$\label{lem:red} \textit{Required fields are shown with yellow backgrounds and asterisks}.$

OMB APPROVAL

OMB Number: 3235-0045
Estimated average burden hours per response.......38

Page 1 of * 16		SECURITIES AND EXCHANGE COMMISSION File No.* SR - 2019 - * 054 WASHINGTON, D.C. 20549 Form 19b-4 Amendment No. (req. for Amendments *)				
Filing by Cboe Exchange, Inc.						
Pursuant to Rule 19b-4 under the Securities Exchange Act of 1934						
Initial *	Amendment *	Withdrawal	Section 19(b)(2) * Section	on 19(b)(3)(A) *	Section 19(b)(3)(B) *
Pilot	Extension of Time Period for Commission Action *	Date Expires *		19b-4(f	f)(2)	
	f proposed change pursuant	to the Payment, Cleari Section 806(e)(2) *	ng, and Settlemen	t Act of 2010	Security-Based Swa to the Securities Excl Section 3C(b)(2	-
Exhibit 2 Sent As Paper Document Exhibit 3 Sent As Paper Document Exhibit 3 Sent As Paper Document						
Provide a brief description of the action (limit 250 characters, required when Initial is checked *). The Exchange proposes that the dissemination of end-of-day indicative values via the Options Price Reporting Authority ("OPRA") will not be discontinued pursuant to SR-CBOE-2019-046.						
Contact Information Provide the name, telephone number, and e-mail address of the person on the staff of the self-regulatory organization prepared to respond to questions and comments on the action.						
First Na	me * Rebecca		Last Name * Ter	nuta		
Title *						
E-mail *	rtenuta@cboe.com					
Telepho		Fax				
Signature Pursuant to the requirements of the Securities Exchange Act of 1934, has duly caused this filing to be signed on its behalf by the undersigned thereunto duly authorized.						
(Title *)						
	18/29/2019		Counsel			
By F	Rebecca Tenuta (Name *)					
NOTE: Clicking the button at right will digitally sign and lock this form. A digital signature is as legally binding as a physical signature, and once signed, this form cannot be changed.						

