

MEMORANDUM

June 29, 2004

TO: Files

FROM: Luis de la Torre
Counsel to Commissioner Goldschmid

RE: Regulation NMS, Release Nos. 34-49325 (Feb. 26, 2004) and 34-49749
(May 20, 2004), File No. S7-10-04

On June 9, 2004, Edward Knight, Jeffrey S. Davis, and Adena Friedman of the Nasdaq Stock Market, Inc., John S. Markle of Ameritrade, and Christine A. Edwards of Winston & Strawn LLP met with Commissioner Harvey J. Goldschmid and myself, counsel to the Commissioner. The representatives of Nasdaq and Ameritrade elaborated on comments made by the Nasdaq representative at the April 21, 2004 Regulation NMS public hearing. In particular, they discussed the market data provisions of proposed Regulation NMS, and urged a reduced scope for the SIP, a decrease in fees for that consolidated market data, and an increased role for fee filings.