



March 9, 2026

Jennifer Piorko Mitchell
Office of the Corporate Secretary
Financial Industry Regulatory Authority, Inc.
1735 K Street, NW
Washington, DC 20006-1506

Re: Regulatory Notice 26-02 – Proposed FINRA Rule 2166 (Temporary Delays for Suspected Fraud)

Dear Ms. Mitchell:

I. Introduction

Apex Clearing Corporation (“Apex”) appreciates the opportunity to comment on Regulatory Notice 2602 (the “Notice”), in which the Financial Industry Regulatory Authority, Inc. (“FINRA”) proposes amendments designed to help member firms protect customers from fraud and financial exploitation. Apex is a self-clearing broker dealer providing execution, clearing, custody, and technology solutions to a broad range of introducing broker dealers and registered investment advisers. As a carrying firm that processes a substantial volume of Automated Customer Account Transfer Service (“ACATS”) transactions, Apex has direct, day-to-day experience with the rising incidence of transfer related fraud and account takeover.

We commend FINRA for recognizing that scams and fraud schemes targeting investors of all ages have increased dramatically in sophistication and frequency and for proposing new Rule 2166 (Temporary Delays for Suspected Fraud) as part of FINRA’s broader investor protection initiative. Rule 2166 is a significant step forward. However, the proposed rule does not operate in a vacuum. Its effectiveness, particularly in the ACATS context, depends on how it interacts with the existing account transfer framework, including FINRA Rule 11870 and National Securities Clearing Corporation (“NSCC”) Rule 50.

This letter, therefore, has three principal objectives:

1. To express Apex’s support for the core fraud prevention tools embodied in proposed Rule 2166 and the related amendments to Rules 2165 and 4512;
2. To urge FINRA to recognize that, without corresponding modernization of NSCC Rule 50’s indemnification framework and clear guidance on the interplay with Rule 11870, the full investor protection benefits of Rule 2166 will not be realized; and

3. To recommend that FINRA amend Rule 11870 to add suspected fraud as a permissible basis to take exception to a transfer instruction, thereby providing delivering firms with clear authority to halt suspicious transfers.

In preparing this letter, Apex has solicited and considered input from a number of its introducing broker-dealer and platform clients. The themes and recommendations below reflect not only Apex's perspective as a clearing firm but also the operational concerns and suggestions of firms across the industry that will be responsible for implementing Rule 2166 in practice.

II. Apex's Support for the Core Framework of Proposed Rule 2166

Apex supports the central elements of proposed Rule 2166, which establish an optional safe harbor permitting member firms to place a temporary delay of up to five business days on a transaction or disbursement where there is a reasonable belief of fraud targeting a customer. In particular, we agree with:

- The creation of a time limited “speed bump” that allows firms to interrupt a suspected fraud long enough to contact the customer, gather information, and provide education about the suspected scheme (proposed Rule 2166(b)(1)–(2)).
- A broad definition of “fraud” that explicitly encompasses identity theft, account takeovers, and similar deceptive schemes (proposed Rule 2166(a)(4)).
- The requirement that firms make reasonable efforts to notify authorized parties and trusted or emergency contacts of the delay and the basis for the firm’s concern, subject to appropriate exceptions (proposed Rule 2166(b)(1)(B); Supplementary Material .04).
- The inclusion of supervision, training, and recordkeeping requirements to ensure that use of the rule is systematic, documented, and subject to oversight (proposed Rule 2166(c)–(d)).
- The safe harbor from FINRA Rules 2010, 2150, and 11870 when members act in accordance with Rule 2166 (Supplementary Material .01).

We also support the related amendments to Rule 4512 that allow firms to use the term “emergency contact” and to apply a trusted/emergency contact designation across a customer’s existing and future accounts, provided the customer is given an account-by-account choice (proposed Rule 4512.06(d)–(e)). These changes will make it more likely that firms have a meaningful point of contact when a customer is unreachable or potentially under the influence of a fraudster.

Based on feedback from our introducing broker-dealer clients, we believe the proposed five-business-day delay period strikes an appropriate balance between providing sufficient time to investigate suspected fraud and minimizing unnecessary disruption to legitimate customer activity. We note, however, that firms should have the flexibility to release a Rule 2166 hold early if the fraud concern is cleared before the five-day period expires, and we would welcome confirmation from FINRA that early termination of a hold is permitted and remains within the safe harbor.

