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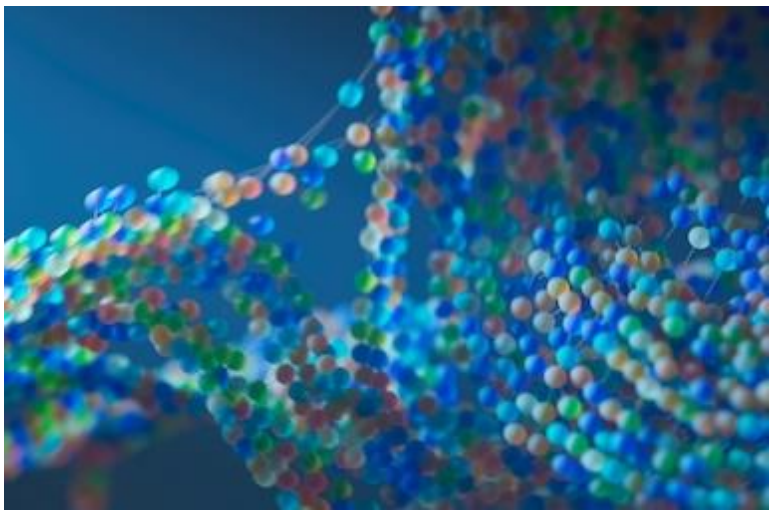
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TabbFORUM Annual ATS State of the Market Report: Measuring What Survives



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Share



Did Rule 611 fuel a proliferation of trading venues with little real innovation? A new report challenges that narrative, finding that all 33 alternative trading systems (ATSs) trading NMS stocks have distinct market structures, matching mechanisms or trading sessions. The study reveals that 60.9% of trading notional flows through venues that rely on the national best bid and offer (NBBO) to price at least part of their transactions, while 86.9% runs through venues with rules tied to locked markets. With the SEC weighing Rule 611's repeal, the findings raise a critical question: What happens when venues built around a protected quote can no longer count on its regulatory protection? The answer could reshape market structure, but not necessarily in the way regulators expect.



Measuring What Survives, Executive Edition

What the Paper Finds

33 of 33

venues do something a plain order book does not. Twenty-nine differ in how, or with whom, a trade is matched; four are set apart first by the session they trade.

No undifferentiated venue under either definition tested: minimal flow segmentation and a plain continuous book or midpoint cross · Section VIII

16 of 33

venues, carrying 68.3% of notional, file more than one price construct in the same session. One venue now runs several mechanisms, each built for a different order.

Section VII

60.9%

of NMS-equity ATS notional runs through venues whose execution price the NBBO sets for at least one component of their matching logic. A venue-level exposure, not the share of dollars priced from the quote.

Component rule; 5.7% strict, 93.6% bound-counts · Band 57.9% to 63.1% · Section VII

25

venues, carrying 86.9% of notional, file a matching rule keyed to a locked NBBO. Rescission would change how often those rules fire.

Section IV

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current Form ATS-N filings mention a protected quotation. Twenty-seven name the NBBO. The venues wrote against a price.

Section IV

50/50

is how this paper weighs rescission against retention. Most findings hold either way; Exhibit 15 marks the ones that do not.

Section I and Section IV

21%

of overnight ATS share volume trades 8 to 9 p.m., the hour with no exchange, no SIP quote, no Rule 611, no Rule 6240 and no Reg SHO 201 test.

Commission staff data · Section IV

64% vs 39%

of substantive comment letters cite FINRA Rule 5310 or its best-execution rule: supporters of rescission, then opponents.

Cited, not adopted as the replacement · 47 of 102 letters · Section VI

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venues year one placed in its lowest tier are still trading at the highest segmentation level, as their filings already showed in 2025. Year one misread them.

Section VIII

0.25%

of a Tier 1 stock's daily volume is the most a tokenized venue may trade under the September 17 Innovation Exemption, outside Regulation NMS and around the clock.

Outside the proposal · 2.5% for Tier 2 · Release 34-106402 · Section IV

At a Glance: ten figures

1. The Question, and the Answer

On June 11, 2026, opening the meeting at which the Commission voted to propose rescinding Rule 611, the Chairman described what the rule had done to the population of trading venues: “What the Rule rather incentivized was a proliferation of new trading venues, which in turn fragmented liquidity and created an increasingly complex, costly, and opaque marketplace for order execution.”[1] The first edition of this report heard the same diagnosis from T. Rowe Price’s global head of equity trading: “What we saw from 2005 to 2020 was a lot of proliferation of venues, but with very little innovation.”[2]

That is an empirical claim about venues, and it can be tested against them. This paper reads the operative Form ATS-N of every alternative trading system that trades NMS stocks, classifies what each one does when it matches an order and what inputs that matching depends on, joins the result to the reported tape, and asks one question: if the protected quote is removed, what survives. Survival here is a property of designs, not firms. A design survives when its filed inputs stay intact, whatever happens to the venue’s profits.

The answer is not the one that account implies.

Not one of the 33 is an undifferentiated venue, under either definition this paper tests. Of the 29 that trade regular hours, every one either classifies its flow, by identity or by measured behavior, or runs a matching mechanism other than a plain continuous book. Sixteen of the 33, carrying 68.3% of notional, run more than one price construct in the same session. The remaining four, the overnight venues, are set apart first by their session, which no quote-protection rule reaches. What separates these venues is not a single measure of innovation. It is where their designs differ: in how the match occurs, with whom, and when.

Dependency on the protected quote is a property of a filing, not of a dollar. Under the placement rule this paper states, 60.9% of notional runs through venues where the national best bid and offer (NBBO) prices at least one component of the match. The same census reads 5.7% if the quote must price everything a venue does, and 93.6% if any filed bound counts. None of the three is the share of dollars that actually priced from the quote, which no venue publishes. The binding exposure is more specific. Twenty-five venues, carrying 86.9% of notional, have filed a matching rule keyed to a locked market. Rescission would not change a word of those rules. What it would change is how often they fire, on the Commission's own expectation that locks, which its release finds rare overall, would become more common in tight-spread names.

For twenty-one years a venue could offer a price without discovering one. The national best bid and offer was continuously available and defined by rule, and a venue that referenced it did not have to produce it: it paid for market data and connectivity, not for the price discovery behind them. A venue that wanted to open did not have to build a price formation mechanism or persuade anyone that its price meant something. It could take the midpoint of someone else's. That is the subsidy this paper is about. The word describes what the rules supplied, not a measured effect, because the public design record begins only in 2019.

The vocabulary has always obscured it. The public debate calls these venues dark, which describes what they do not show. The more useful description is what they consume: a midpoint venue is not primarily a place where prices are hidden, it is a place where prices are imported. Overnight operators reject it. Jason Wallach, chief executive of Bruce ATS, states it as a correction the market needs to hear: "Overnight ATSs are lit, not dark. Some market participants hear ATS and assumes non-displayed, and that is the thing we most need to correct."[3]

Rescission does not switch the feed off. What ends is the quote's standing: no rule would require anyone to reach it or prohibit trading through it. The number survives. Its warrant does not.

But the imported price does not go where the proliferation theory says it goes. It flows to the reference-dependent, and the reference-dependent are not the undifferentiated. Some of the most structurally distinctive venues in the market, including ones that randomize match timing or score counterparties on measured behavior, price at least one component of their matching from the quote proposed for rescission. Some of the plainest do not. That is the central analytical contribution of this year's edition, and the reason its framework has two axes rather than one ladder.[4] The operators describe those designs as answers to specific problems rather than as ornament. AlphaX US randomizes its auction

interval independently for each security so that timing cannot be inferred across names. Chuck Frederick, president of AlphaX US, puts the purpose plainly: “If you receive a fill on XYZ, you can’t use that information to attempt to time matching behavior on stock ABC. Our goal is simply to reduce information leakage to the extent possible.”[5]

Four Positions, Held Throughout

Contested, modeled as even odds. Rules 611 and 610(e) are proposed for rescission in Release 34-105655, together with seven defined terms in Rule 600(b) including “protected quotation,” “trade-through” and “intermarket sweep order.”[6] The comment record runs against the proposal by submission count, professional commenters mostly asked for conditions, and the coalition behind tokenized venues, the clearest group for repeal, has since been given a route around the rule instead. This paper models rescission and retention as equally likely and marks which findings depend on the outcome. Most do not.

Operating now. On September 17, 2026 the Commission exempted a new class of venue, Tokenized Securities Venues trading tokenized NMS stock through automated market maker pools, from the definition of an exchange. Regulation NMS does not apply, prices are set “without directly considering external pricing,” and such a venue may trade around the clock, subject to volume caps and a five-year term.[7]

Uncertain, modeled both ways. The half-penny minimum pricing increment under Rule 612 and the reduced access fee cap under Rule 610(c) were adopted in 2024 and have never taken effect. Their compliance date has moved twice and now sits at the first business day of November 2027.[8]

Unchanged, and now load-bearing. FINRA Rule 5310 is not part of any of this. It is also, after the Commission withdrew its own Regulation Best Execution proposal in June 2025, the only remaining express best-execution rule for broker-dealers in equities.[9]

Neutrality. This paper takes no position on whether Rule 611 should be rescinded. It measures consequence, not merit, ranks no venue on quality, and predicts no venue’s exit, sale or growth. Seven alternative trading systems took part as named participants: AlphaX US, Blue Ocean, Bruce, CODA Markets, Imperative Execution, Mosaic and PureStream. Every placement any of them receives is derived from its own filing under rules applied identically to all 33 venues; no participant saw another’s material or had approval over any finding. The seven are participants, not a sample, which is why the census exists. **Disclosure of the author’s interest.** The author is an officer of CalcGuard Technologies, which builds execution measurement systems for institutional investors. CalcGuard does not operate an alternative trading system and holds no interest in one. It filed a comment in FINRA’s Regulatory Notice 26-15 proceeding and organized the working session paraphrased without attribution in chapter 10. Every placement here rests on a venue’s own Form ATS-N and every share on public FINRA data. The one spread exhibit rests on one venue’s daily files, aggregated here and restated nowhere.

2. Seven Venues, Seven Designs

An institution almost never trades its idea in one order. It works a large one over hours or days, in slices, and the slices are what a venue sees. Every design below is a different answer to the two questions no rule decides: how the match occurs, and when. That is where these venues compete, and the fastest way to read this paper is to know what each of the seven participants actually built. They illustrate the framework; they do not ground it.[10]

AlphaX US runs a periodic batch auction and randomizes the interval independently for each security, with every price capped at the national best bid and offer from the securities information processor (SIP). The operator's case is leakage control: a fill tells you nothing about when the next match will come, in that name or any other.

Blue Ocean runs a continuous price-time book from 8 p.m. to 4 a.m. ET, priced inside a static 20% band around the 7:30 p.m. print. The operator's case is the hours, United States equities tradable while Asia is at its desk, not the book. "We trade close to 5,000 different names every night," the venue told this report's first edition, and breadth across names, not any single ticker, is the claim.[11]

Bruce runs the same session with the same architecture, a continuous overnight book inside a static band, and is building toward the rest of the week; its announced weekend session, and what the filings do and do not yet say about it, is chapter 8. The hour after the 8 p.m. open is the Asian morning, and Commission staff's figures make it the largest hour of the night session (chapter 8).

CODA Markets, whose relaunch filing is before the Commission and not yet effective, is built on demand rather than on a resting book. An order that could trade at the national best bid or offer may start an auction: the venue pauses it for about a millisecond, sends a symbol-only request to liquidity providers, and completes the match through one of two order types, CODA MICRO, which fills first-to-respond or through a price-improvement auction, and CODA FUSE, which allocates volume-weighted pro rata. Instead of waiting in a book to be read, liquidity is called for when an order arrives, order by order.

Imperative Execution runs IntelligentCross, its sole filed ATS, which matches on a timer its software sets security by security, against a best bid and offer built from direct feeds with the SIP as fallback, on the premise that when a match happens decides how it measures afterward. The one filing carries three books: Midpoint, a timed midpoint cross; ASPEN, a timed displayed book; and IVWP, a non-displayed book that matches VWAP orders only against one another, at the volume-weighted price over an interval, so the schedule-driven order flow the daytime market runs on has a filed home here too. It is the largest venue in the census by shares traded, in the eight-week window and over 2026 year to date alike; by notional it runs second in the window and first over the year to date; and it also displays priced orders through its own feed. What never happened to those displayed prices is chapter 9.

Mosaic crosses continuously at the midpoint of a best bid and offer it constructs itself, and manages who meets whom: each subscriber workflow is attested as an Investor or a Risk Provider at onboarding, and the venue checks the attestation against measured

behavior with a proprietary score it does not publish. A midpoint cross is the oldest product in the catalog. What Mosaic adds is a venue-run process for checking who is on the other side.

PureStream streams fills at a participation rate keyed to prints reported to the SIP, so an order executes in proportion to actual trading as it happens rather than at one moment's quote, with a single-point NBBO match alongside. The design substitutes a trajectory for a point. A subscriber buys a share of the tape rather than a price, and the liquidity-maker menu it filed in August, the first of its kind, is chapter 6.

Read as a set, the seven are the paper's thesis in miniature. Two differ chiefly in when they run, five in how they match, and none of them is the undifferentiated venue the proliferation account describes.