SECURITIES AND EXCHANGE COMMISSION WASHINGTON, D.C. 20549 For complete Form 19b-4 instructions please refer to the EFFS website. The self-regulatory organization must provide all required information, presented in a Form 19b-4 Information * clear and comprehensible manner, to enable the public to provide meaningful comment on the proposal and for the Commission to determine whether the proposal Remove is consistent with the Act and applicable rules and regulations under the Act. The Notice section of this Form 19b-4 must comply with the guidelines for publication Exhibit 1 - Notice of Proposed Rule Change * in the Federal Register as well as any requirements for electronic filing as published by the Commission (if applicable). The Office of the Federal Register (OFR) offers guidance on Federal Register publication requirements in the Federal Register Add Remove View Document Drafting Handbook, October 1998 Revision. For example, all references to the federal securities laws must include the corresponding cite to the United States Code in a footnote. All references to SEC rules must include the corresponding cite to the Code of Federal Regulations in a footnote. All references to Securities Exchange Act Releases must include the release number, release date, Federal Register cite, Federal Register date, and corresponding file number (e.g., SR-[SRO] -xx-xx). A material failure to comply with these guidelines will result in the proposed rule change being deemed not properly filed. See also Rule 0-3 under the Act (17 CFR 240.0-3) The Notice section of this Form 19b-4 must comply with the guidelines for publication **Exhibit 1A- Notice of Proposed Rule** in the Federal Register as well as any requirements for electronic filing as published Change, Security-Based Swap Submission, by the Commission (if applicable). The Office of the Federal Register (OFR) offers or Advance Notice by Clearing Agencies * guidance on Federal Register publication requirements in the Federal Register Document Drafting Handbook, October 1998 Revision. For example, all references to the federal securities laws must include the corresponding cite to the United States Code in a footnote. All references to SEC rules must include the corresponding cite to the Code of Federal Regulations in a footnote. All references to Securities Exchange Act Releases must include the release number, release date, Federal Register cite, Federal Register date, and corresponding file number (e.g., SR-[SRO] -xx-xx). A material failure to comply with these guidelines will result in the proposed rule change, security-based swap submission, or advance notice being deemed not properly filed. See also Rule 0-3 under the Act (17 CFR 240.0-3) Exhibit 2 - Notices, Written Comments, Copies of notices, written comments, transcripts, other communications. If such Transcripts, Other Communications documents cannot be filed electronically in accordance with Instruction F, they shall be filed in accordance with Instruction G. Add Remove View Exhibit Sent As Paper Document П Exhibit 3 - Form, Report, or Questionnaire Copies of any form, report, or questionnaire that the self-regulatory organization proposes to use to help implement or operate the proposed rule change, or that is Add Remove View referred to by the proposed rule change. Exhibit Sent As Paper Document The full text shall be marked, in any convenient manner, to indicate additions to and **Exhibit 4 - Marked Copies** deletions from the immediately preceding filing. The purpose of Exhibit 4 is to permit Add View Remove the staff to identify immediately the changes made from the text of the rule with which it has been working. **Exhibit 5 - Proposed Rule Text** The self-regulatory organization may choose to attach as Exhibit 5 proposed changes to rule text in place of providing it in Item I and which may otherwise be more easily readable if provided separately from Form 19b-4. Exhibit 5 shall be considered part Add Remove View of the proposed rule change. If the self-regulatory organization is amending only part of the text of a lengthy Partial Amendment proposed rule change, it may, with the Commission's permission, file only those portions of the text of the proposed rule change in which changes are being made if the filing (i.e. partial amendment) is clearly understandable on its face. Such partial

amendment shall be clearly identified and marked to show deletions and additions.

Item 1. Text of the Proposed Rule Change

- (a) Cboe Exchange, Inc. (the "Exchange" or "Cboe Options") proposes that the dissemination of end-of-day indicative values via the Options Price Reporting Authority ("OPRA") will not be discontinued pursuant to SR-CBOE-2019-046.
 - (b) Not applicable.
 - (c) Not applicable.

Item 2. Procedures of the Self-Regulatory Organization

- (a) The Exchange's President (or designee) pursuant to delegated authority approved the proposed rule change on August 23, 2019. The Exchange intends to implement this proposed rule change on October 7, 2019.
- (b) Please refer questions and comments on the proposed rule change to Pat Sexton, Executive Vice President, General Counsel, and Corporate Secretary, (312) 786-7467, or Rebecca Tenuta, (312) 786-7068, Cboe Exchange, Inc., 400 South LaSalle, Chicago, Illinois 60605.

Item 3. <u>Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change</u>

(a) Purpose

On August 12, 2019, the Exchange filed a rule filing, SR-CBOE-2019-046, which, amended Exchange Rules in connection with end-of-month ("EOM") and end-of-day ("EOD") indicative values.¹ Pursuant to SR-CBOE-2019-046, which will be effective on October 7, 2019, the Exchange stated that it would discontinue the dissemination of indicative values via OPRA. In addition to this, the proposed change under SR-CBOE-2019-046 provides that the Exchange will make indicative values publicly available, e.g., on

_

¹ See SR-CBOE-2019-046 (August 12, 2019).

its website. The Exchange, however, has determined that it will continue the dissemination of indicative values via OPRA while also making such values publicly available. The Exchange notes that this will not impact the manner in which the EOD indicative values rule will function pursuant to SR-CBOE-2019-046, nor alter the free access market participants will have to the indicative values made publicly available pursuant to the proposed rule. This update is merely intended to continue to allow the dissemination of indicative values via OPRA in the same manner they are currently disseminated and made available to current OPRA subscribers. The indicative values disseminated via OPRA will continue to be clearly marked with an "I" indicator to distinguish them as indicative values, and not a quote or last sale. In order to coincide with the effective date of SR-CBOE-2019 and the migration of the Exchange's trading platform to the same system used by the Cboe Affiliated Exchanges², the Exchange also intends to implement this proposed rule change on October 7, 2019.