III. The Need to Align Rule 2166 With NSCC Rule 50's Indemnification Framework

While Apex supports Rule 2166, we are concerned that its fraud-prevention potential will be significantly constrained in the ACATS environment unless the associated loss-allocation rules are modernized. At present, NSCC Rule 50, Section 17 places the indemnification obligation in fraudulent transfer cases squarely on the receiving side of the transaction, i.e., on the “Requesting Firm,” typically the receiving clearing broker, and, by contractual cascade, on the receiving introducing broker-dealer. This allocation is increasingly misaligned with how ACATS fraud actually occurs.

A. ACATS Fraud Originates at, and Is Best Prevented by, the Delivering Firm

In virtually every ACATS fraud scenario Apex encounters, the bad actor's scheme depends on the compromise of customer information maintained at the delivering firm (or its introducing broker), not at the receiving firm. The fraudster cannot initiate a fraudulent transfer without first obtaining detailed, non-public information about the victim's account: account number, positions, Social Security number or other tax identifier, and often recent account activity. That information resides in the delivering firm's systems and records.

The delivering firm is also the party best positioned to recognize and halt the fraud before any assets leave the customer's account. It possesses:

- The customer's historical contact information and transaction patterns;
- Surveillance data on recent changes to email address, phone number, or physical address;
- Device and log-in telemetry; and
- A regulatory obligation under Regulation S-P (safeguarding customer records and information), Regulation S-ID (identity theft red-flags programs), and FINRA Rules 2090 and 3110 to know its customers and supervise accounts for suspicious activity.

Proposed Rule 2166 implicitly acknowledges this reality by granting the firm that holds the account at the time the suspicious instruction is received the authority to impose a temporary delay when it reasonably believes fraud is occurring or has been attempted. FINRA's prior guidance in Regulatory Notices 22-21 and 23-06 likewise focuses heavily on the role of the firm that holds the existing account in detecting ACATS-related fraud¹.

¹ See FINRA Regulatory Notice 22-21 (Oct. 6, 2022) (alerting firms to “a rising trend in the fraudulent transfer of customer accounts through ACATS” and explaining that a bad actor uses the “stolen identity of a legitimate customer of a carrying member” to initiate the transfer, thereby focusing the analysis on the firm that holds the existing account); FINRA Regulatory Notice 23-06 (Mar. 28, 2023) (describing “potential indicators of ACATS fraud” and “practices to mitigate risk,” including notifying the customer that an account transfer instruction has been received, engaging representatives assigned to the customer's account, and reviewing patterns of transfers from the carrying member, controls that, by design, are implemented by the firm that already carries the customer's account).

Our client feedback confirms this perspective. Firms consistently report that fraudulent ACATS transfers are most commonly linked to account-takeover events at the delivering firm, typically preceded by credential compromise, password resets, contact-information changes, new device or IP login activity, and suppression of two-factor authentication. The delivering firm is in the best position to detect these signals and act on them.

B. The Receiving Side Lacks the Same Ability to Prevent ACATS Fraud

By contrast, neither the receiving clearing firm nor the receiving introducing broker-dealer has a comparable ability to detect and prevent ACATS fraud:

- The receiving introducing broker sees what appears to be a legitimate new customer presenting valid identification. It does not have historical data to compare against, nor does it have direct access to the customer relationship at the delivering firm.
- The receiving clearing firm sits even further removed, processing ACATS messages as an operational intermediary without direct customer contact.
- FINRA Rule 11870 does not list “fraud” as a permissible ground to reject an ACATS transfer; the rule is designed to prevent delivering firms from impeding legitimate transfers on competitive or subjective grounds. As discussed further in Section IV below, we believe this gap should be addressed by amending Rule 11870 to add suspected fraud as a permissible basis for exception.

In short, the receiving side has no superior ability to determine that a seemingly valid transfer instruction is fraudulent. It is the delivering side whose data was compromised and who can place the proposed Rule 2166 “speed bump” on a suspicious transfer.

C. NSCC Rule 50’s Indemnity Misallocates Risk and Blunts Rule 2166’s Incentive Effects

Despite this reality, NSCC Rule 50, Section 17 requires the Requesting Firm (receiving clearing broker) to indemnify the Accepting Firm (delivering broker) for losses associated with “unauthorized or allegedly unauthorized transfer requests,” regardless of where the compromise occurred or which firm had the practical ability to prevent the fraud. In practice, clearing firms require their introducing broker-dealer clients to indemnify them for such losses, so that the ultimate financial burden falls on the receiving introducing firm, the party farthest from the point of compromise.

