

**Date:** April 6, 2009

**Audience:** ETP Holders

**Subject:** Section 31 Transaction Fee Rate Change

**Summary:**

Effective settlement date April 10, 2009, the Section 31 fee rate applicable to securities transactions on exchanges and over-the counter markets will increase to \$25.70 per million dollars.

On March 11, 2009, the Securities and Exchange Commission (“SEC” or the “Commission”) announced that effective on settlement date April 10, 2009, the Section 31 fee rate for fiscal year 2009 will increase from the current rate of \$5.60 per million to a revised rate of \$25.70 per million. The Commission’s release is available at <http://www.sec.gov/news/press/2009/2009-56.htm>.

The SEC is required to determine each year whether a mid-year adjustment to securities transaction fee rates is necessary. A copy of the Commission's order regarding the mid-year fee adjustment under Section 31 of the Securities Exchange Act of 1934 for fiscal year 2009 is available at <http://www.sec.gov/rules/other/2009/34-59477.pdf>.

As a result, for transactions with settlement dates on or after April 10, 2009, NYSE Arca, Inc. (the “Exchange”) will accordingly adjust its Regulatory Transaction Fee assessed to the ETP Holders under NYSE Arca Rule 2.17(a). This fee is used to fund the Exchange’s Section 31 fee obligations to the Commission.

**Contacts:**

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