

FINANCIAL INFORMATION FORUM

September 25, 2026

Submitted online through FINRA comment form

Office of the Corporate Secretary
FINRA
1700 K Street
NW Washington, DC 20006
Attn: Jennifer Piorko Mitchell

Re: FINRA Regulatory Notice 26-15, Best Execution: FINRA Requests Comment on Modernizing FINRA's Best Execution Guidance (July 24, 2026)

Dear Ms. Mitchell,

The Financial Information Forum ("FIF")¹ appreciates the opportunity to comment on the above-referenced Regulatory Notice published by the Financial Industry Regulatory Authority ("FINRA") on July 24, 2026 (the "Regulatory Notice").² The Regulatory Notice:

... requests comment on how FINRA can modernize its best execution guidance to facilitate investor protection and market integrity under the existing principles-based standard, and provide member firms with additional interpretive insights and approaches to structure their processes to serve their various customers.³

The Regulatory Notice provides that "The rescission of Rule 611 may ... raise questions for firms as they review the operationalization of their best execution policies"⁴ and notes that updates to FINRA guidance on best execution "... may be warranted in light of changes to the market landscape and the SEC's proposed changes to Regulation NMS, among other developments."⁵

¹ FIF (www.fif.com) was formed in 1996 to provide a centralized source of information on the implementation issues that impact the securities industry across the order lifecycle. Our participants include broker-dealers, exchanges, back office service bureaus, and market data, regulatory reporting and other technology vendors in the securities industry. Through topic-oriented working groups, FIF participants focus on critical issues and productive solutions to technology developments, regulatory initiatives, and other industry changes.

² FINRA Regulatory Notice 26-15, *Best Execution: FINRA Requests Comment on Modernizing FINRA's Best Execution Guidance* (July 24, 2026), available at <https://www.finra.org/sites/default/files/2026-07/Regulatory-Notice-26-15.pdf> ("FINRA Regulatory Notice 26-15").

³ Id. at 1.

⁴ Id. at 5.

⁵ Id. at 5-6.

On August 17, 2026, FIF submitted a comment letter⁶ (the “August 2026 FIF comment letter”) in response to the rule filing by the Securities and Exchange Commission (the “Commission”) titled *The Trade-Through Rule and Locked and Crossed Markets Provisions of Regulation NMS* (the “Commission rule proposal”).⁷ This letter highlights certain points raised in the August 2026 FIF comment letter. Please see the August 2026 FIF comment letter for additional detail.⁸

Scope of comment letter

The Regulatory Notice requests comment on how the rescission of Rule 611 and the other changes proposed in the Commission rule proposal would impact FINRA member best execution obligations.⁹ The Regulatory Notice also requests comment more generally on how FINRA can modernize its best execution guidance.¹⁰ This comment letter addresses the potential impact of the Commission rule proposal on best execution obligations; this comment letter does not discuss best execution more generally.

A. FIF members support FINRA’s reevaluation of best execution in response to evolving market conditions

FIF members support FINRA’s decision to reevaluate best execution in response to evolving market conditions. For example, the Regulatory Notice discusses the increased retail participation in extended trading hours and requests comment on “... what additional guidance regarding best execution obligations for extended hours trading may assist firms in navigating best execution obligations in this evolving landscape.”¹¹ The Regulatory Notice similarly requests comment on how the Commission rule proposal, if adopted, would impact broker-dealer best execution obligations.¹²

As FINRA acknowledges, the best execution requirements of Rule 5310 and its predecessors date to 1968,¹³ and the core principles of best execution have remained largely unchanged since that time. Although this history demonstrates the durability and flexibility of a principles-based standard, FIF’s mission is to promote coordinated and effective technical and operational implementation of regulatory requirements across the securities industry. Given the rapid evolution of markets, the introduction of new products and technologies, and the proposed repeal of Rule 611 -- a cornerstone of equity market structure for more than two decades -- the need for clear, modernized best execution guidance, and targeted rulemaking where appropriate, has never been more pressing. Accordingly, FIF members strongly support the decision by FINRA to reevaluate best execution in response to evolving market

⁶ FIF letter to the Commission (Aug. 17, 2026), available at <https://www.sec.gov/comments/S7-2026-20/s7202620-1005759-3202395.pdf> (“August 2026 FIF Comment Letter”).

⁷ Securities Exchange Act Release 105655 (June 11, 2026), 91 FR 36656 (June 17, 2026).