(b) <u>Statutory Basis</u>

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.³ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁴ requirements that the rules of an exchange be designed to prevent

In 2016, the Exchange's parent company, Cboe Global Markets, Inc. (formerly named CBOE Holdings, Inc.) ("Cboe Global"), which is also the parent company of Cboe C2 Exchange, Inc. ("C2"), acquired Cboe EDGA Exchange, Inc. ("EDGA"), Cboe EDGX Exchange, Inc. ("EDGX" or "EDGX Options"), Cboe BZX Exchange, Inc. ("BZX" or "BZX Options"), and Cboe BYX Exchange, Inc. ("BYX" and, together with Cboe Options, C2, EDGX, EDGA, and BZX, the "Cboe Affiliated Exchanges").

³ 15 U.S.C. 78f(b).

⁴ 15 U.S.C. 78f(b)(5).

fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section $6(b)(5)^5$ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The proposed rule change is merely continuing the dissemination of indicative values via OPRA, without altering the proposed rule under SR-CBOE-2019-046 that the indicative values data will also be made publicly available, e.g., on the Exchange's website. This will proposed amendment will not impact the manner in which the proposed rule pursuant to SR-CBOE-2019-046 will function nor the public access that market participants will have to indicative values, but will merely allow indicative values to continue to be disseminated via OPRA, a process which market participants are already familiar with and for which many already subscribe. Thus, continuing the dissemination of indicative values via OPRA with not impact market participants as it will continue to allow OPRA to disseminate indicative values to market participants that already subscribe to their data or wish to subscribe. Moreover, the indicative values disseminated via OPRA will continue to be clearly marked with an "I" indicator to distinguish them as indicative values, and not a quote or last sale, thereby protecting investors. As a result of the above, the proposed amendment serves to protect investors

5

by fostering coordination with persons engaged in the processing of information with respect to securities and removing impediments to and perfecting the mechanism of a free and open market and a national market system.

Item 4. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed amendment to continue the dissemination of indicative values via OPRA, rather than discontinue them under SR-CBOE-2019-046 (effective October 7, 2019), is merely allowing a dissemination process currently in place to continue, thus allowing for market participants who currently subscribe to OPRA data to continue to receive such values through OPRA after October 7, 2019. As this is a process currently in place, the Exchange believes this proposed filing to allow for its continuation will have no impact on competition.

Item 5. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

Item 6. Extension of Time Period for Commission Action

Not applicable.

Item 7. <u>Basis for Summary Effectiveness Pursuant to Section 19(b)(3) or for Accelerated Effectiveness Pursuant to Section 19(b)(2) or Section 19(b)(7)(D)</u>

- (a) The proposed rule change is filed for immediate effectiveness pursuant to Section 19(b)(3)(A) of Act⁶ and Rule 19b-4(f)(6)⁷ thereunder.
- (b) The Exchange designates that the proposed rule change effects a change that (i) does not significantly affect the protection of investors or the public interest; (ii) does not impose any significant burden on competition; and (iii) by its terms, does not become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest. Additionally, the Exchange has given the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of 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 proposed rule change is merely allowing the Exchange to continue the dissemination of indicative values via OPRA as they do today, in addition to making them publicly available pursuant to SR-2019-CBOE-046. The proposed rule change does not significantly impact the protection of investors and the public interest because it does not alter the manner in which EOD indicative values will function or be made publicly available under SR-CBOE-2019-046, but will merely allow indicative values to continue to be disseminated via OPRA, a process which market participants are already familiar with and for which many already subscribe. Thus, the proposed rule change will protect investors and the public interest by continuing to have OPRA disseminate indicative

⁶ 15 U.S.C. 78s(b)(3)(A).