This framework produces several problematic outcomes:

1. It insulates the delivering firm from the financial consequences of its own information-security failures or failure to act on red flags. The firm at the point of origin of the fraud is made whole; the firm with no role in the compromise bears the loss.

2. It dampens the incentive for delivering firms to invest in robust fraud-prevention controls and to actively use tools such as Rule 2166's temporary delay and customer-notification requirements. If the financial loss can be shifted downstream, the business case for aggressive fraud-prevention measures is weakened.
3. It places disproportionate risk on smaller receiving introducing broker-dealers, which may lack the capital to absorb significant fraud losses arising from another firm's data compromise, thereby constraining competition and innovation.

Rule 2166, as proposed, gives delivering firms a powerful new tool. But without corresponding reform of the indemnity framework, the firm that can prevent the fraud still has limited economic "skin in the game."

Our clients have emphasized this point strongly. As one firm put it, "loss allocation should align with which firm was best positioned to prevent the fraud." Without modernization of indemnification frameworks, firms may hesitate to invoke Rule 2166 holds due to liability uncertainty, or, worse, the party that failed to prevent the fraud will continue to be made whole at the expense of innocent receiving firms.

D. Request That FINRA Coordinate With NSCC and the SEC on Indemnification Reform

Apex respectfully urges FINRA to work with NSCC/DTCC and the Securities and Exchange Commission to modernize NSCC Rule 50, Section 17 so that fraud risk is borne by the parties best able to prevent it. While the precise drafting of any amendment is beyond the scope of this letter, we believe the following principles should guide reform:

1. Indemnification in fraudulent ACATS cases should presumptively rest with the delivering side. Where a transfer is determined to have been initiated by a bad actor using compromised or stolen customer information from the delivering firm's environment, the delivering member (or its associated introducing broker) should bear the indemnification obligation, subject to an appropriate safe harbor for firms that maintain and apply robust fraud prevention controls, including use of Rule 2166.
2. Operational correction mechanisms for nonfraudulent errors should be preserved. For good faith operational mistakes such as incorrect positions or quantities delivered, the current reclaim and indemnity structure can continue to function as a straightforward corrective tool.
3. Neutral intermediaries should not serve as insurers of last resort. Clearing firms that perform ministerial functions in accordance with NSCC and FINRA procedures, and that have no customer facing role in the transfer, should not bear strict liability indemnity for fraud they cannot reasonably detect or prevent.

4. Delivering firms should have an affirmative obligation to validate transfer instructions with the customer of record. To further align incentives and reduce fraudulent ACATS transfers at the source, we encourage FINRA to consider whether delivering members should be required, not merely permitted, to take reasonable steps to validate that an outgoing transfer instruction is a legitimate instruction from the actual customer before completing the transfer. Such validation could include direct outreach to the customer using verified contact information on file, confirmation through secure digital channels, or other methods appropriate to the firm's customer base and risk profile. An affirmative validation requirement would complement Rule 2166's temporary delay mechanism and would provide additional support for placing indemnification responsibility on the delivering side when validation is not performed or is performed inadequately.
5. Invoking or declining to invoke a Rule 2166 delay should not, by itself, prejudice a firm's indemnification rights or defenses. Firms acting in good faith, whether they place a hold and later release it, or decline to place a hold because red flags were not present, should not face adverse indemnification consequences solely on the basis of their Rule 2166 decisions.

We recognize that NSCC is a separate self-regulatory organization with its own rule filing process under Section 19 of the Exchange Act. Nonetheless, we believe FINRA is uniquely positioned to highlight the need for convergent reform and to foster a coordinated approach that aligns investor protection tools such as Rule 2166 with the market infrastructure rules that govern ACATS transfers.

IV. Request That FINRA Amend Rule 11870 to Add Suspected Fraud as a Permissible Basis for Exception

As noted in Section III.B, FINRA Rule 11870(d) enumerates specific grounds on which a carrying member may take exception to a transfer instruction. Currently, "suspected fraud" is not among them. Rule 11870(d) permits a carrying member to reject a transfer instruction only for enumerated reasons such as signature guarantee issues, account number discrepancies, or credit and margin concerns. Fraud, even where the carrying member has a well documented, reasonable belief that the transfer instruction was initiated by a bad actor using stolen customer information, is not a listed basis for exception.