The framework has two axes and a clock. Mechanism asks what a venue does differently when it matches. Dependency asks which of the protected quote's three inputs, the reference price, the gate on when matching may begin, and the lock-and-cross rule, the proposal would touch. A venue that runs in more than one session type gets a placement for each, not an average.[12]

Venue (MPID)	Session	Matching event	Locus of differentiation	Reference construct	Composite (611/610(e) leg)
AlphaX US (ALPX)	Regular hours only	Periodic batch auction (randomized)	Timing; Price formation	Own book, capped at SIP NBBO; pegs priced off the NBBO	Price-referenced (NBBO-priced pegs; filed precondition)
Blue Ocean (BLUE)	Overnight 8 p.m. to 4 a.m. ET	Continuous book, price-time	Price formation	Session-static band (20%, 7:30 p.m. ET print)	Outside RTH (until overnight dissemination begins)
Bruce (BOSS)	Overnight 8 p.m. to 4 a.m. ET	Continuous book, price-time	Price formation	Session-static band	Outside RTH (until overnight dissemination begins)
CODA Markets (CODX); ceased March 20, 2026, filed June 30 to return, not yet effective	Regular hours only (not effective)	On-demand, order-initiated auction	Counterparty conditioning; Timing	Own book, at or within the SIP NBBO; pegs priced off the NBBO rechecked at the close of the auction	Price-referenced (NBBO-priced pegs); filed form, not in the count
Imperative Execution (INCR)	Regular hours	Algorithmically timed periodic (Midpoint, ASPEN); interval-VWAP cross (IVWP)	Timing	Mixed: NBBO-derived (direct feeds, SIP fallback); interval VWAP (IVWP book)	Price-referenced
Mosaic (MOAT)	Regular hours only	Continuous midpoint crossing	Counterparty conditioning	NBBO-derived, constructed	Price-referenced
PureStream (PURE)	Regular hours, plus post-close round	Participation-rate streaming; single point match	Sizing; Counterparty conditioning	Mixed: SIP-reported trade prints; NBBO (single point)	Price-referenced (single point component)

Exhibit 1. Mechanism and dependency placements, seven participant venues

Notes to Exhibit 1: (a) Scale is not an axis. Share of NMS-equity ATS notional, alphabetically: AlphaX US 0.22%; Blue Ocean 2.48%; Bruce 0.38%; CODA no notional in

the window, its ATS having ceased before the window opened; Imperative Execution 13.68%; Mosaic 0.004%; PureStream 2.95%. (b) Mosaic was still ramping during the window; its second-half notional was 2.3 times its first half. (c) Notional is not adjusted for session length, so comparisons understate an overnight venue's footprint within its own session. (d) The Imperative Execution overnight session is placed separately, from the venue's restated Form ATS-N of September 29, 2026: a static 20% band on the 7:30 p.m. print, and no NBBO role at any hour of a session that runs to 9:30 a.m. (e) All seven venues are participants. (f) CODA's row is read from a form that has not become effective. The census counts in chapters 4 and 6 place it from the last effective form, the one in force before it ceased, which is Price-constrained, because a filing under Commission review cannot settle a cell; since the venue reported no notional, the difference is a venue count and never a share.

On the rows above, none of the seven lands in Price-constrained, and none should be read as insulated from the proposal. The one split reading is CODA, placed here from its filed form and in the census counts from the last form in effect, as note (f) states. Of the four participant venues year one placed in its top tier, three resolve to Price-referenced in the regular session, and they reach that placement by three different routes: a filed precondition on displayed quotes, an NBBO midpoint, and an NBBO-priced component beside a print-anchored one. A ladder has no way to record that.

3. What 2005 Built

Four Rules, One Object

Regulation NMS was adopted on June 9, 2005. It consolidated the existing national market system rules and added four substantive ones: Rule 611 restricting trade-throughs, Rule 610 governing access to quotations and prohibiting locked and crossed markets, Rule 612 setting minimum pricing increments, and Rule 603 governing the distribution, consolidation and display of market data.[13] Rule 611 was the centerpiece, and the most contested: by the Commission's own account at the time, "[c]learly, the Order Protection Rule was most controversial and attracted the most public comment and attention."[14] The release proposing to rescind it records that it has been "likened to the 'head of an octopus' because of its ability to impact many different areas of equity market structure," and more recently analogized to "the scaffolding of the national market system, akin to a temporary structure that can now be taken down because it is no longer necessary," two images from roundtable panelists rather than the Commission's own description.[15]

The four rules are usually discussed one at a time. They are better understood as doing one job together. Rule 611 made a displayed quotation something a trading center could not execute through. Rule 610(a) through (c) made it something a market participant could reach, on non-discriminatory terms, at a capped cost. Rule 610(d), renumbered 610(e) in 2024, kept the quotations on either side of the spread from overlapping. Rule 612 put all of them on a common grid. Rule 603 required that they be consolidated and published.

The product of those provisions was not a rule. It was an object: a single, continuously published, legally defined price that every participant could see, could reach, could not ignore, and did not have to build.

The institutions that use it every day describe it in almost the same terms. BlackRock's letter calls the NBBO "a foundational element of the national market system, providing market participants with a uniform and authoritative benchmark for price discovery, market transparency, order routing, and evaluation of best execution."[16] T. Rowe Price names the property the package conceals: "Currently, the Trade-Through Rule acts as a filtering mechanism (albeit an imperfect one) on which venues and types of quotes serve as inputs to the NBBO."[17] Protection did not only guard the price. It decided what the price was made of.

The Fee Cap Says What the Bargain Was

The clearest evidence that the 2005 rules were a package rather than a list is the access fee cap, and the Commission's own statement of why it exists. Rule 610(c) was adopted alongside Rule 611, designed "to promote fair and non-discriminatory access to quotations displayed in the national market system, ensure the fairness and accuracy of displayed quotations by establishing an outer limit on the cost of accessing such quotations, and preclude trading centers that posted protected quotations from raising their fees in an attempt to take improper advantage of the trade-through protections."[18]

Read the last clause slowly. The Commission capped access fees because Rule 611 created market power. If a rule compels routers to reach your quotation, you can charge for reaching it, and the cap existed to stop venues from monetizing a compulsion the rule itself created. Protection and price control were two halves of one design, and the Commission said so. It is also why rescission reaches the fee cap mechanically: half of Rule 610(c)'s current scope is defined by the term "protected quotation," which the same proposal deletes.

What the Object Was Worth to a Venue That Did Not Make It

A venue that quotes has to produce a price. It needs two-sided interest, it bears the risk of being wrong, it pays for the infrastructure that keeps the quote current, and it earns whatever the spread and the fee schedule return. A venue that references does none of that. It takes a price that already exists, executes inside it, and charges for the execution.

Before 2005 the reference was partial: the Intermarket Trading System's trade-through provisions, written for manual markets, reached exchange-listed stocks and left most Nasdaq trading outside them, and no uniform rule capped the cost of access or policed locking across markets. After 2005 the four rules made the reference close to a public utility in every NMS stock, and nothing in Regulation NMS required a venue pricing off it to put anything in. That one-way bargain is the subsidy. Nobody named it at the time, because 2005 was an argument about whether order protection helps investors, not about what the reference was worth to the venues that would price from it. The word states what the rules supplied. This paper does not measure what it was worth, or say whether the bargain was a fair one.

Fourteen Years With the Lights Off

Rule 611 was adopted in 2005. The public record of what an alternative trading system actually does with an order begins in 2019, when the first Form ATS-N filings appeared under a rule adopted in July 2018.[19] For the fourteen years in between, a venue described its matching logic to the Commission on a confidential form, and to nobody else.

Two things follow, and both are simple. This census cannot be run against 2010 or 2015, so it can show what dependency is, not how it grew; anyone claiming to measure its trend across the life of Rule 611 is working from a record that does not exist. And the Commission proposes to rescind the rule on a judgment about twenty-one years of venue structure, of which the public disclosure covers the last seven.

The Dissent That Became the Proposal

Two Commissioners dissented from Regulation NMS. Cynthia A. Glassman and Paul S. Atkins were "concerned about its detrimental impact on competition and innovation," wanted access standards first and a trade-through rule only if one proved necessary, and gave section III.A of their dissent a heading that reads like this proposal's thesis: "A Trade-Through Rule Is Not Needed as a Backstop to Best Execution."[20] Twenty years on, the dissent acquired a claimant. In a September 2025 letter to the Commission, Imperative Execution wrote that those concerns had come to fruition in its own case, because the continued inability of its quotations to be treated as protected has "stifled the introduction of innovation and competition to the displayed markets." The claim is about entry into the public quote, not about matching design. Chapter 9 returns to that venue.[21]

One of those dissenters now chairs the Commission that has proposed the rescission, and the argument for it runs through the duty named in that heading.

4. What the Census Found

Of the $8.191 trillion in NMS-equity ATS notional reported over eight complete weeks in mid-2026, 60.9% ran through venues where the national best bid and offer prices at least one component of the match.

That figure counts a venue's whole reported notional once its filing shows an NBBO-priced component. Read it as the share of the tape running through reference-dependent venues, and not as the share that priced from the protected quote, which no venue reports and no public source permits anyone to compute.[22]

Composite	Venues	Share of NMS-equity ATS notional
Price-referenced	16	60.9%
Price-constrained	12	32.7%
Basis-priced, no NBBO role	1	3.4%
Outside RTH (overnight)	4	3.0%
Total	33	100.0%

Exhibit 2. Reference-price dependency across 33 NMS-equity ATSs, June 22 to August 14, 2026

Notes to Exhibit 2: (a) One Price-constrained venue reported no notional in the window; it is counted in the 12 here but excluded from the tape-signature medians in Exhibit 4, which therefore shows 11. (b) The basis-priced venue is a request-for-quote book priced to a prior futures settlement or a post-close net asset value, with no NBBO role anywhere in its filing, and it is excluded from every tape comparison. (c) Shares are of NMS-equity ATS notional, not the consolidated tape. (d) A composite is a venue's placement against the proposal. Price-referenced: the NBBO prices a component of the match, or a filed precondition gates it. Price-constrained: the NBBO only bounds a price the venue forms. Basis-priced: no NBBO role. Outside RTH: overnight venues. Full derivation: Research Edition, Section VII.

The result is not one venue. The largest single member of the Price-referenced group is 14.0% of notional; remove it and the group still holds 46.9%. The group spans the largest venues in the census and the smallest, and runs every matching event class the framework defines except the plain continuous price-time book.

Institutional investors reached the same description without the census. The Council of Institutional Investors wrote in the comment file that "[o]ff-exchange systems are benchmarked to the protected quote, and when an odd-lot quote is traded through, the execution price generally still falls within the NBBO."[23] The census asks how much of the market that sentence covers.

The Number Moves With the Rule, and the Rule Is a Choice

The single most important finding is not 60.9%. It is that the figure is definition-dependent, and that the definition is visible and arguable rather than technical.

Placement rule	Price-referenced venues	Share of notional	What the rule requires
Strict	4	5.7%	The NBBO must set the execution price, and a venue filing more than one price construct is unresolved
Component rule (used here)	16	60.9%	The NBBO sets the price of any non-benchmark component, or a filed precondition gates the match
Bound-counts	28	93.6%	Any filed NBBO role counts, including a trade-through or price-limit bound

Exhibit 3. The same census under three placement rules

Notes to Exhibit 3: (a) Under the strict rule, 68.2% of notional lands in "unresolved in public record": the 68.3% in mixed-construct venues less one overnight venue, under 0.1% of notional, which keeps its Outside RTH placement. (b) Under the bound-counts rule everything qualifies except the four overnight venues and the one basis-priced venue. Full derivation: Research Edition, Section VII.

One fact drives the whole spread. Mixed price architecture is common, and it carries most of the market: 16 of the 33 venues, carrying 68.3% of notional, file more than one price construct in the same session. This is not the group of 16 price-referenced venues in Exhibit 2, which carries 60.9%: that group is defined by the NBBO's role in the matching logic, this one by the number of price constructs filed. A continuous book beside a scheduled volume-weighted cross. A firm-order book beside a conditional book that fills at the NBBO midpoint. Negotiated indications beside book trades. A taxonomy built on one venue and one reference price cannot place most of the market.

The component rule is not a midpoint between the other two. The strict rule cannot place the two thirds of the market running mixed architectures. The bound-counts rule treats a trade-through limit as a price input, but a limit constrains a price the venue forms itself; it does not supply one. The component rule asks the question rescission raises: does any part of this venue's product take its price from the quote whose standing is at issue? That is what a routing desk and an operator each need to know.

The precision the record supports is a band of 57.9% to 63.1%, narrower than the spread between the three rules. Any account of this market that reports a single dependency figure without its rule is reporting an artifact of the rule. The figure is also stable across a longer window: over the 34 complete weeks of 2026 through August 24, four times the notional of the census window, the price-referenced share is 61.9%, the same five venues lead, and the top two on notional sit within half a point of each other in either window.[24]

What the Tape Looks Like by Composite

Dependency is a property of a filing. The tape is a separate measurement, and the two are read side by side here, with neither used to explain the other.

Composite	Venues	Footprint cosine	Average trade, shares	Top-10 symbol share	Block share of notional	Weekly share variation
Price-constrained	11	0.945	99	15.7%	3.2%	0.037
Price-referenced	16	0.848	104	17.3%	6.3%	0.063
Outside RTH	4	0.582	127	56.8%	20.0%	0.247

Exhibit 4. Tape signatures by composite, medians across reporting venues

Notes to Exhibit 4: (a) A footprint cosine of 1.0 means the venue's symbol mix mirrors the rest of the market. (b) Block share is notional in trades of 10,000 shares or more, over total. None of these is a quality measure. (c) Average trade size says little about order size at streaming and print-keyed mechanisms, which fill in small increments whatever the size of the parent order. (d) Overnight statistics are not adjusted for session length. Full derivation: Research Edition, Section VII.[25]

Three things read off the exhibit. Price-constrained books look the most like the market as a whole, with the highest footprint similarity and the lowest block participation, which is what a venue whose price forms inside its own book against an NBBO bound would be expected to look like. Price-referenced venues carry nearly twice the block share and a

somewhat more distinct symbol footprint, consistent with midpoint-conditional and negotiated mechanisms sitting in that group. Overnight venues are a different market: a 0.582 footprint cosine, 56.8% of notional in ten symbols, a fifth of notional in trades of ten thousand shares or more, and week-to-week share variation four to seven times the daytime groups. Read that row as a description of a distinct session, not as a comparison with the daytime venues above it.

