

of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

3. Comments by interested persons in this proceeding are due no later than March 3, 2011.

4. The current contract filed in Docket No. CP2010-22 for International Business Reply Service Competitive Contract 2 is authorized to continue in effect through March 31, 2011.

5. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Shoshana M. Grove,

Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 63954; File No. SR-ISE-2009-35]

Securities Exchange Act of 1934; In the Matter of Chicago Board Options Exchange, Incorporated, 400 South LaSalle Street, Chicago, IL 60605; Order Setting Aside the Order by Delegated Authority Approving SR-ISE-2009-35 and Dismissing CBOE's Petition for Review

February 24, 2011.

On June 15, 2009, the International Securities Exchange, LLC ("ISE") filed a proposed rule change with the Commission seeking to establish a Qualified Contingent Cross ("QCC") Order. The proposed rule change was published for comment on June 26, 2009.¹ On August 28, 2009, the Commission approved, by authority delegated to the Division of Trading and Markets, the proposed rule change ("Approval Order").² On September 4, 2009, the Chicago Board Options Exchange ("CBOE") filed a notice of intention to file a petition for review of the Approval Order and, on September 14, 2009, CBOE filed a petition for review with the Commission ("Petition for Review"). Under the Commission's Rules of Practice, the filing of CBOE's Petition for Review automatically stayed the Approval Order.³ On September 11, 2009, ISE filed a motion to lift the automatic stay. On November 12, 2009, the Commission granted CBOE's

Petition for Review and denied a motion filed by ISE to lift the automatic stay.⁴

On March 17, 2010, the Commission approved the placement in the public file of a memorandum by its Division of Risk, Strategy, and Financial Innovation ("RiskFin") analyzing certain data relating to ISE's proposed rule change ("RiskFin Memo"). At the same time that the Commission approved placement of the RiskFin Memo in the public file, the Commission also issued an order extending the time to file statements in support of or in opposition to the Approval Order to give the public an opportunity to review the data and analysis in the RiskFin Memo.⁵

On July 14, 2010, ISE filed a new proposed rule change to modify the requirements for QCC Orders (file number SR-ISE-2010-73). The Commission published for public comment the modified proposal.⁶ Also on July 14, 2010, ISE submitted a letter requesting that the Commission vacate the Approval Order concurrently with the approval of the new proposed rule, SR-ISE-2010-73.⁷

We have determined to construe ISE's request as a petition to vacate the Approval Order pursuant to Commission Rule of Practice 431(a), which permits us to "affirm, reverse, modify, set aside or remand for further proceedings, in whole or in part, any action made pursuant to" delegated authority.⁸ We find that, in light of the filing of ISE's modified proposal regarding the QCC Orders,⁹ it is appropriate to grant ISE's request and set aside the Approval Order. We also find that, given this disposition of the Approval Order, CBOE's petition for review of that order has become moot.

Accordingly, *it is ordered* that the August 28, 2009 order approving by delegated authority ISE's proposed rule change number SR-ISE-2009-35, be, and it hereby is, set aside; and

It is further *ordered* that the petition for review, filed by the Chicago Board Options Exchange on September 14, 2009, of the August 28, 2009 order approving by delegated authority ISE's proposed rule change number SR-ISE-2009-35 be, and it hereby is, *dismissed*.

⁴ See Securities Exchange Act Release Nos. 60988 and 60989.

⁵ See Securities Exchange Act Release No. 61722.

⁶ See Securities Exchange Act Release No. 62523 (July 16, 2010), 75 FR 43211 (July 23, 2010).

⁷ See letter from Michael J. Simon, Secretary and General Counsel, ISE, to Elizabeth M. Murphy, Secretary, Commission, dated July 14, 2010.

⁸ 17 CFR 201.431(a).

⁹ The Commission has this day issued a separate order approving SR-ISE-2010-73.

By the Commission.

Elizabeth M. Murphy,

Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-63955; File No. SR-ISE-2010-73]

Self-Regulatory Organizations; International Securities Exchange, LLC; Order Granting Approval of a Proposed Rule Change To Modify Qualified Contingent Cross Order Rules

February 24, 2011.

I. Introduction

On July 14, 2010, the International Securities Exchange, LLC ("ISE" or "Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² a proposed rule change to modify rules for Qualified Contingent Cross ("QCC") Orders. The proposed rule change was published for comment in the **Federal Register** on July 23, 2010.³ The Commission received eight comment letters on the proposed rule change⁴ and a response letter from ISE.⁵

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 62523 (July 16, 2010), 75 FR 43211 ("Notice").

⁴ See Letters from Anthony J. Saliba, Chief Executive Officer, LiquidPoint, LLC, to Elizabeth M. Murphy, Secretary, Commission dated, July 30, 2010 ("LiquidPoint Letter 2"); William J. Brodsky, Chairman and Chief Executive Officer, Chicago Board Options Exchange, Incorporated ("CBOE"), to Elizabeth M. Murphy, Secretary, Commission, dated August 9, 2010 ("CBOE Letter 1"); Ben Londergan and John Gilmartin, Co-Chief Executive Officers, Group One Trading, LP, to Elizabeth M. Murphy, Secretary, Commission, dated August 9, 2010 ("Group One Letter 2"); Janet M. Kissane, Senior Vice President—Legal and Corporate Secretary, NYSE Euronext, to Elizabeth M. Murphy, Secretary, Commission, dated August 9, 2010 ("NYSE Letter 2"); Thomas Wittman, President, NASDAQ OMX PHLX, Inc. ("Phlx"), to Elizabeth M. Murphy, Secretary, Commission, dated August 13, 2010 ("Phlx Letter 2"); J. Micah Glick, Chief Compliance Officer, Cutler Group LP to Elizabeth M. Murphy, Secretary, Commission, dated September 3, 2010 ("Cutler Letter"); Janet L. McGinness, Senior Vice President—Legal and Corporate Secretary, NYSE Euronext, to Elizabeth M. Murphy, Secretary, Commission, dated October 21, 2010 ("NYSE Letter 3"); and Gerald D. O'Connell, Chief Compliance Officer, Susquehanna International Group, LLP, to Elizabeth M. Murphy, Secretary, Commission, dated October 22, 2010 ("Susquehanna Letter 2").

⁵ See Letter from Michael J. Simon, Secretary and General Counsel, ISE, to Elizabeth M. Murphy, Secretary, Commission, dated, August 25, 2010 ("ISE Response").

¹ See Securities Exchange Act Release No. 60147 (June 19, 2009), 74 FR 30651 (June 26, 2009).

² See Securities Exchange Act Release No. 60584 (August 28, 2009), 74 FR 45663 (September 3, 2009).

³ 17 CFR § 201.431(e).