

# CTA

## Consolidated Tape Association

### Service Facilitator Policy

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A Service Facilitator is defined in the **Agreement for Receipt and Use of Consolidated Network A Data and NYSE Market Data, Section 8** as any person other than a common carrier (a) that assists a customer in its receipt, dissemination or other use of market data, and (b) that NYSE has determined to be a service facilitator. In making a determination as to whether a person is a service facilitator, NYSE conducts a facts and circumstances test whereby it considers the nature and quality of the service-related functions that the person performs. Examples of service-related functions that a service facilitator may perform on behalf of a “Customer” include:

- maintaining the vendor’s hardware and software;
- Designing and developing market data displays for external distribution;
- designing and developing analytical applications for internal use;
- retrieving market data from SFTI or an indirect access provider;
- processing market data;
- disseminating market data to subscribers;
- maintaining contracts with subscribers;
- sending out bills to subscribers;
- collecting fees from subscribers and maintaining the accounts receivable ledger;
- monitoring the vendor’s compliance with reporting obligations and compliance by the vendor’s subscribers;
- providing indirect data feeds to others; and
- managing the vendor’s relationships with various exchanges and other sources of market data.

Historically, entities that the Exchange has found to qualify as Service Facilitators include, among others, software developers, facilities managers, equipment operators, signal broadcasters and installation contractors.

Market data vendors frequently contract with third parties for some or all of the work associated with the design and development of their products and services. This policy sets forth the terms and conditions wherein the requirement for the data recipient to enter into a separate agreement with the NYSE (either a standard subscriber agreement, or if a datafeed is involved, a form of vendor agreement) may be waived by the NYSE. In that instance no additional fees are payable by either the data vendor or the data recipient, however, as **Paragraph 8(c)** of the agreement specifies the vendor must unconditionally guarantee each Service Facilitator's compliance with the agreement.

**The waiver of fees for Market Data Vendors and their Service Facilitators only apply to CT/CQ data under the CTA Plan. Fee waivers do not apply to any NYSE Proprietary Data Products (e.g. NYSE OpenBook, NYSE ArcaBook, NYSE Alerts, NYSE Trades and BBO, etc)**

In-house Staff Equivalent refers to cases where the developer functions as the equivalent of the data vendor's in-house development staff and the purpose for which the developer receives and uses market data is to exclusively perform services on behalf of and for the sole benefit of the data vendor and/or the data vendor's customers. (Our expectation is that the relationship between the vendor and the developer will be documented in a formal written contract. That contract would indicate, among other things, that the developer's use of market data is limited solely to the work being contracted for by the data vendor and that the data vendor assumes full responsibility for any and all actions of the developer relative to the use of the data, just as it does for actions of its own employees in this regard.)

Under this scenario, the developer would qualify for Service Facilitator status, would not be required to execute a separate agreement with the NYSE and there would be no fees separately charged to the developer. The data vendor is first obliged to obtain the consent of the NYSE to make the data available and to then modify its Exhibit A in order to reflect the data recipient/developer's status as a Service Facilitator.

Commercial Developer is considered to be any data recipient involved in the development of software or other services which are made available on a commercial basis, and who receives market data to assist, facilitate or support such endeavors. A commercial developer does not qualify for Service Facilitator status. Standard rates and contract requirements apply in respect of all commercial developers and there is no waiver of any of the data vendor's obligations. Where market data is delivered in an environment where the vendor maintains control over its distribution within that environment, standard subscriber agreements and fees will apply to the data recipient.

Where market data control passes to the recipient, the data recipient may qualify as an Indirect Access User - reference Section 5(c) of our agreement - which triggers a different type of agreement and the payment of additional fees.

In-house/Commercial Hybrid refers to cases where a commercial developer receives market data not only to support its own activities but also to perform the functions of an in-house staff equivalent under contract to the data vendor. In this situation, there's no waiver for a separate agreement to be signed by the developer but there could be a waiver of some or all fees for the developer if the data vendor can successfully demonstrate that the developer's predominant use of the data - at least three quarters - is for the direct support of the data vendor's business. Determination of fees will be based on review of the individual circumstances.

This fact sheet is a summary document intended to set forth the highlights of CTA/CQ policy, rates, and procedures. Questions and/or circumstances not covered in this document should be referred to NYSE for the determination of applicable fees and procedures.