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OFFICE OF THE  
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NASDAQ OMX Futures Exchange, Inc.  
1900 Market Street  
Philadelphia, PA 19103

### Rule Self-Certification

March 23, 2011

Office of the Secretary  
Commodity Futures Trading Commission  
Three Lafayette Center  
1155 21<sup>st</sup> St., N.W.  
Washington, D.C. 20581

Re: Amendments to NFX Fee Schedule  
Reference File SR-NFX-2011-03

Ladies and Gentlemen:

Pursuant to Section 5c(c)(1) of the Commodity Exchange Act, as amended ("Act"), and Section 40.6 of the regulations promulgated by the Commodity Futures Trading Commission under the Act, the NASDAQ OMX Futures Exchange, Inc. ("NFX" or "Exchange") hereby submits the attached amendment to its Fee Schedule regarding its Membership dues and new Regulatory Fee.

The Exchange proposes to amend its Membership dues by renaming the "Membership dues" fee the "Membership Fee." Currently, the Exchange does not assess this fee to NFX members who are affiliated with a Philadelphia Stock Exchange (now NASDAQ OMX PHLX) member firm. The Exchange is proposing to eliminate this waiver and instead assess the annual fee on all NFX members. This fee, which is currently effective on the first of June on an annual basis, would now be assessed on the first of July on an annual basis. The fee would therefore be assessed in July 2011 and invoiced in August 2011.

The Exchange also proposes to create a Regulatory Fee of \$500 per quarter. This Regulatory Fee would be waived for NFX members who incur a minimum of \$500 in transaction fees in a billing quarter. NFX shall not assess market makers a Regulatory Fee. An NFX market maker is an NFX member that quotes continuous two-sided markets into NFX subject to an agreement with the Exchange. The Regulatory Fee would become effective on July 1, 2011. The Exchange seeks to encourage its members to trade on the Exchange and believes this fee would assist the Exchange to recoup increasing regulatory expenses incurred by NFX. Attached hereto at Exhibit A is the Exchange's Fee Schedule which displays the amendments.

Finally, the Exchange is proposing to delete footnotes 4 and 5 as they are no longer necessary.

The Exchange also submits the attached notice to its members concerning the fee increase as Exhibit B. The Exchange intends to issue this notice on March 28, 2011.

There were no opposing views among NFX's Board of Directors, members or market participants. NFX hereby certifies that these fee amendments comply with the Commodity Exchange Act and regulations thereunder.

Regards,



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Daniel Carrigan  
Senior Managing Director Products and Services &  
Operations

cc: Glenn Spann  
Mr. J. Goodwin  
Mr. Russell Rose

## Exhibit A

*New text is underlined; deleted text is in brackets.*

### NFX FEE SCHEDULE

**TRANSACTION CHARGES** (NOT APPLICABLE TO TRANSACTIONS IN PRODUCTS CLEARED BY INTERNATIONAL DERIVATIVES CLEARINGHOUSE)

- a. Customer<sup>1</sup>: \$0.40 per contract side
- b. Firm<sup>2</sup>: \$0.40 per contract side
- c. Market Maker<sup>3</sup>: \$0.00 per contract side

#### MEMBERSHIP-RELATED FEES

##### A. Application and Seat Transfer Fees:

- a. Application Fee: \$350.00<sup>[4]</sup>
- b. Seat Transfer Fee: \$250.00<sup>[5]</sup>

##### B. Seat Lease

- a. \$100.00 per month

##### C. Membership [dues]Fee:

\$100 per annum to be effective on the first of [June]July each year [(“annual dues”). The annual dues apply only to NFX members who are not affiliated with a Philadelphia Stock Exchange member firm.]

##### D. Regulatory Fee

\$500 per quarter\*

\* This Regulatory Fee would be waived for NFX members who incur a minimum of \$500 in transaction fees in a billing quarter. Market makers are exempt from the Regulatory Fee.<sup>6</sup>

<sup>1</sup> NFX clearing account type “C” to be cleared through a “segregated futures account.”

<sup>2</sup> NFX clearing account type “F” to be cleared through a “firm account.”

<sup>3</sup> NFX clearing account type “M” to be cleared through a “segregated futures professional account” or a “proprietary futures professional account.”

<sup>4</sup> The Application Fee will be waived effective April 1, 2009 through June 30, 2009 for current NFX members seeking to transfer legal and/or equitable title. All other applicants seeking NFX membership will be required to pay the Application Fee.]

<sup>5</sup> The Seat Transfer Fee will be waived effective April 1, 2009 through June 30, 2009.]

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<sup>6</sup> A market maker is defined as an NFX member that quotes continuous two-sided markets into NFX subject to an agreement with the Exchange.

## Exhibit B

**March 28, 2011**

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**Futures Regulatory Alert #2011 - XX**  
NFX to Amend the NFX Fee Schedule

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**Markets Impacted:**

- NASDAQ OMX Futures Exchange

**Contact Information:**

- Daniel Carrigan at +1 215 496 5017

**What you need to know:**

- The NASDAQ OMX Futures Exchange<sup>SM</sup> (NFX<sup>SM</sup>) has filed SR-NFX-2011-03 to amend the NFX Fee Schedule.

**What is changing?**

Effective **Friday, July 1, 2011**, NFX will update its Fee Schedule as follows:

**Membership dues**

- The currently titled "Membership dues" will be renamed the "Membership Fee."
- The effectiveness of the Membership Fee will be amended to the first of July of each year from the current June 1<sup>st</sup> effectiveness.
- The current waiver of the Membership dues fee, which applies to NFX members affiliated with a NASDAQ OMX PHLX<sup>SM</sup> (PHLX<sup>®</sup>) member organization, will be eliminated. No such waiver will apply on July 1, 2011.

**Regulatory Fee**

- A new fee of \$500 per quarter titled "Regulatory Fee" will be assessed to allow NFX to recoup regulatory costs.
- The fee will be waived for NFX members who incur a minimum of \$500 in transaction fees in a billing quarter.
- Market makers will be exempt from the Regulatory Fee. The Regulatory Fee will be effective on July 1, 2011.

**What is a market maker?**

An NFX market maker is an NFX member that quotes continuous two-sided markets into NFX subject to an agreement with the Exchange.

Where can I find more information?

- Refer to SR-NFX-2011-03.
  - Contact Daniel Carrigan at +1 215 496 5017.
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