What the session costs to trade is not in the FINRA data at all, but the Commission's September 17 roundtable put public figures on it from both directions, and one operator adds a third. Mike Harrington of Citadel Execution Services, speaking from his firm's own order flow, put overnight spreads at two to three times the regular session, roughly nine cents against four for stocks above a dollar, while reporting ETF spreads near pre- and post-market levels and a median $15,000 of contra-side liquidity against a median order near $800. Noreen Hassan, DriveWealth's chief executive, measured against the session an overnight order would otherwise wait for: on her firm's flow, the median overnight spread in non-penny names runs four times tighter than the pre-market.[26] Michael Lish, chief operating officer of Bruce ATS, measured his own venue across the Magnificent Seven names, eight tickers counting both Alphabet classes, from September 1 to October 7, 2026: "We quote the Mag 7 names two-sided 100% of the session, and we typically see an average spread of two to five basis points."[27] All three figures are their firms' own; none is verified here and none enters the census. They are also in three different units, which is most of why they appear to disagree: nine cents is two basis points on a $454 stock and thirty on a $30 one, so a spread quoted in cents says nothing about what trading cost until the price is attached. On Blue Ocean's own daily files, the fifty largest names by notional pool to 11.47 basis points across the venue's full file, September 2025 to August 2026.[28] The venues, names, windows and methods differ, so none of these figures is a comparison of venues. Chapter 8 reads the distribution behind the 11.47 and finds the answer is not a level at all but a curve.

The three disagree less than they appear to, because the spread is the cost of trading the night and not the cost of the night. The session exists because information does not wait for the open. News lands outside market hours and prices move on it whether or not anyone can trade, so by the time an order meets a four-cent spread at 9:30, the price has been moving for hours on information that was already public. Whether nine cents at 8 p.m. is expensive depends on what waiting for the pre-market or the open would have cost the same order, and that figure, the one the choice actually turns on, is in no statistic any venue publishes.

Display, and a Correction to the Common Description

Twenty-two of the 33 venues do not display orders at all, carrying 70.3% of notional, and six are mixed at 17.1%. The overnight group is the exception: one venue files itself as a non-attributed display venue and the other three let subscribers mark orders displayed or non-displayed. The common description of overnight ATSs as uniformly dark is wrong on the filings. Matt Brown, sales and trading director at Blue Ocean, puts the venue's position plainly: "Blue Ocean is a fully lit venue. We do not run any type of dark book. Market data from Blue Ocean is available to all subscribers and participants."[29] Its filing lets subscribers mark orders displayed or non-displayed, and those rest in the same book rather than a separate dark one.

5. Where the Exposure Actually Sits

The proposal is narrower than its consequences. Two rules are proposed for rescission: Rule 611, which requires a trading center to maintain policies and procedures reasonably designed to prevent trade-throughs of protected quotations, and Rule 610(e), which requires self-regulatory organizations to have rules against displaying quotations that lock or cross a protected quotation. Alongside them the Commission proposes to rescind seven defined terms and insert the word “Reserved” in their place.[6] The Managed Funds Association put the consequence in the comment file: “Rules 611 and 610(e) are deeply embedded in the regulatory architecture governing U.S. equity markets, and rescinding them would have consequences extending well beyond trade-throughs and locked and crossed markets.”[30]

Nothing in the proposal changes how prices are published. What would end is the obligation not to trade through a protected quotation and the bar on quotations that lock or cross one.

The Word the Filings Do Not Use

Term	Filings using it
NBBO	27 of 33
Locked, in any use	30 of 33
Locked or crossed market	26 of 33
Regulation NMS	19 of 33
Protected quotation, protected bid or protected offer	8 of 33
Trade-through	4 of 33
Rule 611	2 of 33
Intermarket sweep order	1 of 33

Exhibit 5. Protected-quote vocabulary across 33 current Form ATS-N filings

Notes to Exhibit 5: (a) Counts are of filings containing the term at least once, searched case-insensitively across the operative full form; “locked or crossed market” counts the two words within thirty characters of each other. Exhibit 6 counts the 27 filings that describe locked or crossed treatment in any wording. Full derivation: Research Edition, Section IV.

Twenty-seven filings use the acronym NBBO. Eight name a protected quotation. Two cite Rule 611. One mentions the order type that exists only as an exception to it. The venues wrote their rulebooks against a price, not against a legal object, and the consequence runs through everything after it: for most of these filings, rescission requires no amendment at all. A venue that filed “executions occur at the midpoint of the NBBO” is still telling the truth the day after adoption. The dependency measured at 60.9% of notional does not announce itself in the disclosure record before the change and will not announce itself after.

The Binding Consequence Is a Locked Market, Not a Price

	Venues	Share of NMS-equity ATS notional
File any locked or crossed behavior	27	91.6%
File a matching rule keyed to a locked NBBO	25	86.9%
Of the 16 Price-referenced venues: suspend matching when crossed	16	60.9%
Of the 16 Price-referenced venues: suspend matching when locked	9	43.0%
Of the 16 Price-referenced venues: condition matching when locked	6	17.8%

Exhibit 6. Filed locked-market behavior, 33 NMS-equity ATSs

Notes to Exhibit 6: (a) Classified from the locked and crossed treatment field of the census, sourced to Part III Items 11, 15 and 24 with verbatim evidence. (b) The crossed and locked rows overlap. (c) The locked-NBBO row counts any filed matching rule triggered or conditioned by a locked NBBO, across all four composites; it is broader than the 16 Price-referenced venues in the rows beneath it. Full derivation: Research Edition, Section IV.

Now put that beside what rescinding Rule 610(e) is expected to do. The Commission's own economic analysis says that "[a]llowing markets to lock would narrow spreads and could allow some investors to execute at prices that are more advantageous than those available currently," and that the specialized order types built to prevent locks "would no longer be necessary and would likely be eliminated."[31] Fidelity states the premise: "Existing self-regulatory organization ("SRO") rules may contribute to the relative rarity of locked and crossed markets today."[32] Vanguard states the consequence: "Over time, more frequent locked-market conditions could result in displayed quotations becoming more transient and potentially less informative."[33] T. Rowe Price supports permitting locks outright: "We do not have the same concerns about locked markets, which can arise naturally in competitive quoting conditions and may improve price transparency."[17]

Read the two together and the structure of the shock appears. Twenty-five venues have filed rules whose trigger is a market condition that is currently prohibited and that, if Rule 610(e) goes and the self-regulatory organizations follow, would become lawful and more frequent. Adoption changes none of those rules by itself. Their expected firing frequency changes. A venue that suspends matching whenever the NBBO locks would, without amending a word, see a rare safety condition become a more frequent one.

One operator expects to amend rather than absorb that. Chuck Frederick, president of AlphaX US, expects the venue to modify its engine to match at locked quotes, on the reasoning that a locked market states a real and executable price: "A locked quote is exactly correct. There's a person who wants to buy at that price. There's a person who wants to sell at that price. Those are the prices." His expectation for the SIP is continuity with one change: "We're going to continue using what the SIP says is the best bid and the

best offer, with one change. There will be locked and crossed quotes." He also expects locks to persist rather than resolve in thin names: "I think we're going to find locked markets in certain names, maybe less liquid names, stuck for long periods of time." The change he describes is scoped to locks: if Rule 610(e) goes, the venue expects to match at locked quotations.[34]

Two Narrower Exposures

The feed splits three ways. Some venues take the NBBO from the securities information processors, as AlphaX US does for the cap on its auction prices and for the prices of its pegged order types. Some build a constructed NBBO from direct feeds with the SIP as a fallback, which is what IntelligentCross's midpoint book and Mosaic's constructed reference each do in different ways. Some price from prints.[35] Today those are engineering choices routed to the same regulated object. After rescission they are three commercial decisions about which vendor's number to use, and no rule says what the NBBO is for pricing a trade. Roman Ginis, chief executive of Imperative Execution, puts the objection in one line: the SIP "doesn't contain ASPEN's displayed quotes," so on the operator's account the consolidated number may not reflect the best price in the market. [36] BlackRock names the risk: "fragmented views of the NBBO may develop, as market participants elect to disconnect from venues that they perceive to offer insufficient liquidity or execution benefits."[16] The Council of Institutional Investors, quoting Sidley & Austin, notes that the connectivity now taken for granted "developed in part because Rules 611 and 610(e) required or incentivized access to protected quotations."[37]

Four venues wrote the lit market into their own rulebooks. Four of the 33, carrying 28.0% of notional, file a precondition on displayed quote content. Twenty-three file only functional gates: the mechanism waits on the primary open, the first print or data availability. A functional gate survives rescission untouched. A filed precondition on displayed quote content ties the venue's ability to match to the presence of displayed interest that no rule any longer requires to be accessible or protected. It is the narrowest exposure in the paper by venue count, and the one where the filed text ties matching to displayed interest rather than to a price.

If the Rule Stays, It Is Bypassed Rather Than Removed

Retention would not mean the status quo. The Innovation Exemption places tokenized venues where Rule 611 does not reach: such a venue is not a trading center under Regulation NMS, because prices in an automated market maker pool "are generally set based on the ratio of the quantities of the assets in a liquidity pool without directly considering external pricing," so the venue "may be unable to comply with the trade-through requirements of Rule 611."[7] Joe Wald, co-chief executive of Mosaic, drew the conclusion on the order protection rule the day the order issued: "This is a multi-dimensional problem now. And OPR doesn't fit in a multi-dimensional kind of paradigm."[38]

The fences are tight. A Tier 1 stock may not trade on such a venue beyond 0.25% of its prior month's average daily share volume, with no more than 75 such symbols; for Tier 2 the limits are 2.5% and 250 symbols. Issuers hold a veto, the exemption expires after five years, and the Chairman has called it an interim measure that "must be followed by durable rulemaking."[39]

Both branches arrive at the same place by different routes. Rescission removes the quote's standing from inside the system. Retention with the exemption leaves the standing in place and routes some price formation around it. Either way, the 60.9% of NMS-equity ATS notional measured in this window runs through venues that price at least one component from a reference whose authority is narrowing.

6. The Undifferentiated Middle Is Empty

Year one forecast consolidation along three lines, one of them attrition among venues with limited differentiation. This edition asks what that mechanism would act on. The answer is the finding.

Definition	Venues	Share of NMS-equity ATS notional
Minimal segmentation (L0 or L1) and a plain continuous book or midpoint cross	0	0.0%
Plain continuous book or midpoint cross, and not operator-classified	0	0.0%
Minimal segmentation (L0 or L1), any matching event	5	27.2%
Plain continuous book or midpoint cross, any segmentation level	9	14.9%

Exhibit 7. Searching for an undifferentiated middle, regular-hours venues

Notes to Exhibit 7: (a) Overnight venues are excluded from all four rows, since their session rather than their design is their differentiator. (b) Segmentation levels are L0 all-to-all, L1 opt-out tools only, L2 subscriber elects among venue categories, L3 operator assigns by identity, L4 operator grades flow by measured behavior. Full derivation: Research Edition, Section VIII.

No venue in the census is undifferentiated on both axes. The five venues with minimal segmentation run periodic auctions, algorithmically timed matching, conditional negotiation or request-for-quote books. What differentiates such a venue is often what it declines to offer. AlphaX US files no post-only order type, and its president, Chuck Frederick, explains the omission as mechanism rather than policy: "To support a post-only type, there would naturally need to be a liquidity taker with which to interact. However, we consider our ATS an auction venue. As such there are no providers, removers, makers, or takers."[40] Imperative Execution draws the same line from the other direction. The ASPEN book of its IntelligentCross ATS is not an auction, its chief executive Roman Ginis says, but a limit order book that chooses when matches happen, and the filed design applies the same scheduled matching to the venue's midpoint book: "We are choosing the timing of the match, when we believe the prices will be more stable." The venue calls them scheduled matches, set per security and able to change through the day, and Ginis puts the design's priority plainly: "We might cross less than they will, but the outcomes are better."[41]

The correction this edition owes its readers is sharper than that. The three venues year one placed in its lowest differentiation tier are all still trading, together 9.8% of notional, and all three sit at L4, the highest segmentation level, where the operator grades flow by

measured behavior. None runs a plain continuous book. And none of that is new: each venue's filed segmentation text was the same, or nearly so, when year one's data window closed in September 2025. Year one did not watch these venues convert. It misread them.[42]

Differentiation Does Not Determine Dependency

Segmentation level	Price-referenced	Price-constrained	Outside RTH	Basis-priced
L4, operator grades by measured behavior	9	5	0	0
L3, operator assigns by identity	5	4	1	0
L2, subscriber elects among categories	0	0	0	0
L1, opt-out tools only	2	2	0	1
L0, all-to-all	0	0	3	0

Exhibit 8. Segmentation level by dependency composite, venue counts, 33 NMS-equity ATSs

Notes to Exhibit 8: (a) One venue's segmentation level is unrecorded and is omitted. (b) The L0 row is mechanical: the three all-to-all venues are overnight venues, whose composite follows from their session. (c) One venue is recoded from L1 to L4 on its current filing. (d) PureStream is placed at L4, the level of its primary pool; its August liquidity-maker menu sits in a supplemental pool and is not counted as an L2 placement. Full derivation: Research Edition, Section VIII.