While proposed Rule 2166 provides a temporary safe harbor for delaying a transfer for up to five business days, it does not amend the underlying Rule 11870 framework. Once the five day period expires, the delivering firm may face pressure to complete the transfer to avoid a Rule 11870 timing violation, even if it continues to believe the transfer is fraudulent.

We respectfully request that FINRA consider amending Rule 11870(d) to add suspected fraud, where the carrying member has a documented reasonable belief that fraud has occurred, is

occurring, has been attempted, or will be attempted, as a permissible basis to take exception to a transfer instruction. This amendment would:

1. Provide a clear, rule based foundation for delivering firms to halt suspicious transfers, reducing uncertainty about how Rule 2166 and Rule 11870 interact;
2. Complement the temporary delay mechanism in Rule 2166 by giving delivering firms authority to reject, not merely delay, transfers where fraud indicators are strong and customer validation efforts have been unsuccessful;
3. Further align the regulatory framework with the goal of stopping fraud at its point of origin, before customer assets leave the delivering firm; and
4. Support the indemnification reform principles discussed in Section III.D by reinforcing that delivering firms bear primary responsibility for validating transfer instructions and preventing fraudulent outflows.

We recognize that any amendment to Rule 11870 must be carefully drafted to prevent abuse and ensure that delivering firms cannot use "suspected fraud" as a pretext for impeding legitimate customer transfers. Appropriate safeguards could include:

- A requirement that the delivering firm document the specific basis for its reasonable belief of fraud;
- A requirement that the delivering firm make reasonable, documented efforts to contact the customer and any trusted/emergency contact to validate the transfer instruction before taking exception;
- A time limit (e.g., consistent with Rule 2166's framework) within which the delivering firm must either validate the instruction, obtain regulatory or law enforcement guidance, or permit the transfer to proceed; and
- Regulatory oversight and examination of firms' use of the fraud exception to ensure it is not being misused for competitive purposes.

With these safeguards, an amendment to Rule 11870(d) would meaningfully strengthen the fraud prevention framework that Rule 2166 is designed to support.

V. Interaction of Rule 2166 With ACATS Timelines and Unresponsive Customers

In addition to the indemnity and Rule 11870 issues, the ACATS context raises a practical question that, if left unresolved, will create uncertainty for firms seeking to rely on Rule 2166.

A. The Unresponsive Customer Scenario

A common fact pattern is as follows:

1. The delivering member identifies significant red flags associated with an outgoing ACATS transfer: recent changes to customer contact information,

unusual device or IP activity, atypical transfer destination, or indicators tied to known scam typologies.

2. The firm forms a reasonable belief that fraud has occurred or is being attempted and, accordingly, invokes Rule 2166 to place a temporary delay on the transfer.
3. Within two business days, the firm attempts to notify the customer and the trusted/emergency contact, using the channels available.
4. Neither the customer nor the trusted/emergency contact responds during the five-business-day delay period, and no federal or state regulator or court has yet requested an extension.

In this scenario, the delivering firm's substantive suspicion of fraud remains; what has changed is only the passage of the initial five-day period. At that point, the firm appears to face a Hobson's choice:

- Complete the ACATS in order to comply with the strict timelines in FINRA Rule 11870 and NSCC Rule 50, thereby enabling a transfer it still reasonably believes to be fraudulent; or
- Continue to hold or reject the transfer based on its ongoing reasonable belief of fraud, thereby risking a potential violation of Rule 11870's timing and permissible rejection standards.

This scenario is not hypothetical. Our clients report that obtaining timely customer responses is a significant operational challenge, particularly when the only available outreach channels are email and phone. In true account-takeover situations, fraudsters may have changed the customer's contact information or may be actively intercepting communications. Without the ability to reach the customer via SMS or other real-time channels, firms often cannot obtain a response within the five-day window.

