



REGULATORY INFORMATION BULLETIN

RB-10-04
January 12, 2010

**TO: All DEA OTP Firms and OTP Holders
All DEA ETP Holders**

FROM: NYSE Regulation

SUBJECT: Submission of FOCUS Reports and Annual Compliance Forms

NYSE Arca, Inc. has contracted with the Financial Industry Regulatory Authority (“FINRA”) as its agent to perform certain regulatory responsibilities on behalf of NYSE Arca, Inc. All OTP Holders, OTP Firms, and ETP Holders for which NYSE Arca, Inc. and/or NYSE Arca Equities, Inc. (collectively “NYSE Arca”) is the Designated Examining Authority (“DEA”) must file the financial and operational compliance notices and reports noted below with the Risk Oversight and Operational Regulation (“ROOR”) Division of FINRA.

Any questions regarding this bulletin should be directed to the broker-dealer’s ROOR Coordinator.

I. FOCUS Report Submission Information

All broker-dealers are required to file a FOCUS Report and a FOCUS Schedule I for the year ending December 31, 2009.

Those broker-dealers subject to SEA Rule 15c3-1 are required to submit a Quarterly FOCUS Report for the quarter ending December 31, 2009 to the FINRA acting as agent for NYSE Arca, Inc. (collectively the “Exchange”) by **Tuesday, January 27, 2010** (17 business days after the close of the calendar year pursuant to SEA Rule 17a-5). Those broker-dealers claiming an exemption to SEA Rule 15c3-1 are required to file an Annual FOCUS Report by **Tuesday, January 27, 2010** (17 business days after the close of the calendar year pursuant to SEA Rule 17a-10).

All FOCUS Reports are required to be submitted electronically via the FINRA e- FOCUS system. Broker-dealers are reminded that, pursuant to NYSE Arca Rule 4.5 and NYSE Arca Equities Rule 4.5, original copies of such reports with manual signatures shall be maintained by the broker dealer in accordance with NYSE Arca Rule 11.16 and NYSE Arca Equities Rule 2.24.

2010 FOCUS Report Filing Due Dates:

Financial reporting due dates for 2010 are as follows:

Annual FOCUS:

2009 Annual FOCUS* January 27, 2010

Quarterly FOCUS:

<u>Quarter Ending</u>	<u>Due Date</u>
December 31, 2009*	January 27, 2010
March 31, 2010	April 26, 2010
June 30, 2010	July 26, 2010
September 30, 2010	October 25, 2010
December 31, 2010*	January 26, 2011

*The FOCUS Schedule I and the "Annual Compliance Acknowledgment Form" (see below) are also due with this filing.

Monthly FOCUS:

<u>Period Ending</u>	<u>Due Date</u>
January 31, 2010	February 24, 2010
February 28, 2010	March 23, 2010
April 30, 2010	May 25, 2010
May 31, 2010	June 23, 2010
July 31, 2010	August 24, 2010
August 31, 2010	September 24, 2010
October 31, 2010	November 23, 2010
November 30, 2010	December 23, 2010

Late FOCUS Report Filing Fine(s):

All FOCUS Reports received by the Exchange after the filing due date or in an incomplete fashion will be considered late. Pursuant to NYSE Arca Rule 4.11(b)(1) and NYSE Arca Equities Rule 4.11(b)(1), a broker-dealer that does not file a FOCUS Report in a timely manner is subject to late filing charges as follows:

<u>Occurrence</u>	<u>Number of Days</u>	<u>Amount of Charge</u>
1st	1 – 30	\$100 per day (capped at \$500)
	31 – 60	\$750
	61 – 90	\$1,000
2nd	1 – 30	\$100 per day (capped at \$1,000)
	31 – 60	\$1,500
	61 – 90	\$2,000

3rd	1 – 30	\$2,000
	31 – 60	\$2,500
	61 – 90	\$3,000

II. Annual Compliance Acknowledgment Form

The “Annual Compliance Acknowledgement Form” is available for download at <http://www.nyse.com/regulation/about/1161857573238.html>. The Annual Compliance Acknowledgement Form is required pursuant to NYSE Arca Rules 11.3, 11.18 and 11.19 and NYSE Arca Equities Rules 6.3, 6.17 and 6.18. The Annual Compliance Acknowledgement Form must be submitted to the Exchange by **Tuesday, January 27, 2010**. All Annual Compliance Acknowledgement Forms received by the Exchange after the filing due date or in an incomplete fashion will be considered late and subject to a \$500 fine pursuant to NYSE Arca Rule 11.3(b) and NYSE Arca Equities Rule 6.3(b).

III. Annual Audited Financial Statements

All broker-dealers with a fiscal year ending December 31, 2009 are required to submit Annual Audited Financial Statements for the year ending December 31, 2009 to the Exchange by **Monday, March 1, 2010** pursuant to SEA Rule 17a-5(d).

The Annual Audited Financial Statements and Annual Compliance Acknowledgement Form may be submitted to the following address:

FINRA
attn: [assigned Regulatory Coordinator’s Name]
20 Broad St., 22nd Floor
New York, NY 10005
Fax: 212-656-5748