Exhibit 9. The same counts drawn: both composites appear at three of the five segmentation levels

Notes to Exhibit 9: (a) The counts are those of Exhibit 8, so the grid holds 32 of the 33 and the venue whose segmentation level is unrecorded is omitted here too. (b) The

composite axis is categorical, so its columns carry no numeric order and the chart draws no trend line.

Segmentation level does not determine reference-price dependency. At every level where the comparison is meaningful, venues fall on both sides: L4 splits nine to five, L3 five to four, L1 two to two. Knowing how heavily a venue grades its counterparties does not tell you whether its execution price comes from the protected quote. That is why the framework has two axes.

Venues that grade flow trade a symbol mix much like the rest of the market. Median footprint cosine, the similarity of a venue's symbol mix to every other ATS, is 0.941 at L4 against 0.909 at L1: the most heavily graded venues trade almost the same symbols as everyone else.

Grading is the part of a venue no rule change touches, and the exhibit below shows one such apparatus as filed.

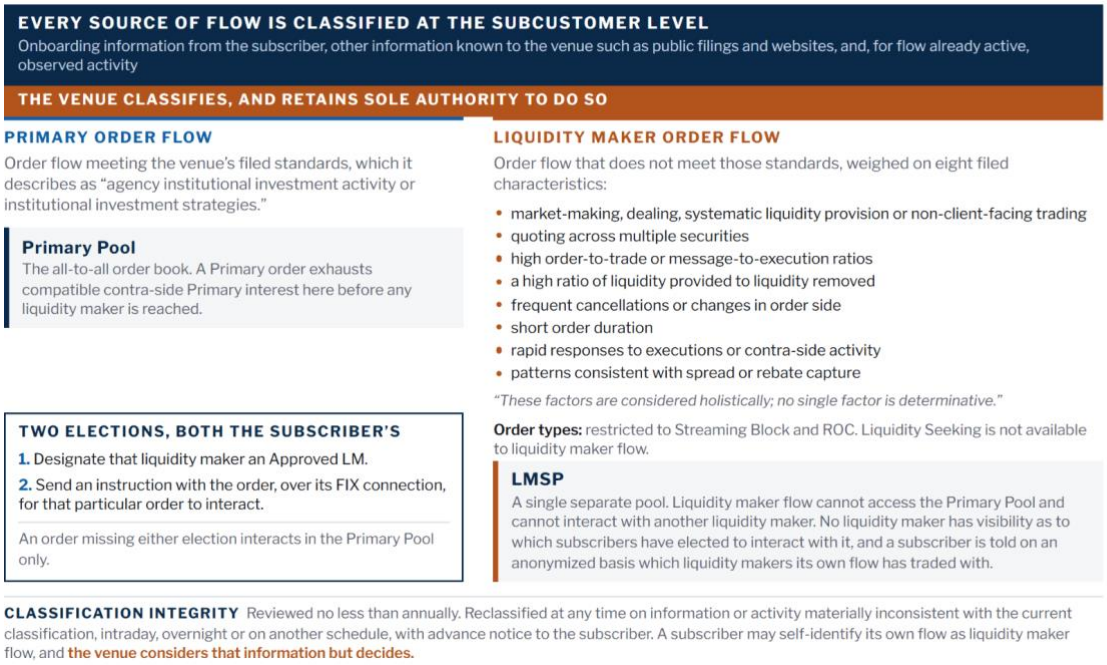


Exhibit 10. What the venue decides: PureStream's order flow classification, and the pool the classification opens

Notes to Exhibit 10: (a) Every element is drawn from the venue's own Form ATS-N/UA filed September 11, 2026, Part III Items 13(a) and 14(a); the phrases in quotation marks are verbatim from it. (b) A subcustomer is the venue's unit of classification, a discrete source of flow inside a subscriber rather than the subscriber itself. (c) The chart records a filed design, not an account of how it is applied. Full derivation: Research Edition, Section VIII.

The First Menu Arrived by Amendment

L2 is the level at which a subscriber chooses among venue-defined counterparty categories: not opting out, not being assigned, but a menu. Until August 2026 no venue filed one. PureStream's August 13 amendment added one. The venue classifies every source of flow, from onboarding information and then observed behavior such as order-to-trade ratios, and retains sole authority; liquidity-maker flow goes to a separate pool, and a Primary subscriber decides whether to interact with it and with which liquidity makers, identified anonymously.[43] Sean Hoover, its chief operating officer, on the Liquidity Maker Supplemental Pool (LMSP): "LMSP is a new initiative, not an evolution of the current environment. We expect the Primary pool to remain largely as it is." The timing has a simple explanation: "Our current ATS-N allows for a liquidity maker solution. But we never actually put it into commercial production because it was clear that subscribers were not demanding it at the time."[44] Armando Diaz, its chief executive: "We believe the LMSP solution contains the best elements of bilateral and the best elements of all-to-all."[45] Hoover also stresses two properties. On control: "Our intent is for Primary subscribers to have full control over if and when they opt in to incremental liquidity." On streaming: "Primary subscriber interactions with LMs will be exclusively in the form of streaming, not mid-point only fills."[46] No filing can show how hard the classification gate is. Diaz states its purpose: "The classification process is designed to identify market making behaviors and prevent that flow from participating in the Primary pool." A routing firm has no way to check that claim.[47]

CODA Markets describes what it calls clubhouse rooms inside its ATS, where it scores each liquidity provider on execution quality. Joe Costa, head of ATS and institutional equities at CODA Markets: "It gives seekers the ability to put multiple liquidity providers into one room, which we call clubhouse rooms, where they're competing for the flow and we're assessing providers against EQ metrics. Aggregating providers who simultaneously see the quote, we provide a competitive marketplace where incentives exist within the auction rules to provide price improvement and larger size while cutting down leakage for the seeker by shortening their time horizon and the traditional consecutive ping model."[48] It is neither a midpoint cross nor a single-dealer platform without a referee; here the venue keeps score: "It gives smaller liquidity providers an opportunity to build out their own de facto single dealer platform on the ATS itself, where CODA can also make introductions to seekers/flows they may not have access to today."[48] No CODA filing carries the structure, so this paper records it as the operator's account and places no cell on it.

Mosaic takes the other route, having the subscriber attest a classification of each workflow as Investor or Risk Provider and then verifying the designation against observed activity and measured behavior through a proprietary score. John Cosenza, its co-chief executive, describes the design as an answer to the market's transparency: "The strength of the ATS industry is its transparency. The challenge is that as trading technology grows more intelligent, that same transparency gives the broader market a head start on gaming. Mosaic's design anticipates these risks, with features built to disrupt footprint signaling and leakage."[49] His argument for grading at all is that the conventional unit is too coarse: "An MPID is a portfolio average of behaviors and properties across thousands of customer workflows."[50] Vishal Punjabi, Mosaic's head of product, put the principle plainly at a briefing in May: "We don't think of flows as good or bad. We think of it as compatible or incompatible."[51]

What the Shape of the Tape Says About Compression

Across the 32 venues reporting in the window, the largest holds 14.0% of notional, the top three 36.2%, the top five 49.9% and the top ten 71.7%. The bottom ten together hold 2.4%. That is the signature of a long tail rather than a middle. If attrition runs, the tail is where it would register in venue counts rather than in notional; if consolidation runs, it changes the operator column without moving the notional.

Costa gives his view of what decides which smaller venues do well: “from here on out, it’s really [going to] be who has a pulse on what’s next, who can innovate and adapt fast enough in an efficient manner.”[52] Two cessation notices were filed between October 1, 2025 and September 15, 2026, and one acquisition of a large NMS-equity ATS by an exchange group was announced. That is not a compression event, but both mechanisms are live and countable.[53] A cessation notice is also not an exit. One of the two is CODA Markets, whose ATS ceased in March 2026 and whose operator filed to return three months later, and the reason was resourcing, not departure: “CODA as a whole was built out over a decade and a half; we had less than six months to build out a brand new routing platform and link the new technology provider for the ATS. Hundreds of new connections and configurations were needed for routing, so the decision was made to focus on the routing system and push the ATS a few months and take a brief little pause.”[54] On the trace as written the venue counts as attrition while its operator never left.

Size decides one thing that design does not: obligations. Fair access under Rule 301(b)(5) of Regulation ATS attaches per security, at 5% or more of an NMS stock’s average daily volume in four of the preceding six months, while Regulation SCI attaches either on 5% of a single stock together with 0.25% of aggregate dollar volume, or on 1% of aggregate dollar volume, so the two tests can diverge. Blue Ocean announced on September 10, 2026 that it will no longer halt symbols for Rule 301(b)(5) fair access reasons.[55] This paper records the arithmetic of the tests, not any venue’s regulatory status.

The buy side expects the distribution to move in one direction. AIMA anticipates that “[w]ithout Rule 611, brokers and liquidity providers would have a greater incentive to internalize orders or execute them off exchange rather than contribute to public price discovery,”[56] and Vanguard that “market participants may increasingly favor non-displayed forms of liquidity rather than competing through displayed quotations.”[57] BlackRock names a third route that neither trace would capture: “the extent to which exchanges may deregister and decide to operate as alternative trading systems, where they would have greater flexibility with respect to fair access rules and might continue to earn SIP quote revenue.”[58]

7. The Hinge: The Duty That Remains

The Commission’s case for rescission is a best-execution argument: the duty makes the backstop unnecessary. There is no Commission best-execution rule for broker-dealers; the proposal for one, Regulation Best Execution, was withdrawn on June 12, 2025 in terms that are unambiguous: “The Commission does not intend to issue final rules with respect to these proposals.”[9] So the duty that survives Rule 611 is a self-regulatory organization rule, and for equities it is FINRA Rule 5310.

	Rule 611 (proposed for rescission)	FINRA Rule 5310 (unchanged)
Binds	Trading centers, including ATSs	FINRA members, in transactions for or with a customer or a customer of another broker-dealer
Does it bind an ATS to its subscribers	Yes, as a trading center	Not as the matching venue: the duty follows the firm handling the customer's order (Rule 0160; 5310.04)
Nature of the obligation	Policies and procedures reasonably designed to prevent a defined outcome (a trade-through), with regular surveillance	Reasonable diligence, weighed across five named factors
Unit of review	Each execution, tested against protected quotations at that moment	Per order, or regular and rigorous review at minimum quarterly
Benchmark	Protected quotation, defined by rule	Not defined by rule. Accessibility of the quotation is one factor of five
Hours reached	Regular trading hours only	No hours limit in the rule text

Exhibit 11. The two rules compared on their own text

Notes to Exhibit 11: (a) Rule text as cited; the Research Edition carries the full comparison, seven rows.

Two of Rule 5310's five factors turn on quotations: the number of markets checked, and accessibility of the quotation. Both were written for a market where an accessible quotation was a defined regulatory object. Remove the definition and the factor language does not change at all. That is the hinge. The rule is unchanged; what changes is how much it is asked to carry, and it keeps pointing at a quotation whose legal standing the proposal would remove.

The relocation matters more than the weakening. Five of the seven participant venues file an express requirement that subscribers be registered broker-dealers, in terms as flat as "[o]nly U.S.-registered broker-dealers are subscribers to the ATS."[59] Rule 5310's duty follows the firm handling the customer's order: a broker or dealer is not a customer, and the duty to a customer of another broker-dealer does not reach a member whose quote is simply being executed against. A venue admitting only brokers and dealers faces subscribers who carry that duty themselves. If adopted, rescission ends the venue's Rule 611 obligation as a trading center, and moves the residual duty one layer up, to the firm that decided where to send the order.

The Market Made This Connection Without Being Asked

Stance on rescission	Substantive letters	Cite Rule 5310 or FINRA's best-execution rule	Share
For	22	14	64%
Neutral	10	6	60%
Against	31	12	39%
Conditional or mixed	39	15	38%
All substantive letters	102	47	46%

Exhibit 12. FINRA Rule 5310 citations by stance on rescission, 102 substantive comment letters

Notes to Exhibit 12: (a) The denominator is the 102 public comments of 500 words or more in SEC File S7-2026-20. (b) The Neutral row rests on ten letters and should not carry weight. (c) Method and data available from the author. (d) Three letters in the Conditional row refer to FINRA's best-execution rule without naming Rule 5310. Full derivation: Research Edition, Section VI.

No question in the release named FINRA's rule, though one asked what steps the Commission and the self-regulatory organizations should take on best execution. They addressed it anyway, at a rate higher than for Rule 605, Rule 610(c), Rule 603 or Rule 612. And the camp that wants Rule 611 gone invokes Rule 5310 at more than one and a half times the rate of the camp that wants it kept, 64% against 39%. That is the affirmative case: to argue the duty is sufficient, a commenter has to say which duty. What the file does not show is agreement about what the rule can do. None of the letters, including supporters of rescission, claims that it supplies a transaction-level entitlement to an accessible displayed price.