B. Requested Clarifications From FINRA

To address this dilemma, Apex respectfully requests that FINRA clarify, whether in the adopting release, supplementary material, or subsequent guidance, that:

1. A firm's good faith use of Rule 2166 to delay a suspected fraudulent ACATS transfer, combined with documented but unsuccessful outreach to the customer and trusted/emergency contact, can justify continued delay or refusal to process the transfer beyond the initial five business day period, consistent with Rule 2010 and the Rule 2166 safe harbor from Rule 11870.
2. In such circumstances, FINRA will not view the firm's decision to continue to hold the transfer as a per se violation of Rule 11870, particularly where the

firm is seeking direction from a federal or state regulator, law-enforcement agency, or court regarding the appropriate course of action.

3. Conversely, Rule 2166 should not be construed as requiring a firm to complete a transfer solely because the five-day period has lapsed if the firm continues to maintain a reasonable, well-documented belief that the transfer is fraudulent.
4. Firms should have clarity on what constitutes "reasonable outreach" for purposes of the Rule 2166 notification requirements, including whether voicemail, email, and secure portal messages are sufficient when the customer does not respond, and what additional steps (if any) firms should take before concluding that the customer or trusted contact is "unavailable."

We recognize the need to avoid giving firms a pretext for impeding legitimate transfers. But we also believe the rule framework should not force a firm to effectuate a transfer it reasonably believes will facilitate fraud simply because the customer or trusted contact has not responded within an arbitrary time box. The amendment to Rule 11870(d) proposed in Section IV would help address this concern by providing delivering firms with explicit authority to take exception to a transfer based on suspected fraud, subject to appropriate safeguards.

C. Clarification Requested Regarding Scope of Rule 2166 in ACATS Contexts

Apex also requests that FINRA provide express guidance on the scope of Rule 2166's temporary delay as it applies in the ACATS context. Specifically, we seek clarification on whether the rule permits a delivering firm to delay only the outgoing ACATS transfer itself, or whether the five-business-day delay also extends to subsequent disbursements from the receiving firm's account after the ACATS settles.

Our reading of proposed Rule 2166(b)(1)–(2) is that the rule permits a member to place a temporary delay on "a disbursement of funds or securities from the Account" where there is a reasonable belief of fraud. For a delivering firm, the relevant "disbursement" is the outgoing ACATS movement itself. Once the ACATS settles and the assets arrive at the receiving firm, the delivering firm's Rule 2166 delay on that particular disbursement has run its course.

To place a hold on activity after the transfer settles at the receiving firm, for example, a suspicious wire request or liquidation from the newly opened account, the receiving firm would need to independently invoke Rule 2166 based on its own reasonable belief of fraud targeting its customer. The rule does not, as we understand it, automatically extend the delivering firm's five-day delay to cover post-settlement activity at the receiving firm.

If this interpretation is correct, we believe it would be helpful for FINRA to confirm it expressly, either in the adopting release or supplementary material. Such clarification would:

1. Reduce operational confusion among firms regarding when the Rule 2166 clock starts and stops in an ACATS scenario;
2. Ensure that receiving firms understand they have independent authority, and responsibility, to invoke Rule 2166 if they detect fraud indicators after the transfer settles; and
3. Provide a clearer framework for firms to design their surveillance, escalation, and customer-outreach procedures around ACATS-related fraud.

VI. Operational Enhancements to Support Consistent Implementation

To further strengthen Rule 2166's impact in the ACATS environment, Apex recommends that FINRA, in coordination with NSCC, consider the following operational enhancements:

A. Standardized ACATS Status for Rule 2166 Delays

NSCC could adopt a standardized ACATS status or reason code indicating that a transfer is subject to a "Rule 2166 Temporary Delay for Suspected Fraud." This would:

- Provide a clear, auditable signal to the receiving firm that the delay is regulatory in nature;
- Facilitate consistent treatment of such transfers across the industry; and
- Allow NSCC to design timeline logic that suspends the standard validation and settlement clocks while the Rule 2166 status is in effect.

We also note that our clients have raised concerns about poor communication from contra firms when ACATS transfers are rejected, with rejection notices often failing to cite the correct or specific reason for the exception. A standardized status code for Rule 2166 delays would help address this issue and promote transparency between delivering and receiving firms.

B. Support for Partial Transfer Delays

Where operationally feasible, we encourage FINRA to endorse, and NSCC to support, the concept of partial transfer delays, under which a delivering firm could hold only those assets or cash flows believed to be implicated in a fraudulent scheme while permitting non-suspect assets to transfer. This targeted approach could reduce customer frustration and economic impact while still addressing the core fraud risk.

