



To: ALL NYSE FLOOR BROKERS
From: NYSE REGULATION
Subject: **TEMPORARY SUSPENSION OF RULE 36 BAR ON USING PERSONAL CELL PHONES ON TRADING FLOOR ON JUNE 24, 2016**

The New York Stock Exchange LLC and NYSE MKT LLC (collectively, the “Exchange”) will be filing with the SEC for a temporary suspension of those aspects of Rule 36 that prohibit Floor brokers from using personal cell phones on the Trading Floor. The Exchange is proposing this temporary suspension in connection with the temporary outage of Exchange-provided cell phones that began June 24, 2016. Accordingly, Floor brokers who do not have Exchange provided and authorized cell phones are permitted to use personal cell phones on June 24, 2016 pursuant to the terms set forth below.

Floor broker are reminded that notwithstanding the temporary suspension of those aspects of Rule 36 relating to using personal cell phones on the Trading Floor, all other aspects of Rule 36 remain in effect.

Please note that the relief is limited and is subject to the following, which is consistent with prior written guidance provided to Floor brokers when the Exchange last temporarily suspended those aspects of Rule 36 that prohibited Floor brokers from using personal cell phones on the Trading Floor in the aftermath of Hurricane Sandy:

- The temporary suspension of those aspects of Rule 36 that prohibit a Floor broker from using a personal cell phone on the Trading Floor ends the earlier of phone service being fully restored or close of business Friday, June 24, 2016. The Exchange will notify Floor brokers if telephone service is restored before close of business, in which case the temporary suspension will end and Floor brokers will be prohibited from using personal cell phones on the Trading Floor from that point forward.
- To the extent Exchange provided and authorized cell phones are working, Floor brokers should refrain from using personal cell phones.
- Use of personal cell phones on the Trading Floor is subject to special record retention requirements.

If personal cell phones are used on the Trading Floor, the member and member organization must maintain records of which staff used a personal cell phone while on the Trading Floor, and which cell phone carrier was used.

Members and member organizations must maintain in their books and records all cell phone records, i.e., records from the third-party carrier, that show both incoming and outgoing calls that were made during the period that a personal cell phone was used on the Trading Floor.

To the extent the records are unavailable from the third-party carrier, members and member organizations must maintain contemporaneous records of all calls made or received on a personal cell phone while on the Trading Floor. In particular, if a personal cell phone has been used during the trading day both on the Trading Floor and off the Trading Floor, the member must be able to distinguish which calls were made while on the Trading Floor.

As with all member and member organization records, such cell phone records must be provided to Exchange regulatory staff on request.

Operational and business questions regarding this MEB should be directed to:

- Bob Airo, Senior Director, NYSE Operations, 212.656.5663

Regulatory questions relating to this MEB should be directed to:

- Sean T. Gilmartin, Director, NYSE Regulation, 212.656.3814