The institutions asked for sequence. Fidelity: "Neither the Commission nor FINRA should place firms in a position where Rule 611 has been rescinded, but updated FINRA best execution expectations remain unavailable or uncertain."[60] T. Rowe Price: "Before withdrawing the Trade-Through Rule, the SEC should identify, assess, and publicly explain the regulatory mechanisms that would ensure the continued soundness and reliability of the NBBO."[61] They were not defending order protection as such. The Investment Company Institute wrote that "Rule 611's focus on protecting the NBBO may be appropriate for some orders, but it does not always reflect the dynamics of institutional trading."[62] The difficulty sits between the two positions, and Vanguard named it: "Without a clear benchmark tied to protected quotations, assessing whether investors consistently receive optimal execution outcomes could become more complex and subjective."[63]

FINRA has opened the question itself. Regulatory Notice 26-15 asks, in plain terms, "Will the NBBO remain an important benchmark from which to measure price improvement for best execution purposes," what alternatives would be appropriate, and how guidance should address member firms' processes for deciding to connect, not connect or disconnect from specific execution venues.[64] That second question has consequences for every venue in the census. Under Rule 611 a trading center's relationship to the protected quote was set by rule. Under a guidance regime built around connection decisions, a venue's access to order flow becomes a documented judgment made by each routing firm, reviewed at least quarterly, and examinable. The filed differentiation this paper measures becomes an input to somebody else's compliance file.

One venue in the census sits on both sides of that judgment. IntelligentCross files a service under which a subscriber submits an order to the alternative trading system but has it sent instead to the operator's smart order router, which may route it onward to exchanges, other alternative trading systems, single dealer platforms and other brokers, including back to the operator's own venue. The service is opt-in and marketed as ALPS, with venues and fee sensitivity among the dials offered to the routing firm. The filing answers the obvious objection with a separation: the router is "separate and distinct from the ATS," and its decisions are "independent of the ATS." That is the right disclosure to

make. It leaves the routing firm a delegation to document: the service is run by the operator of one of its possible destinations.[65]

The timing compounds it. The Commission's comment period on rescission closed August 17, 2026; FINRA's on the guidance that would carry the residual duty closed September 25. The record on whether the backstop can be removed closed before the record on what it would be removed onto.

What the Venues Say

The operators are not waiting for the guidance. Frederick, whose venue expects to match at locked quotes, was more cautious on best execution: "I might be a little bit afraid to start trading at prices that are worse than the best offer."[66] Joe Wald, Mosaic's co-chief executive, locates the duty with the broker and describes his venue's part in it: "Brokers carry the best execution obligation, and we see it as our job to make that easier to deliver. Mosaic was built to improve parent order performance. A short-horizon markout on a single fill can't show how the parent performed, so we measure counterparty impact over longer horizons and match on compatibility. Compatibility shouldn't be assumed. We measure it, and we share that insight with the brokers we work with."[67] He frames the transition as a change in kind rather than degree, a prescriptive rule-based environment becoming a "principles-based, outcomes-based" one. The consequence is for how venues get built: "It's become a standard to take a snapshot of something on an increment and use that as your benchmark, but if the market structure shifts to prove your principles and end outcomes, that changes how people will build and do things."[68] PureStream draws the same line, in the words of its chief executive, Armando Diaz: "Segmentation is what the broker does. Classification and the integrity of classification is what the venue does."[69] His diagnosis of why the question is live is that the failure is not in the idea: "segmentation should work. So if it isn't working, it has to be the classifications that aren't working."[70] Imperative Execution, which has sought trade-through protection for its own displayed quotations, told the Commission in a September 2025 letter that its interest was "not because of any particular support for the current trade-through prohibition regime but from the desire to make our displayed quotes more readily available to investors," and that whether the goals are reached by eliminating the prohibitions or by modernizing them "is less important than achieving the goals themselves."[71] Jason Wallach, chief executive of Bruce ATS, describes the same gravity acting one step earlier, on the decision to connect at all: "Some bulge brackets look at exchange participation as an unwritten and informal regulatory mandate."[72] Neither statement is about execution quality. Both describe a legal status doing work a measurement would otherwise have to do.

On the duty itself, three participants place the judgment with the broker. One venue has begun to answer the verifiability problem directly, in its own words: "Our filing commits PureStream to pass along an anonymized identifier to Primary subscribers on each individual fill so that they can perform transaction cost analysis across multiple counterparties within the LMSP."[73] Each fill carries it: "Each Primary subscriber fill against an LM counterpart will receive an identifier."[74]

8. The Hours Outside Quote Protection

Rule 610(e) never bound a venue directly. It bound self-regulatory organizations, so for an ATS the operative instrument is FINRA Rule 6240, which implements it and carries an exception for a member that simultaneously routes an intermarket sweep order.[75] Rescinding Rule 610(e) does not rescind Rule 6240. The Commission expects the SROs to act, and expecting is not requiring: between adoption and each amendment the prohibition survives its own statutory basis, in a rulebook whose exception is written around a defined term the same proposal deletes.

The hours sit in the rule's definitions rather than in its prohibition. A locking or crossing quotation is defined as a display "at any time between 8:00 a.m. and 6:30 p.m. Eastern Time."[75] The overnight session of 8 p.m. to 4 a.m. is outside that window today and remains outside it after the plans begin overnight dissemination on December 6, 2026, unless FINRA amends the hours.

The December date is redrawing hours even where no rule requires it. CODA Markets, whose relaunch filing is before the Commission, planned its return around the extended day and found the target had moved. Joe Costa, head of ATS and institutional equities at CODA Markets: "My original thought process on this transition was I always wanted to be 4 a.m. to 8 p.m. The CODA router already operates 4 a.m. to 8 p.m. But now going to 23, it's kind of like, well, why go 4 to 8, when the rest of the world is already one step ahead? Currently we operate from 9:30 a.m. to 4 p.m., but the goal for 2027 is to be a 23-hour ATS trading destination." He argues the venue's on-demand design suits a thin session better than a resting book would: "our model doesn't have much latent resting liquidity in the book. It is a millisecond long check with providers to see if they're interested. I think that a lot of the concerns about how a resting order may be disadvantaged during wild swings or wide spreads doesn't necessarily apply to our pool."[76] The 9:30 to 4 session is the one in its June 30 filing, which remains before the Commission (chapter 6).

Then there is the hour that none of these rules reaches. After December 6 the plans run from 9 p.m. Sunday to 8 p.m. Friday, and the processor pauses for one hour at 8 p.m. ET Monday through Thursday. Every night of the trading week therefore has an 8 p.m. to 9 p.m. hole: on Sunday the processor has not started, and from Monday to Thursday it has paused. That hour has no exchange, no SIP quotation and no SIP last sale. Vendors sell consolidated overnight feeds, but none is the quotation the plans disseminate. Rule 611 does not reach it, because a trade-through is defined as occurring during regular trading hours. Rule 6240 does not reach it, because 8 p.m. falls outside the definitional window. Regulation SHO Rule 201's price test does not reach it either, because once triggered the restriction applies when a national best bid is calculated and disseminated under an effective plan, and in that hour none is.[77] What a router anchors to in that hour is its own work, and Matt Brown of Blue Ocean put the anchoring question this way: "Really, what you want is the data feed where the most activity is occurring."[78]

Commission staff put 21.2% of overnight ATS share volume in that hour on an average August 2026 trade date, before the December 6 launch. It was the largest hour of the night, in a session carrying 0.9% of total NMS share volume and growing 359% on the year.[79] It is the one hour when alternative trading systems are not an alternative to anything. Jason Wallach, chief executive of Bruce ATS, put the structural point on the

record from the venue side, in a comparison with exchanges: “[t]here’s no order protection. They don’t operate for the full session. There’s no order types or order handling feature that an exchange can offer that we can’t offer,” and gave the venue’s own figures, measured year to date through July, on the same hour: “Twenty-five percent of the notional and 25 percent of the volume trade during the first hour of each session, with a high watermark of 53 percent of volume and 48 percent of notional. The exchanges won’t be live during that hour.” He has since said the first-hour share has run closer to the staff’s figure. He also raised an access question about FINRA’s Alternative Display Facility (ADF) that the plan amendment does not answer: “If the ADF is not operational for the overnight session, then an ATS that qualifies and wants to have their quotes in the SIP can’t do it anyway.”[80] And he gave the demand-side reason the hour is the largest rather than merely the first, on U.S. daylight time: “It is nine o’clock in Seoul and Tokyo, eight o’clock in Singapore and Hong Kong.”[81] The night-only cohort is four venues. On matched 34-week windows, 2025 against 2026, it grew its reported share volume 572% against 22% for every other alternative trading system, and the leading venue’s share of the cohort fell from 92.6% to 84.7%. What that has done to the cost of trading the night cannot be measured across the cohort: no public dataset carries an overnight quoted spread, and the figures that exist are each operator’s own, on no common basis.[82]

One venue’s daily files, read for this report, show the shape of that cost. Across Blue Ocean’s daily market data files for the 34 weeks from January 5 to August 24, 2026, 136,356 symbol-days, the quoted spread widens at every step down the liquidity ladder.

Average daily notional per name	Names	Share of the venue’s overnight notional	Quoted spread, bps
$25M or more	40	71.2%	11.7
$10M to $25M	31	9.8%	24.4
$5M to $10M	41	5.2%	37.0
$1M to $5M	359	9.2%	55.2
$500K to $1M	411	2.2%	113.6
$100K to $500K	2,376	2.4%	281.1
Under $100K	1,182	0.05%	566.6

Exhibit 13. What the night costs, by how much of a name trades in it: quoted spreads read from one venue’s daily files

Notes to Exhibit 13: (a) Source: Blue Ocean daily market-data files, this paper’s own analysis. One venue, not the cohort; quoted spread, not effective. The venue’s files carry a quoted spread for each symbol-day; the buckets and the notional weighting are this paper’s own, and no venue figure is restated. (b) Symbol-days under $50,000 of notional are absent at source, so the bottom bucket is a floor on breadth. (c) Buckets are by average daily notional per name, read on the January 5 to August 24, 2026 window (136,356 symbol-days, $716.4 billion); the fifty-name figures in the text use the full 169,481 symbol-days. Derivation and the monthly series: Research Edition, Section IV.[28]

Forty names carry 71.2% of the venue’s overnight notional at 11.7 basis points. The bottom 1,182 carry 0.05% at 566.6, a 48-fold span inside one session. The fifty largest names are not uniform either: SGOV quotes 1.03 basis points overnight, QQQ 1.57 and

SPY 1.58, while the two names carrying the most overnight notional, MU and SOXL, sit near 10 and the widest three of the fifty, ASML, WDC and LITE, run 44 to 48. Liquidity rank and instrument type both set the price. Read it in basis points and not cents: the weighted price falls from $454 to $65 across those buckets, and cents inverts the ordering. The level moves too. Across the fifty largest names the spread ran 5.7 basis points in September 2025, peaked at 14.0 in June 2026 and eased to 9.8 in August.[28]

The Commission staff's Consolidated Audit Trail (CAT) figures say why a cohort average would mislead anyway. In August 2026 the ten most active names took 43.4% of overnight share volume and 50.7% of its dollar volume, against 10.3% and 21.1% in regular hours. 8,335 NMS stocks traded overnight at least once that month, but only 1,814 on every trade date. In the second quarter of 2026, foreign accounts were 37% of overnight share volume against 24% of its dollar volume, the highest of any session, consistent with the demand Wallach locates in Seoul and Tokyo, though an account type says foreign, not where.[83]

The public record supports the premise and extends it beyond the overnight session. BlackRock's letter states that "there are currently no active FINRA ADF participants."[84] If no alternative display facility participant is active at any hour, the route into consolidated dissemination for an ATS quotation is not closed at night. It is closed, and the one filing to open it, approved in 2023, has been under Commission review ever since. That inverts the usual reading: an overnight quote may stay proprietary not by choice but by absence of a route, and the December 6 tape will reflect trades more completely than quotes.

The tape has a limit of its own in the overnight rows. Wallach says overnight flow a broker-dealer internalizes is not in the ATS volume figures: "The night session is bigger than we actually think. It could definitely be at least 25 percent larger than what we see."[85] This paper adopts no figure and cannot test one. On that account, overnight activity is understated in the ATS figures.

The overnight venues built their reference price around the absence of a live SIP quote. Blue Ocean told the Commission's September roundtable that the static band around an evening snapshot of the consolidated tape has worked since the beginning because it is simple: brokers like it, a retail customer whose order is rejected understands why, and subscribers keep choosing simplicity when asked. The venue also named the refinement it would consider next, varying the band by price, with a $300 stock perhaps taking 5% rather than 20%, and something dynamic later.[86] A fixed percentage band and a fixed cent tick fail in mirror image: one binds too loosely where the other binds too tightly.

The same operator has located the demand and named where it leads. On the demand: "On Sunday night at 8 p.m. ET, investors can trade all NMS stocks on Blue Ocean, ahead of the exchanges opening on Monday morning." On the direction: "U.S. stocks trade 24 hours a day, five days a week. In the near future, trading will be possible 24 hours a day, seven days a week."[87] On that account the weeknight session was the first step, and an overnight ATS and a tokenized venue are now reaching for the same hours from opposite sides of Regulation NMS.

On September 29, 2026, one of them moved. Bruce Markets announced an agreement to extend trading through the weekend, "subject to regulatory review," with a session expected "in the coming months," drawing on new investment from a proprietary trading

firm the release calls its majority shareholder and from a retail brokerage, on an exchange group's trading technology, and on a correspondent clearing firm. Its chief executive, Jason Wallach: "Market-moving news does not wait for Monday's open, and soon, neither will investors."[88] The venue's operative Form ATS-N states that its session runs "from Sunday evening through Friday morning from 8:00:00 P.M. ET to 4:00:00 A.M. ET" and that the ATS "does not operate outside of these hours," and no amendment had been filed since April 3, 2026.[89] Three of the four relationships in the announcement are already disclosed in that same form, so the announcement is not an event either of the two compression traces in chapter 6 would count; whether it amounts to a change in control is a question for the venue and its counsel. The constraint nobody has answered is settlement: the clearing corporation does not run on a Saturday, and a clearing agreement changes who carries a position, not when the corporation runs.

