



REGULATORY INFORMATION BULLETIN

RB-12-01
January 11, 2012

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

FROM: NYSE Arca Regulation

SUBJECT: Submission of FOCUS Reports, Annual Compliance Forms and Annual Audits

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 Regulatory 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, 2011.

Those broker-dealers subject to SEA Rule 15c3-1 are required to submit a Quarterly FOCUS Report for the quarter ending December 31, 2011 to FINRA acting as agent for NYSE Arca, Inc. (collectively the "Exchange") by **January 26, 2012** (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 **January 26, 2012** (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.

2012 FOCUS Report Filing Due Dates:

Financial reporting due dates for 2012 are as follows:

Annual FOCUS:

<u>Year Ending</u>	<u>Due Date</u>
December 31, 2011*	January 26, 2012

Quarterly FOCUS:

<u>Quarter Ending</u>	<u>Due Date</u>
December 31, 2011*	January 26, 2012
March 31, 2012	April 25, 2012
June 30, 2012	July 25, 2012
September 30, 2012	October 23, 2012
December 31, 2012*	January 25, 2013

*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>
December 31, 2011	January 26, 2012
January 31, 2012	February 24, 2012
February 28, 2012	March 23, 2012
April 30, 2012	May 23, 2012
May 31, 2012	June 25, 2012
July 31, 2012	August 23, 2012
August 31, 2012	September 26, 2012

October 31, 2012 November 26, 2012
November 30, 2012 December 26, 2012

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 **January 26, 2012**. 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).

The 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

Please contact your Regulatory Coordinator for their individually assigned fax number, if required.

III. Annual Audited Financial Statements

All broker-dealers with a fiscal year ending December 31, 2011 are required to submit Annual Audited Financial Statements for the year ending December 31, 2010 to the Exchange by **February 29, 2012** pursuant to SEA Rule 17a-5(d).

The Annual Audited Financial Statements may be submitted to the following address:

FINRA
Financial Operations
Attn: Herani Dansamo
9509 Key West Avenue, 5th Floor
Rockville, MD 20850