

[FR Doc. 2017-14889 Filed 7-14-17; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-81118; File No. SR-CBOE-2017-052]

### Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Updating the CBOE Fees Schedule Concerning LVCX Fees

July 11, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on June 29, 2017, Chicago Board Options Exchange, Incorporated (the "Exchange" or "CBOE") filed with the Securities and Exchange Commission (the "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 amend its Fees Schedule relating to Livevol Core X ("LVCX") fees.

The text of the proposed rule change is available on the Exchange's Web site (<http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx>), 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 Exchange proposes to amend its Fees Schedule relating to Livevol Core X ("LVCX") fees. By way of background, LVCX is a front-end order entry and management tool for listed stocks and options that supports both simple and complex orders. Particularly, LVCX is a web-based application integrated into the application programming interface of the user's proprietary system. The application provides users with the capability to send option orders to U.S. options exchanges and stock orders to U.S. stock exchanges (and other trading centers). Additionally, LVCX allows users to input parameters to control the size, timing and other variables of their trades. Use of the application is completely optional and LVCX users may sublicense LVCX to their customers.

The Exchange proposes a new tiered fee schedule for LVCX. Specifically, the Exchange proposes to eliminate the current flat fees of \$100/month (per Log-in ID) and implement a new tiered fee schedule for the LVCX application fees. The Exchange believes the proposed change will encourage greater application of the LVCX platform by reducing the prices as users purchase more Log-In IDs. The proposed LVCX tiered pricing is below.

Livevol Core X (LVCX)	Fee per login ID per month
<b>Application Fees by Number of Login IDs:</b>	
0-0 .....	\$100
11-30 .....	75
31-100 .....	50
101-200 .....	40
201-500 .....	30
501-1,000 .....	20
>1,000 .....	15

##### 2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the "Act") and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.<sup>3</sup> Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)<sup>4</sup> requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and

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

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

<sup>3</sup> 15 U.S.C. 78f(b).

<sup>4</sup> 15 U.S.C. 78f(b)(5).

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