Bruce's is also not the only weekend under construction. Blue Ocean has been working toward a weekend session with key partners since March.[90] Its ambition was public before the announcement season: the appetite the venue named at the September roundtable was to open earlier on Sundays, returning to what the venue ran in 2022 and 2023, on the view that Sunday night is the biggest volume night of the week. Two venues reaching for the same hours by different routes is the thesis in a single session: the competition is over when the match occurs.

9. The Paradox at the Center

One case sits underneath everything above, and the paper cannot resolve it.

A venue in the census displays limit orders to its subscribers through its own market data feed at prices that can sit inside the national best bid and offer. They can be better-priced, and they have never been protected quotations, because they are not disseminated under a national market system plan.

That venue is IntelligentCross, and its operator, Imperative Execution, has put the problem in writing, in a September 2025 letter to the Commission for its roundtable on trade-through prohibitions. The letter reports that the absence of protection has let market participants miss, or effectively "trade through," the IntelligentCross quote even when it is the best displayed quote in the market, and it gives two reasons. The venue gives its market data feed away free, and 36 firms were licensed to take it as of August 2025, but on the operator's understanding from speaking with market participants, many routers are built to access displayed protected quotes only, so there is a disincentive to add a new venue and do the associated work unless a rule requires it. And the prohibitions, the letter argues, push brokers toward a conservative reading of best execution, routing primarily on the quotes the rule protects. In the letter's words, the trade-through rule has created an environment where market participants have "artificially limited order routing options."[91]

The magnitudes are filed; Exhibit 14 collects the operator's own current counts. The release proposing to rescind Rule 611 cites that operator's letter three times, noting in a footnote that one alternative trading system has a proposal pending to gain trade-through protection for its quotes, and reaches the operator's roundtable testimony in another.[92]

The operator's measure	Window it publishes	Figure
NBBO improvements a day	September 28 to October 2, 2026	8.7 million
Trade-throughs a day	July 1 to September 30, 2026	Over 355,450
Daily value of trades reported to the SIP at prices worse than ASPEN's displayed quote	September 23 to October 6, 2026	$4.31 billion

Exhibit 14. The operator's own current counts for ASPEN's displayed prices

Notes to Exhibit 14: (a) The operator's own counts, not verified by this paper, each as defined in the operator's website footnotes and each carrying the window the operator publishes with it, read October 7, 2026. (b) These are a current magnitude, not a trend. The operator has published counts of this kind since 2023 and the levels move with volatility and liquidity, so figures measured over different windows are not comparable with one another. For a filed point of reference, the September 2025 letter puts NBBO improvements over 4 million a day and trade-throughs over 377 thousand a day, year to date through August 2025, with ASPEN's displayed prices in over 6,000 securities a day. (c) Sources: website as read October 7, 2026,[93] and the letters of September 17 and December 22, 2025.[92] Research Edition, Section VIII.

Imperative Execution has been counting since 2023. Announcing in August 2023 that the Commission had approved a FINRA rule change adding it as a new entrant to FINRA's Alternative Display Facility, it said those displayed orders "will be published to the ADF and treated as 'protected quotations,'" and its chief executive, Roman Ginis, said that "[t]he addition of our displayed liquidity to the public quote will make these quotations available to all market participants and enable them to access better prices."[94]

In October 2025 a company statement to this report's first edition put the figure at beating the NBBO "more than 6 million times a day."[95] The operator's website dates that figure to a single week in January 2023, and its September 2025 letter puts the then-current figure at over 4 million a day, year to date through August; by the October 7, 2026 read the site showed 8.7 million for the week of September 28 to October 2.[93] Yet the ADF route does not appear to be running: BlackRock's letter describes a facility with no active participants, naming IntelligentCross as a venue that "has sought to become a new entrant."[84] The approval exists. The protected quotations it announced do not, because the approval has never taken effect.

The answer is on the Commission's own docket. The Division of Trading and Markets, acting under delegated authority, approved FINRA's rule change on August 24, 2023, and the approval has never taken effect: the Commission took the Division's action under its own review the following day, and no final order had issued on the public record as of October 2026.[96] So the one case in the census where displayed venue quotations were about to enter the public quote has waited inside that review for the whole period this paper measures. Rescission would resolve it by removal: if the definition of a protected quotation goes, the status sought for it in FINRA's 2022 filing stops existing before the Commission decides whether to grant it.

If Rule 611 goes, the obligation to route to a protected quote disappears, and with it any structural reason to treat a displayed exchange quote differently from a better displayed

venue quote. One reading is that a better-priced venue quotation finally gets interacted with. The other is the opposite: the protected quote was also the reason anyone kept checking displayed prices at all, and if that habit was a compliance habit, removing the requirement may remove the habit. Both readings follow from the same facts, and neither the filings nor the tape can choose between them until after adoption.

10. What Happens Next, and What a Desk Should Ask

Which Findings Depend on the Outcome

Finding	Section	If Rule 611 is rescinded	If Rule 611 stays
60.9% of NMS-equity ATS notional runs through venues with an NBBO-priced component	VII	Placement holds; the input loses legal standing	Placement holds; the input keeps standing and is bypassed at the edges
Differentiation does not determine dependency	VIII	Holds	Holds
The undifferentiated middle is empty	VIII	Holds	Holds
Filings name the NBBO, not the protected quotation	IV	Holds; few filings need amending	Holds; nothing to amend
Twenty-five venues' locked-market rules are expected to fire more often	IV	Applies	Does not apply; Rule 610(e) keeps locks rare
The residual duty sits with brokers under Rule 5310	VI	Applies across the market	Applies at the edge, when a broker routes outside Regulation NMS
No quote-protection rule reaches the 8 p.m. to 9 p.m. hour	IV	Holds	Holds, and tokenized venues may trade it
Rule 612 binds inside an ATS's book	V	Holds	Holds

Exhibit 15. Which findings depend on whether Rule 611 is rescinded

Notes to Exhibit 15: (a) "Holds" means the finding is a measurement of filed designs or rule text that does not depend on the adoption decision. It is not a forecast: where the notional goes under either outcome is not measured. (b) The retention column assumes the Innovation Exemption operates as issued, within its caps, for its five-year term. Full derivation: Research Edition, Section IV.

The One Uncertain Rule That Reaches Inside a Matching Engine

Rule 612 provides that no exchange, association, alternative trading system, vendor, or broker or dealer shall display, rank, or accept an order in an increment smaller than the applicable minimum.[97] Alternative trading systems are named, and only the first verb is

about what the outside world sees. Chuck Frederick, president of AlphaX US, put the emphasis in the right place: “612 says you cannot display, rank, or accept anything that isn’t on a tick. The word RANK in there is really, really important.”[98] For the 22 venues that display nothing, carrying 70.3% of notional, Rule 612 is not a quoting rule. It is a book-construction rule.

One consequence follows without a forecast. The midpoint moves closer to the touch: a venue executing at the midpoint of a one-cent spread delivers half a cent against the near side, and halving the increment compresses the product of midpoint books in tick-constrained names without any of them changing a rule. AlphaX US, which runs a randomized batch auction and would round non-tick prices to a whole tick before matching, was equivocal: its overall view of the tick change was “wait and see,” on the reasoning that splitting price improvement remains valuable whatever the increment, and it did not expect the access fee change to alter much.[99]

The two rules move in opposite directions on the same variable. A finer tick tightens the trade-through constraint; rescinding Rule 611 removes it. November 2027 is eleven months after the December 2026 overnight launch and later than any plausible adoption date for rescission, so if the proposal is adopted the constraint is likely removed first and the increment changes afterwards.

The Fee Cap, and the Four Scenarios

Rule 610(c) caps the fee a trading center may charge for executing an order against a quotation. Rescission reaches it mechanically, as chapter 3 showed: the Commission proposes to amend the rule so the cap applies to any quotation of the trading center that is the best bid or best offer of an exchange or association. The rule survives; its perimeter is redrawn by the rescission rather than by any judgment about fees.

For the venues in this paper the perimeter is the whole point. An alternative trading system is a trading center, so the cap can reach it. But the cap attaches to a quotation that is the best bid or offer of an exchange or an association, and an ATS quotation becomes an association’s best bid or offer only by being disseminated through a facility that makes it one. With no active display facility participant, a qualifying ATS quotation has no route into consolidated dissemination, and therefore cannot become the quotation the fee cap attaches to. On the release’s reading, the venue sits outside Rule 610(c) not by design and not by exemption, but by the absence of a route.[100]

	Rule 612 second increment takes effect	Rule 612 deferred again or withdrawn
Rule 610(c) reduction takes effect	Midpoint improvement compresses in tick-constrained names while the fee ceiling that shapes exchange economics falls. Non-displayed midpoint venues face a narrower product and a cheaper lit alternative at the same time. The largest single adjustment for the Price-referenced group.	Fee competition changes on exchanges, venue book construction does not. Least disruptive cell, because the binding constraint on an ATS book is the increment, not the cap it mostly sits outside.
Rule 610(c) deferred again or withdrawn	Book construction changes without the fee change adopted alongside it. The two were adopted as a package on the reasoning that a finer tick and a lower cap work together; this cell separates them.	The status quo persists past November 2027. The placements stand unchanged, and the only live variable is the rescission itself.

Exhibit 16. Four scenarios, and what each implies for the census groups

Notes to Exhibit 16: (a) The cells describe directional consequences that follow from the rule text and the census, not modeled magnitudes. (b) No cell changes a venue's mechanism or dependency placement, which is the property the two-axis framework was built to have. (c) Tokenized venues under the Innovation Exemption sit outside all four cells, because Regulation NMS does not apply to them. Full derivation: Research Edition, Section V.

The Number Nobody Publishes

Interviewed a day apart, with different designs, two participant operators volunteered the same answer to a question nobody asked them.

John Cosenza, co-chief executive of Mosaic, puts the company's position in writing: "Mosaic believes operators have built solutions to optimize for two metrics which the industry has standardized on: fill rate and mark-out." The argument, Mosaic says, is not that the metrics are wrong but that they are not sufficient to judge a venue's contribution to the performance of the parent order. The pair, he says, rests on two assumptions: "It assumes every fill is good and it assumes a millisecond snapshot is correlated with a good outcome." A venue that fills more selectively can therefore look worse on traditional metrics than one that fills everything, and the existing metrics have no term for the difference.[101] The venue's design follows from that gap, and Mosaic says it is already seeing early evidence that the design works as intended, delivering parent-order benefits by curating higher-quality interactions and not matching incompatible counterparties; this paper has not tested the claim.[102] Vishal Punjabi, Mosaic's head of product, says the venue treats a declined match as data of equal standing to a fill. "From a Mosaic standpoint, these events are as important as executions at Mosaic." He puts the proposition as a question: "What if executions that did not occur actually had more value than executions that would have occurred?"[103]

Armando Diaz of PureStream came at it from the other direction, from a streaming mechanism built around participation, and landed in the same place: "Oftentimes, it's routed orders receiving zero fills that cause the most impact."[104] Sean Hoover, its chief operating officer, describes the same cost as time and information leaking across venues: "hundreds of thousands of orders across multiple venues, leaking time, leaking information," to meet the same liquidity providers somewhere else.[105] Roman Ginis of Imperative Execution makes the point about the benchmark itself: "There is huge variance between midpoint fills on the street. There's no question about that."[106]

Two venues with different designs agree that the industry's measurement set has a hole in it exactly where the cost is. The first edition made the same argument from the buy side, on a practitioner estimate that 80 to 95% of institutional routes to ATSs never fill, and AlphaX US told it then that the venue could show a broker whether an order that sat for 15 seconds and cancelled would have filled had it sat for 30.[107]

The census also shows a difference these metrics do not fully explain: price-referenced venues carry nearly twice the block participation of price-constrained venues. Fill rate records whether an order filled; a fill-based markout evaluates the executions that happened. Neither, on its own, values the cost or benefit of an opportunity that did not fill.

The benchmark problem compounds it. For a fill that prices from the NBBO, measuring it against the NBBO is close to tautological, and the census cannot say which fills those are, only that 60.9% of notional runs through venues with an NBBO-priced component. T. Rowe Price's letter describes one large manager's practice: "managers' transaction-cost analysis is based on last sale or the midpoint."[108] The informative content of a review of a price-referenced venue lies in size, fill probability and the orders that did not fill, which is the measurement nobody publishes.

Five Things That Would Close the Gaps

None requires a new rule, and most require no regulator at all. **Component-level volume reporting**, so that a venue filing more than one price construct reports notional by construct; the first venue to publish it would be the only one whose dependency is a measurement rather than an inference. **A public not-held execution-quality record**, since the amended Rule 605 still excludes not-held orders and Rule 606(b)(3) is produced on request and is not public. **An unfilled-order statistic**, defined on an addressable opportunity and reported in aggregate. **Two joins absent from the public record**: symbol-level quoted spread against ATS volume, and the tokenized venues' own trade feeds joined to the consolidated tape. And **a venue-side classification attestation**: not the methodology, which is the product, but the shape, meaning how many categories, who assigns them, on what inputs, how often they are reviewed and what recourse a subscriber has.

Five Questions a Desk Can Ask Today

Ask each venue which of its components price from the NBBO, and what share of your fills came from each. The answer is not in any filing, the venue knows it, and it differs sharply across venues that look similar from outside.