⁷ 17 CFR 240.19b-4(f)(6).

values to market participants that already subscribe to their data or wish to subscribe. The proposed change will also protect investors and the public interest by ensuring that the indicative values disseminated via OPRA will continue to be clearly marked with an "I" indicator to distinguish them as indicative values, and not a quote or last sale.

The proposed rule change does not impose any significant burden on competition because it is merely continuing a dissemination process that is currently in place and allows market participants who currently subscribe to OPRA data to continue to receive such values through OPRA after October 7, 2019.

For the foregoing reasons, this rule filing qualifies as a "non-controversial" rule change under Rule 19b-4(f)(6), which renders the proposed rule change effective upon filing with the Commission. At any time within 60 days of the filing of this 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 will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

- (c) Not applicable.
- (d) Not applicable.

Item 8. Proposed Rule Change Based on Rules of Another Self-Regulatory Organization or of the Commission

The proposed rule change is not based on a rule either of another self-regulatory organization or of the Commission.

Item 9. <u>Security-Based Swap Submissions Filed Pursuant to Section 3C of the Act</u>

Not applicable.

Item 10. Advance Notices Filed Pursuant to Section 806(e) of the Payment, Clearing and Settlement Supervision Act

Not applicable.

Item 11. <u>Exhibits</u>

Exhibit 1. Completed Notice of Proposed Rule Change for publication in the Federal Register.

EXHIBIT 1

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34- ; File No. SR-CBOE-2019-054]

[Insert date]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change that the Dissemination of End-of-Day Indicative Values Via the Options Price Reporting Authority ("OPRA") will not be Discontinued Pursuant to SR-CBOE-2019-046

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), ¹ and Rule 19b-4 thereunder, ² notice is hereby given that on [insert date], Cboe Exchange, Inc. (the "Exchange" or "Cboe Options") 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 Exchange filed the proposal as a "non-controversial" proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act³ and Rule 19b-4(f)(6) thereunder. ⁴ The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. <u>Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change</u>

Cboe Exchange, Inc. (the "Exchange" or "Cboe Options") proposes that the dissemination of end-of-day indicative values via the Options Price Reporting Authority ("OPRA") will not be discontinued pursuant to SR-CBOE-2019-046.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 15 U.S.C. 78s(b)(3)(A)(iii).

⁴ 17 CFR 240.19b-4(f)(6).

The text of the proposed rule change is also available on the Exchange's website (http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. <u>Self-Regulatory Organization's Statement of the Purpose of, and Statutory</u> 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. <u>Self-Regulatory Organization's Statement of the Purpose of, and Statutory</u> <u>Basis for, the Proposed Rule Change</u>

1. Purpose

On August 12, 2019, the Exchange filed a rule filing, SR-CBOE-2019-046, which, amended Exchange Rules in connection with end-of-month ("EOM") and end-of-day ("EOD") indicative values.⁵ Pursuant to SR-CBOE-2019-046, which will be effective on October 7, 2019, the Exchange stated that it would discontinue the dissemination of indicative values via OPRA. In addition to this, the proposed change under SR-CBOE-2019-046 provides that the Exchange will make indicative values publicly available, e.g., on its website. The Exchange, however, has determined that it will continue the dissemination of indicative values via OPRA while also making such values publicly available. The Exchange notes that this will not impact the manner in which the EOD indicative values rule will function pursuant to SR-CBOE-2019-046, nor

-

⁵ See SR-CBOE-2019-046 (August 12, 2019).

alter the free access market participants will have to the indicative values made publicly available pursuant to the proposed rule. This update is merely intended to continue to allow the dissemination of indicative values via OPRA in the same manner they are currently disseminated and made available to current OPRA subscribers. The indicative values disseminated via OPRA will continue to be clearly marked with an "I" indicator to distinguish them as indicative values, and not a quote or last sale. In order to coincide with the effective date of SR-CBOE-2019 and the migration of the Exchange's trading platform to the same system used by the Cboe Affiliated Exchanges⁶, the Exchange also intends to implement this proposed rule change on October 7, 2019.

