



To: All Floor Members, Member Organizations and Floor Personnel

From: NYSE Regulation

Subject: FLOOR TELEPHONE BOOTHS

Purpose

The purpose of this Information Memo is to inform New York Stock Exchange LLC and NYSE MKT LLC (collectively, the “Exchange”) members and member organizations of the new “Telephone Booths” on the 18 Broad Street side of the Trading Floor and to remind member organizations that all use of these booths must comply with the provisions of NYSE and MKT Rules 36 and 98, specifically with regard to the prohibition on disclosure of Floor-based non-public order information.

Amended Rule 6A

Exchange Rule 6A defines the Trading Floor as the restricted-access physical areas designated by the Exchange for the trading of securities, i.e., any area inside the turnstiles, including the Main Room and the Buttonwood Room. The Exchange has amended Rule 6A to exclude from the definition of “Trading Floor” the physical area within fully enclosed telephone booths located on the 18 Broad Street side, at the Southeast wall of the Trading Floor.

These telephone booths will allow Floor personnel to use personal portable or wireless communications devices outside the Trading Floor, provided such use is consistent with all other Exchange Rules and federal securities laws.

The telephone booths are primarily to be used by DMM personnel, but can also be used by anyone with access to the Trading Floor. For example, a DMM could use a personal cellular telephone within this space to communicate with issuers, which otherwise would not be permitted on the Trading Floor under Rule 36.30.

Supervision

Member organizations are reminded that in order to avail themselves of the telephone booths, they must have adequate written policies, procedures, and supervisory controls reasonably designed to detect and deter potential violations of the misuse of material non-public information or disclosure of Floor-based non-public order information. Rule 98(c)(3) specifies restrictions on trading for member organizations operating a DMM unit. Among other things, it provides that when a Floor-based employee of a DMM unit moves to a location off of the Trading Floor, e.g., the new telephone booths, he or she shall not (1) make Floor-based non-public order information available to customers; (2) make such information available to individuals or systems responsible for making trading decisions in DMM securities in away markets or related products; or (3) use any such

information in connection with making trading decisions in DMM securities in away markets or related products.

Member organizations planning to allow their Floor-based personnel to use the telephone booths should update their written policies and procedures to reflect that use of such telephone booths is subject to the requirements of Rule 98, and specifically Rule 98(c)(3), and other applicable Exchange rules and federal securities laws. Failure to have adequate written policies and procedures in place or to have an adequate supervisory system in place may result in disciplinary action.

Staff Contacts

Questions regarding this memo should be addressed to:

Stephen Larson, Senior Director, NYSE Regulation, stephen.larson@theice.com, 212.656.3830;

Sean Gilmartin, Director, NYSE Regulation, sean.gilmartin@theice.com, 212.656.3814;

Bob Airo, Senior Director, NYSE Operations, bob.airo@theice.com, 212.656.5663.