Ask what happens to that venue's matching when the NBBO locks. Twenty-five venues, 86.9% of notional, have filed a rule keyed to a locked market, and nine of the sixteen price-referenced venues stop matching whenever it does. Adoption changes none of those rules by itself; their expected firing frequency changes.

Ask how a venue classifies you, and what would change the classification. Under a regime where the routing firm owns the audit trail, the firm needs an answer it can write down, and the answers differ in kind: some venues have you attest, some decide for you, and one now lets you choose among the counterparties it has classified.

Ask what the venue knows about the orders it did not fill for you. Few will have an answer. The ones that do have built the measurement this section is about.

Then ask one question of the desk itself: a stock you hold trades at 2 a.m. tonight, so what keeps you out, technology, operations, compliance, or liquidity? The weeknight session already clears through overnight arrangements, and the unsolved settlement constraint is Saturday, not the weeknight (chapter 8). No public dataset prices the night; the spread figures that exist are the operators' own. Any of the four is an honest answer, and like the other four questions, this one's answer belongs in writing.

Most desks will put the first four through a broker. Ask the executing broker to obtain the answers for your own flow and to carry them into your execution review.

Then watch one number of your own. An asset manager's trader put the early warning in practical terms: if a benchmark that used to land within a basis point or two of the order starts landing three to five away, with fatter tails, or the spread across a broker wheel widens from three or four basis points to six or seven, something in how liquidity is sourced has changed, and it will show there before it shows in any venue statistic.[109]

The Measurement Mandate

Year one ended on a claim that has held up better than the framework around it: the future belongs to venues that can explain their trading, not just execute it. Under Rule 611 that was a commercial proposition. Under the regime now proposed, the only surviving express best-execution rule for brokers is a FINRA rule that binds a different party. It is measured against a benchmark no rule defines, and reviewed quarterly against statistics that exclude the relevant flow. Explanation stops being a differentiator and becomes an input to somebody else's compliance obligation.

That is a measurement problem rather than a policy one. The number that would settle the largest argument in this paper, how much of the tape actually prices from the protected quote rather than merely could, is not published by anyone. The argument about whether Rule 611 should be rescinded will be settled by the Commission. The argument about what happened afterwards will be settled by whoever was measuring.

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Image via Pexels.

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Geo Regions and asset clasess:
US Reg NMS Equities



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Blue Ocean Technologies, LLC (BOT) is a unique capital markets fintech company empowering global investors by making trading possible during US overnight trading hours. Blue Ocean ATS, LLC, and its trading system Blue Ocean Alternative Trading System (BOATS), currently trade US National Market System (NMS) stocks from 8:00 pm to 4:00 am ET from Sunday – Thursday. Founded in 2019, Blue Ocean ATS is on a mission to transform US trading to Global trading via its flagship service, Blue Ocean Session, providing access and transparency to subscribers in all time zones during non-traditional US market hours. For more information, visit **www.blueocean-tech.io**. Contact us at **sales@blueoceanats.com**.

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IntelligentCross® is the #1 US equities Alternative Trading System (ATS) by volume, according to FINRA Weekly ATS Reports. Founded in 2018, it was the first ATS to offer both dark and displayed liquidity and use AI to optimize price discovery. We match orders near-continuously to achieve maximum price stability after trades. This enables better prices and tighter spreads, making the market more efficient. IntelligentCross was designed to achieve an optimal experience for both sides of the trade, getting the order done while moving the price as little as possible. More than 8.5 million times a day, we offer better prices than the NBBO. We are the top-ranked equities venue in the US for Midpoint executions. Investors send us over 850 million orders per day via most major broker-dealers. Want to learn more? Go to **www.intelligentcross.com**.

Geo Regions:
United States, Japan via Japan Alternative Market ("JAX"), Canada via CIX Trading

Asset classes:
Equities (including ETFs)



Roman Ginis
Founder and CEO
Imperative Execution, parent company of IntelligentCross

Formerly Quantitative Trader at Cubist/Point72 & UBS, Roman developed and traded directional and market making strategies. A Caltech PhD in CS (2002), Roman brings deep expertise in market microstructure and trading execution, and holds patents in stream computing and complex event processing.

Mosaic

www.mosaicplatforms.com

Mosaic Platforms, Inc., founded in 2024, is a privately held technology company. Mosaic is creating the standard for compatibility-based trading — powered by MERIT (Market Execution Rating for Informed Trading), an independent, objective, quantitative compatibility scoring and rating system. Mosaic ATS, LLC (FINRA/SIPC member), is the first MERIT-driven market center. Learn more at **www.mosaicplatforms.com**.

Geo Regions:
US

Asset classes:
Equities



John Cosenza
Co-CEO
Mosaic



Joe Wald
Co-CEO
Mosaic

PureStream

www.purestream.tech

PureStream ATS provides a solution for institutions seeking liquidity while avoiding market impact. We've introduced new protocols designed to maximize liquidity discovery while leveraging the market's already robust price discovery. Our unique prioritization scheme rewards liquidity over price-time. The Liquidity Transfer Rate order types maximize natural crosses among algorithmic orders by expanding matching criteria beyond a single point-in-time. This creates "Streaming" fills that reference all price-forming trades market-wide, enabling accurate benchmark replication without the associated impact.



Armando Diaz
CEO
PureStream Trading Technologies

TMX AlphaX US
www.tmxalphaus.com

Chuck Frederick is Managing Director and President of TMX Alpha US, LLC where he oversees all aspects of the platform's operations. Prior to TMX, he spent more than 25 years in the financial services industry, most recently serving as Managing Director at TD Cowen within the firm's ATM Development team. His career includes senior leadership roles in algorithmic and electronic trading at Deutsche Bank, Instinet, and Schwab Capital Markets, where he specialized in designing and architecting global electronic trading platforms.

Geo Regions served:
Global firms trading into the US

Asset classes served:
Equities



Chuck Frederick
President & Managing Director
TMX Alpha US, LLC

Notes

One sequence for this edition.

1. Chairman Paul S. Atkins, Statement at the SEC Open Meeting on the Trade-Through Rule and Locked and Crossed Markets Provisions of Regulation NMS, June 11, 2026. In the same statement: "I have opposed the Trade-Through Rule since its inception." ↩
2. Mehmet Kinak, Global Head of Equity Trading, T. Rowe Price, quoted in "Measuring What Matters: Inside the Evolution of Institutional Dark Pool Innovation," TabbFORUM, October 2025 (the first edition of this report). ↩
3. Interview with Bruce ATS, September 4, 2026. ↩
4. Research Edition, Sections III and VIII. The two axes are mechanism, meaning what a venue does differently when it matches, and dependency, meaning which of the protected quote's inputs the proposal would touch. ↩
5. Interview with AlphaX US, August 13, 2026. AlphaX US is one of 33 venues in the census; nothing about the other venues follows from it. ↩
6. Securities Exchange Act Release No. 34-105655, The Trade-Through Rule and Locked and Crossed Markets Provisions of Regulation NMS, File No. S7-2026-20 (June 11, 2026), published in the Federal Register June 17, 2026, comment period closed August 17, 2026. The release states that "key terms such as 'protected quote,' 'trade-through,' and 'intermarket sweep orders' would no longer be defined in Regulation NMS and SRO rulebooks would need to redefine or eliminate such terms." The proposal has not been adopted. ↩

7. Securities Exchange Act Release No. 34-106402, File No. 4-927 (September 17, 2026), Order Granting Temporary Conditional Exemptive Relief for tokenized NMS stock (the Innovation Exemption). Full terms: Research Edition, Section IV. ↩
8. Securities Exchange Act Release No. 34-105656 (June 11, 2026), deferring Rule 612, Rule 610(c) and Rule 600(b)(89)(i)(F) to the first business day of November 2027. Compliance-date chain: Research Edition, Section V. ↩
9. Securities Act Release No. 33-11377 and Securities Exchange Act Release No. 34-103247, withdrawing certain proposed rules including Regulation Best Execution (File No. S7-32-22), issued June 12, 2025 and published June 17, 2025. Advisers' fiduciary best-execution duty sits alongside Rule 5310 and binds a different party again. See Research Edition, Section VI. ↩
10. Every mechanism in this chapter is read from the venue's operative Form ATS-N as placed in Exhibit 1, and CODA's from the initial form under Commission review. Shares and the tape window are those of the Method box, and the year-to-date ranks are from the 34-week robustness check in note 24. What a design is for is stated here only where the filing or an attributed statement carries it, and settles nothing a filing does not. ↩
11. *Measuring What Matters*, this report's first edition, October 2025, quoting Blue Ocean. A published venue statement, so it carries no approval condition; the venue's count of names is its own and is not verified here. ↩
12. Research Edition, Section III. Rule 600(b) defines a trade-through as a transaction during regular trading hours, so Rule 611 reaches only regular-hours sessions; the definition of a protected quotation carries no hours limit. Releases 34-105779 and 34-105780 approved the plan amendments under which the SIPs are targeted to begin overnight dissemination on December 6, 2026. ↩
13. Securities Exchange Act Release No. 34-51808, Regulation NMS (June 9, 2005), 70 FR 37496 (June 29, 2005). The composition of Regulation NMS as adopted is set out in Release No. 34-105655 at its discussion of the history of Regulation NMS. ↩
14. NMS Adopting Release at 37498, quoted in Release No. 34-105655. ↩
15. Release No. 34-105655, discussion of Rule 611's role in the national market system, at 22 and notes 79 and 80, which attribute the octopus image to a panelist at the first roundtable on trade-through prohibitions and the scaffolding image to a later panelist. ↩
16. Letter from Benjamin A. Tecmire, Head of U.S. Regulatory Affairs, and Hubert De Jesus, Global Head of E-Trading, Research, and Market Structure, BlackRock, Inc., August 17, 2026, SEC File No. S7-2026-20. Public filing, quoted verbatim. ↩
17. Letter from Mehmet Kinak, Vice President and Global Head of Equity Trading, and Jonathan Siegel, Vice President and Managing Legal Counsel, T. Rowe Price, August 17, 2026, SEC File No. S7-2026-20. Public filing, quoted verbatim. ↩
18. Release No. 34-105655, note 76, describing the purposes of Rule 610(c) and citing the 2024 Regulation NMS Amendments at 81643-44. The conforming amendment to Rule 610(c) is at section IV.B.2 of the release. ↩
19. Securities Exchange Act Release No. 34-83663, Regulation of NMS Stock Alternative Trading Systems (July 18, 2018), adopting Rule 304 of Regulation ATS and Form ATS-N. Form ATS-N is a public disclosure that supplements rather than replaces the confidential Form ATS. The first filings appeared on EDGAR in 2019. ↩

20. Dissent of Commissioners Cynthia A. Glassman and Paul S. Atkins to the Adoption of Regulation NMS, accompanying Release No. 34-51808 (June 9, 2005). Section III.A of the dissent is headed “A Trade-Through Rule Is Not Needed as a Backstop to Best Execution.” ↩
21. Letter from Ari Burstein, General Counsel and Chief Policy Officer, Imperative Execution, September 17, 2025, File No. 4-862, at 3, referring to the dissent cited at note 20. The operator made the same case in person at Panel One of the SEC Roundtable on Trade-Through Prohibitions, September 18, 2025, official transcript at 37 to 38. ↩
22. Exhibit 2 and Exhibit 3, for the placement rule, the band and the strict and bound-counts readings. Tape window as stated in the Method box. ↩
23. Letter from Jeffrey Mahoney, General Counsel, Council of Institutional Investors, August 13, 2026, SEC File No. S7-2026-20, comment on Release No. 34-105655. Public filing, quoted verbatim. ↩
24. Computed from the FINRA weekly file, release of October 2, 2026. The computation first reproduces the census window’s per-venue table exactly; 34 Tier-2-complete weeks, January 5 to August 24, 2026. A robustness check on the window, not a re-derivation of the census: each venue is held to the construct operative at the September 15 harvest. ↩
25. Footprint cosine is the similarity between a venue’s symbol-notional vector and the aggregate of all other ATSs in the window; weekly share variation is the coefficient of variation of a venue’s weekly share across the eight weeks. Medians, not notional-weighted, and the basis-priced request-for-quote venue is excluded. ↩
26. SEC Roundtable on Preparations for 24-Hour Trading, September 17, 2026; the panelists are listed in SEC Press Release 2026-83. The Commission posted a video recording but no transcript, so the remarks are paraphrased rather than quoted, with each figure as its speaker stated it: Citadel Execution Services’ from orders routed through Citadel Securities, DriveWealth’s from its own flow. Neither is verified by this paper, which holds no overnight spread data of its own. ↩
27. Interview with Bruce ATS, October 7, 2026. The figures are the operator’s own, are not computed from the FINRA data, which carries no spread, and enter no part of the census. ↩
28. Blue Ocean ATS daily market data files, 169,481 symbol-days from September 2, 2025 to August 31, 2026, $814.91 billion of notional. The venue was a data partner of the author’s research platform under a flat-fee arrangement that ended on September 17, 2026, before publication. The venue’s files carry a quoted spread for each symbol-day; the bucketing and the notional weighting are this paper’s own analysis of them, and no venue figure is restated. The venue’s file carries a $50,000 daily notional floor at source. October 2025 is a collection gap with no rows and November is a single session per name, so neither enters the monthly series. ↩
29. Interview with Blue Ocean, October 6, 2026. ↩
30. Letter from Jennifer W. Han, Chief Legal Officer and Head of Global Regulatory Affairs, Managed Funds Association, August 17, 2026, SEC File No. S7-2026-20. Public filing, quoted verbatim. ↩
31. Release No. 34-105655, economic analysis of the locked and crossed markets provisions. ↩
32. Letter from Roberto Braceras, General Counsel, Fidelity Investments, August 17, 2026, SEC File No. S7-2026-20. Public filing, quoted verbatim. ↩