C. Model Communications and "Reasonable Belief" Examples

We believe firms would benefit from:

1. Non-mandatory model language for customer and contra-firm notifications issued in connection with a Rule 2166 delay, drafted to be consistent with Regulation S-P's fraud-prevention exceptions and the voluntary information-sharing safe harbor in 31 C.F.R. § 1010.540 (Section 314(b)).
2. A non-exhaustive list of ACATS-specific indicators that may support a "reasonable belief" of fraud for purposes of Rule 2166, for example, combinations of recent contact-information changes, device anomalies, and immediate requests for full-account transfers to newly opened accounts at unfamiliar firms.
3. Guidance on when and how firms should involve trusted or emergency contacts during a Rule 2166 delay, including whether outreach to a trusted contact is appropriate when the firm has been unable to reach the account holder directly, and how to document such outreach.
4. Clarity on recordkeeping expectations, including what documentation firms should maintain regarding the basis for a reasonable belief of fraud, supervisory approvals, duration of the hold, and customer communications.

Such guidance would not only promote consistent application of Rule 2166 but also assist firms in designing surveillance and escalation procedures under FINRA Rules 3110, 3120, and 3130.

D. Clear Allocation of Responsibilities Between Introducing and Clearing Firms

Our clients have requested clarity on how Rule 2166 responsibilities should be allocated between introducing broker-dealers and their clearing firms. In a fully disclosed clearing arrangement, both the introducing firm and the clearing firm may have access to different pieces of information relevant to detecting fraud. We encourage FINRA to provide guidance—whether in the adopting release, supplementary material, or a subsequent FAQ—on how firms should coordinate their Rule 2166 responsibilities, including:

- Which firm (introducing or clearing) should be primarily responsible for invoking a Rule 2166 delay in various scenarios;
- How information relevant to a "reasonable belief" of fraud should be shared between introducing and clearing firms; and
- How safe-harbor protections apply when an introducing firm and its clearing firm act in coordination to implement a Rule 2166 delay.

VII. Conclusion

Proposed Rule 2166 is an important and timely enhancement to FINRA's investor-protection framework. Apex supports its adoption and believes that, if implemented thoughtfully, it will materially assist firms in interrupting fraud schemes before they result in catastrophic losses for customers.

At the same time, Apex respectfully submits that the rule's effectiveness, particularly in the ACATS setting, will depend on whether the surrounding infrastructure and liability rules are brought into alignment. The current indemnification regime under NSCC Rule 50, Section 17, which places the burden of fraudulent transfers on the receiving side regardless of where the fraud originates or who can best prevent it, is increasingly inconsistent with the realities of modern identity-theft-driven fraud and with the objectives of Rule 2166 itself. Similarly, the absence of "suspected fraud" as a permissible basis for exception under Rule 11870 leaves delivering firms without clear authority to reject transfers they reasonably believe to be fraudulent.

Apex therefore urges FINRA to:

- Engage with NSCC and the SEC to modernize the indemnification framework so that firms with the ability and regulatory obligation to prevent ACATS fraud also bear appropriate economic responsibility;
- Amend Rule 11870(d) to add suspected fraud as a permissible basis to take exception to a transfer instruction, subject to appropriate documentation and safeguard requirements;
- Consider whether delivering firms should have an affirmative obligation to validate transfer instructions with the customer of record before completing the transfer;
- Clarify expressly, in the adopting release or supplementary material, that a delivering firm's Rule 2166 delay applies to the outgoing ACATS transfer itself, and that a receiving firm must independently invoke Rule 2166 to delay post settlement disbursements or transactions based on its own reasonable belief of fraud;
- Provide clarifying guidance on the interaction between Rule 2166, Rule 11870, and ACATS processing, particularly in situations where a firm reasonably believes fraud is occurring but is unable to obtain timely confirmation from the customer or trusted/emergency contact;
- Provide guidance on recordkeeping expectations, trusted contact outreach protocols, and what constitutes "reasonable outreach" when customers are unresponsive; and
- Clarify how Rule 2166 responsibilities should be allocated and coordinated between introducing broker dealers and their clearing firms.

Apex would welcome the opportunity to participate in any further industry discussions or working groups on these issues and to share additional data and operational experience that may assist FINRA in finalizing Rule 2166 and related guidance.

Respectfully submitted,

/s/ Rajeev Khurana

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