2. <u>Statutory Basis</u>

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. Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁸ requirements that the rules of an exchange be 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 regulating, clearing, settling, processing information with respect to, and facilitating transactions in

In 2016, the Exchange's parent company, Cboe Global Markets, Inc. (formerly named CBOE Holdings, Inc.) ("Cboe Global"), which is also the parent company of Cboe C2 Exchange, Inc. ("C2"), acquired Cboe EDGA Exchange, Inc. ("EDGA"), Cboe EDGX Exchange, Inc. ("EDGX" or "EDGX Options"), Cboe BZX Exchange, Inc. ("BZX" or "BZX Options"), and Cboe BYX Exchange, Inc. ("BYX" and, together with Cboe Options, C2, EDGX, EDGA, and BZX, the "Cboe Affiliated Exchanges").

⁷ 15 U.S.C. 78f(b).

⁸ 15 U.S.C. 78f(b)(5).

securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section $6(b)(5)^9$ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The proposed rule change is merely continuing the dissemination of indicative values via OPRA, without altering the proposed rule under SR-CBOE-2019-046 that the indicative values data will also be made publicly available, e.g., on the Exchange's website. This will proposed amendment will not impact the manner in which the proposed rule pursuant to SR-CBOE-2019-046 will function nor the public access that market participants will have to indicative values, but will merely allow indicative values to continue to be disseminated via OPRA, a process which market participants are already familiar with and for which many already subscribe. Thus, continuing the dissemination of indicative values via OPRA with not impact market participants as it will continue to allow OPRA to disseminate indicative values to market participants that already subscribe to their data or wish to subscribe. Moreover, the indicative values disseminated via OPRA will continue to be clearly marked with an "I" indicator to distinguish them as indicative values, and not a quote or last sale, thereby protecting investors. As a result of the above, the proposed amendment serves to protect investors by fostering coordination with persons engaged in the processing of information with respect to securities and removing impediments to and perfecting the mechanism of a free and open market and a national market system.

٥

B. <u>Self-Regulatory Organization's Statement on Burden on Competition</u>

The Exchange does not believe that the proposed change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed amendment to continue the dissemination of indicative values via OPRA, rather than discontinue them under SR-CBOE-2019-046 (effective October 7, 2019), is merely allowing a dissemination process currently in place to continue, thus allowing for market participants who currently subscribe to OPRA data to continue to receive such values through OPRA after October 7, 2019. As this is a process currently in place, the Exchange believes this proposed filing to allow for its continuation will have no impact on competition.

C. <u>Self-Regulatory Organization's Statement on Comments on the Proposed</u> <u>Rule Change Received from Members, Participants, or Others</u>

The Exchange neither solicited nor received comments on the proposed rule change.

III. <u>Date of Effectiveness of the Proposed Rule Change and Timing for</u> Commission Action

Because the foregoing proposed rule change does not:

- A. significantly affect the protection of investors or the public interest;
- B. impose any significant burden on competition; and
- C. become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act¹⁰ and Rule 19b-4(f)(6)¹¹ thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may

¹⁰ 15 U.S.C. 78s(b)(3)(A).

¹¹ 17 CFR 240.19b-4(f)(6).

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 will institute proceedings to determine whether the proposed rule change 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. 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 e-mail to <u>rule-comments@sec.gov</u>. <u>Please include File Number</u> SR-CBOE-2019-054 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-CBOE-2019-054. This file number should be included on the subject line if e-mail 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, D.C. 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-CBOE-2019-054 and should be submitted on or before [insert date 21 days from publication in the Federal Register].

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

Secretary

¹²