33. Letter from Rodney Comegys, Chief Investment Officer, Vanguard Capital Management, and others, The Vanguard Group, Inc., August 17, 2026, SEC File No. S7-2026-20. Public filing, quoted verbatim. ↩
34. Interview with AlphaX US, August 13, 2026. ↩
35. Research Edition, Section VII census, reference construct field; AlphaX US Form ATS-N/MA, July 16, 2026, Item 11(c), prices "capped at the NBBO, as obtained from the SIP." The large continuous venue with an internally calculated NBBO is not a participant and is not named, consistent with the census reporting convention. ↩
36. Interview with Imperative Execution, September 25, 2026. ↩
37. Council of Institutional Investors letter, at 3, quoting Sidley & Austin; see note 23. ↩
38. Interview with Mosaic ATS, September 17, 2026. ↩
39. Release 34-106402 and the Chairman's accompanying statement of September 17, 2026. ↩
40. Interview with AlphaX US, August 13, 2026. The venue describes a further participant parameter, tiering, as planned; this paper records only what the operative form states. ↩
41. Interview with Imperative Execution, September 25, 2026. The timing model's inputs are described in Part III of the venue's Form ATS-N; the quotation describes the design, not its parameters. ↩
42. Research Edition, Section VIII, Year One's Bottom Tier Was Never Undifferentiated: each venue's Part III Item 13(a) segmentation text in the form in effect on September 15, 2025 is identical, or nearly so, to its current form. Combined share 9.8% of NMS-equity ATS notional in the window. ↩
43. PureStream Form ATS-N/MA, August 13, 2026, Part III Items 13 and 14. ↩
44. Interview with PureStream, September 18, 2026. ↩
45. Interview with PureStream, September 18, 2026. ↩
46. Interview with PureStream, September 18, 2026. ↩
47. Interview with PureStream, September 18, 2026. The operator's statement of its own classification gate, reported and not verified. ↩
48. Interview with CODA Markets, September 29, 2026. ↩
49. Interview with Mosaic ATS, September 17, 2026. ↩
50. Interview with Mosaic ATS, September 17, 2026. ↩
51. Product briefing with Mosaic ATS, May 19, 2026. ↩
52. Interview with CODA Markets, September 29, 2026. It is read as a statement about alternative trading systems of that size rather than a ranking of this venue. ↩
53. Research Edition, Section VIII, The Two Traces. Attrition's trace is a Form ATS-N cessation notice confirmed by four consecutive publication-complete weeks of absence from FINRA Rule 4552 data; consolidation's is a change in control on the operator's Form BD with a corresponding Form ATS-N amendment. One of the two ceasing operators has since filed a new initial Form ATS-N that has not become effective. ↩
54. Interview with CODA Markets, September 29, 2026. ↩
55. Fair access and order display attach under Rules 301(b)(5) and 301(b)(3) of Regulation ATS; Regulation SCI attaches either on 5% of a single stock together with 0.25% of aggregate dollar volume, or on 1% of aggregate dollar volume. A fair access obligation is self-reported by routine amendment, not imposed by order.

Blue Ocean ATS service alert, September 10, 2026: “Blue Ocean ATS will no longer halt symbols for Rule 301(b)(5) Fair Access reasons.” ↩

56. Letter from Adam Jacobs-Dean, Managing Director, Global Head of Markets, Governance and Innovation, Alternative Investment Management Association, August 17, 2026, SEC File No. S7-2026-20. Public filing, quoted verbatim. ↩
57. Vanguard letter; see note 33. ↩
58. BlackRock letter; see note 16. ↩
59. Research Edition, Section VI, from the participant venues’ Form ATS-N subscriber-access items. FINRA Rule 0160 provides that “[t]he term ‘customer’ shall not include a broker or dealer.” The duty to a customer of another broker-dealer is scoped by Rule 5310 Supplementary Material .04: it “does not apply in instances when another broker-dealer is simply executing a customer order against the member’s quote.” Supplementary Material .09 provides that no member can transfer its best-execution obligation. ↩
60. Fidelity letter; see note 32. ↩
61. T. Rowe Price letter; see note 17. ↩
62. Letter from Timothy J. White, Jr., Associate General Counsel, Investment Company Institute, August 17, 2026, SEC File No. S7-2026-20. Public filing, quoted verbatim. ↩
63. Vanguard letter; see note 33. ↩
64. FINRA Regulatory Notice 26-15, “FINRA Requests Comment on Modernizing FINRA’s Best Execution Guidance,” July 24, 2026, comment period expiring September 25, 2026. Questions quoted from the notice’s topic areas on best execution after rescission and on venue connection decisions. ↩
65. IntelligentCross, Form ATS-N/UA filed September 14, 2026, accession 0001708826-26-000020, Part III Item 16(b). Product name and advertised parameters from the operator’s published description of ALPS, read September 25, 2026. Full treatment: Research Edition, Section VI. ↩
66. Interview with AlphaX US, August 13, 2026. ↩
67. Written statement from Mosaic ATS, October 5, 2026. ↩
68. Interview with Mosaic ATS, September 17, 2026. ↩
69. Interview with PureStream, September 18, 2026. ↩
70. Interview with PureStream, September 18, 2026. ↩
71. Letter from Ari Burstein, General Counsel, Imperative Execution, September 17, 2025, File No. 4-862, at 1. The Commission cites the same letter three times in the release proposing rescission; see chapter 9. ↩
72. Interview with Bruce ATS, September 4, 2026. The characterization of what large dealers do is the operator’s account of the market rather than a finding of this paper. ↩
73. PureStream, Form ATS-N/UA filed September 11, 2026, Part III Item 13(d); per-fill identification as described by the operator, not observed by this paper. ↩
74. Interview with PureStream, September 18, 2026. ↩
75. FINRA Rule 6240, Prohibition from Locking or Crossing Quotations in NMS Stocks, which implements Rule 610(e) and defines a locking or crossing quotation by reference to a display “at any time between 8:00 a.m. and 6:30 p.m. Eastern Time.” ↩
76. Interview with CODA Markets, September 29, 2026. ↩
77. Regulation SHO Rule 201; Releases 34-105779 and 34-105780 for the dissemination schedule and the one-hour technical pause. ↩

78. Interview with Blue Ocean, October 6, 2026. ↩
79. Staff Memorandum, Roundtable on Preparations for 24-Hour Trading Supporting Data, Office of Analytics and Research, Division of Trading and Markets, September 10, 2026, File No. 4-913, executive summary and Part I. Executed volume is constructed from SIP trade messages and FINRA Trade Reporting Facility reports. The figures are the staff's and are not comparable with this paper's own ATS notional window. The characterization of 8 to 9 p.m. as the largest hour of the night is the staff's, from its roundtable presentation; the memorandum gives the 21.2% share. ↩
80. Interview with Bruce ATS, September 4, 2026. First-hour figures are year to date through July 2026; the operator said the share has since run closer to the Commission staff's figure. That exchanges are not live in the hour rests on the currently expected hours of the securities information processors. ↩
81. Interview with Bruce ATS, September 4, 2026. Offered as the operator's explanation for the first hour's volume. ↩
82. Year-over-year comparison of FINRA weekly data, matched 34-week windows, January 6 to August 25, 2025 against January 5 to August 24, 2026, both complete on the NMS-equity reporting tiers. The cohort is the four venues whose whole book is the overnight session. Two of the four reported only 24 and 28 of the 34 weeks of the 2025 window, so the fall in concentration is an upper bound. The staff's 359% (note 79) is August on August for all overnight share volume; the 572% is the four night-only venues over matched 34-week windows, and Blue Ocean accounts for most of it. ↩
83. Staff of the Office of Analytics and Research, Division of Trading and Markets, memorandum to File No. 4-913, September 10, 2026, at the August 2026 figures, and the second-quarter 2026 figures for the account-type split. Staff views, not the Commission's. Share and dollar measures are distinct series and are labelled as such here. See note 79. ↩
84. BlackRock letter; see note 16. The letter states that IntelligentCross "has sought to become a new entrant" and describes a facility with "currently no active FINRA ADF participants." ↩
85. Interview with Bruce ATS, September 4, 2026. An operator's estimate of unreported overnight activity, used in no figure in this paper. The firms named in the interview are not named here. ↩
86. SEC Roundtable on Preparations for 24-Hour Trading, September 17, 2026, remarks of the Blue Ocean panelist. The Commission posted a video recording but no transcript, so the remarks are paraphrased rather than quoted and are attributed to the venue rather than to a named speaker. ↩
87. Blue Ocean's account to the author. Statements of the venue rather than of a named speaker. ↩
88. "Markets to Be Open Seven Days a Week; Bruce Markets to Launch First Continuous Weekend U.S. Equities Trading with Strategic Investments Led by PEAK6 and Robinhood," Bruce Markets, PR Newswire, September 29, 2026. Public statement, quoted verbatim. The release's description of the result as the first round-the-clock U.S. equity trading ecosystem is the company's and is not adopted here. Bruce ATS is a participant in this paper. ↩
89. Bruce Markets LLC, operative Form ATS-N, Form ATS-N/UA filed April 3, 2026, accession 0001767041-26-000004, quoted verbatim; eleven ATS-N filings on the CIK and none after that date, read September 29, 2026. The pre-existing clearing,

technology and services relationships are disclosed in the same form. Full treatment: Research Edition, Sections IV and VIII. ↩

90. The March start and the work with key partners are Blue Ocean's account to the author, October 2026. The Sunday remarks are from the SEC Roundtable on Preparations for 24-Hour Trading, September 17, 2026; see note 86; the Commission posted a video recording but no transcript, so they are paraphrased, and the appetite is attributed to the panel rather than to a named speaker where the recording does not identify one. ↩
91. Letter from Ari Burstein, General Counsel and Chief Policy Officer, Imperative Execution, September 17, 2025, File No. 4-862, at 2 to 3 and notes 8 and 9. The licensed-recipient count is the letter's, as of August 2025. The operator made the same case at Panel One of the SEC Roundtable on Trade-Through Prohibitions, September 18, 2025, official transcript at 36 to 38. ↩
92. Letter from Ari Burstein, General Counsel, Imperative Execution, to Vanessa Countryman, Secretary, Securities and Exchange Commission, September 17, 2025, File No. 4-862, at 2 and note 9; letter of December 22, 2025, File No. SR-FINRA-2022-032, at 3, for the cumulative figures from August 25, 2023 through November 28, 2025. Commission citations at Securities Exchange Act Release No. 34-105655, notes 52, 156 and 512; the roundtable testimony is cited at note 729. These are the operator's own counts and this paper has not reproduced them. ↩
93. IntelligentCross, imperativex.com, statistics and disclaimer footnotes. As read September 25, 2026: footnote 2, 6.6 million, determined at order arrival between January 9 and January 13, 2023, against the SIP NBBO; footnote 12, 490,345, the average number of times per day between April 1 and June 30, 2026 that ASPEN quotes of a round lot or larger were traded through. As read October 7, 2026: footnote 2, 8.7 million, measured September 28 to October 2, 2026; footnote 12, over 355,450, July 1 to September 30, 2026. The operator moves the figures and their measurement windows as it updates the site. All are the operator's own counts, which this paper has not verified. Disclaimer text retained by the author. As read October 7, 2026 the site also carries footnote 7, $4.31 billion, the daily average value of trades reported to the SIP at a worse price than the best round lot displayed price on the venue, September 23 to October 6, 2026. ↩
94. Imperative Execution, "SEC Approves IntelligentCross ATS as New Entrant to FINRA's Alternative Display Facility," Business Wire, August 24, 2023. The share and dollar figures and the quoted statements are the operator's. ↩
95. IntelligentCross contributor statement, "Measuring What Matters," TabbFORUM, October 2025. Operator's figure, unverified. ↩
96. File No. SR-FINRA-2022-032. Approval by the Division of Trading and Markets under delegated authority: Securities Exchange Act Release No. 34-98212 (August 24, 2023), 88 FR 59958. The Commission's notice of August 25, 2023 taking the Division's action under review is recited in Release No. 34-102542 (March 7, 2025), which collects the docket to that date; statements on review were ordered in Release No. 34-98642 (September 29, 2023). ↩
97. Rule 612, as amended in 2024, with compliance deferred to November 2027; see note 8 and Research Edition, Section V. ↩
98. Interview with AlphaX US, August 13, 2026. ↩
99. Interview with AlphaX US, August 13, 2026. ↩

100. Rule 610(c)'s codified text already reads $0.0010; a $0.0030 fee is lawful today only because compliance is deferred. ↩
101. Interview with Mosaic ATS, September 17, 2026, and its written statement of October 5, 2026. ↩
102. Written statement from Mosaic ATS, October 5, 2026. The venue's own account of early results, not verified here. ↩
103. Interview with Mosaic ATS, September 17, 2026. ↩
104. Interview with PureStream, September 18, 2026. ↩
105. Interview with PureStream, September 18, 2026. The percentages are the operator's illustration rather than a measured figure. ↩
106. Interview with Imperative Execution, September 25, 2026. ↩
107. "Measuring What Matters," TabbFORUM, October 2025: the non-fill estimate is a practitioner consensus, not audited, and the counterfactual analytics were described by AlphaX US. ↩
108. T. Rowe Price letter; see note 17. ↩
109. Working session of August 26, 2026, organized by CalcGuard Technologies, where the author is an officer. Paraphrased without attribution, at the participants' level of generality. ↩

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