⁸ August 2026 FIF Comment Letter, at 7-13.

⁹ FINRA Regulatory Notice 26-15, at 5-9.

¹⁰ Id. at 1, 5-6 and 9-17.

¹¹ Id. at 13-14.

¹² Id. at 6-9.

¹³ Id. at 2.

conditions, including regulatory changes, while maintaining the current principles-based best execution standard that is grounded in reasonable diligence and agency principles.

B. Commission rule proposal

The Regulatory Notice requests comment based on the assumption that “... the trade-through rule and related definitions in Regulation NMS are rescinded as the SEC proposes ...”¹⁴ The Regulatory Notice further asks, “In the absence of defined ‘automated quotations’ and ‘automated trading centers’ for trade-through rule purposes, under what circumstances would firms consider quotes to be or not be immediately accessible?”¹⁵

FIF and other commenting parties raised a number of questions relating to the planned implementation of the Commission rule proposal, including how the rule proposal would impact the *national best bid and offer* (“*NBBO*”). For example, would quotations that do not qualify as *automated quotations* under the current Regulation NMS definition¹⁶ be included in the *NBBO* and, if so, under what conditions and what would be the process for making these determinations? Further, would the Securities Information Processors (“*SIPs*”) disseminate differentiated modifiers for different types of quotations and what would be the process for making these determinations? If different types of quotations were included in the *NBBO* disseminated by the *SIPs*, would there be an expectation for broker-dealers to generate their own versions of the *NBBO* that take account of the different types of quotations within the *NBBO*?¹⁷ There is also uncertainty as to potential rule changes by the exchanges and FINRA in response to adoption of the Commission rule proposal. FIF members will await clarity on these types of questions from the Commission, which would guide how adoption of the Commission rule proposal could impact implementation of firm best execution processes.

It is also possible that the Commission might adopt the Commission rule proposal with modifications or might not adopt the Commission rule proposal. FIF members would be in a better position to provide input on these scenarios once there is clarity on the Commission’s next steps on the Commission rule proposal.

C. FINRA process

Given the focus of FIF on implementation issues and the open-ended nature of the Regulatory Notice, FIF is limited in its ability to comment on the Regulatory Notice at this time. The Regulatory Notice references FINRA’s intention to provide further interpretive guidance relating to best execution.¹⁸ It is unclear from the Regulatory Notice whether FINRA also intends to propose amendments to FINRA Rule

¹⁴ Id. at 6.

¹⁵ Ibid.

¹⁶ 17 CFR §242.600(b)(6).

¹⁷ See, for example, letter from Marcia E. Asquith, Executive Vice President, Board and External Relations, FINRA, to Vanessa Countryman, Securities, Securities and Exchange Commission (May 26, 2020), available at [FINRA Comment Letter SEC Market Data Infrastructure Proposal-May26.2020.pdf](#). The May 2020 FINRA letter discusses the dissemination of multiple *NBBOs* by competing consolidators, while this letter raises the possibility of broker-dealers deriving different *NBBOs* based on a single *NBBO* disseminated by a *SIP*.

¹⁸ FINRA Regulatory Notice 26-15, at 1.

5310, *Best Execution and Interpositioning*. In the Regulatory Notice, FINRA requests comment on certain matters that are currently addressed in Rule 5310 (including the Supplementary Material to Rule 5310). For example, FINRA Rule 5310(a)(1) lists factors that FINRA will consider in determining whether a member is compliant with Rule 5310, and the Regulatory Notice requests comment on "... standards that members may apply or should be required to apply, or factors to consider, when making venue connection decisions ..." ¹⁹ If FINRA proposes amendments to Rule 5310 (or updated Supplementary Material), this would be subject to a public comment process. If FINRA plans instead to publish updated interpretive guidance without a proposed rule change, FIF members request that FINRA engage in discussions with market participants regarding its proposed interpretation prior to publishing such interpretive guidance. Given the potential significance of the Commission rule proposal and the importance of best execution as a core component of broker-dealer regulation, FINRA should also consider publishing interpretive guidance in draft form to allow for public comment, as market participants (including investors) would be better able to identify any potential implementation issues, unintended consequences and costs. FIF members believe that a consultative process will help to ensure that interpretive questions are addressed in writing in the interpretive guidance rather than through post-implementation enforcement.

* * * * *

FIF members appreciate the opportunity to comment on the Regulatory Notice. If you would like clarification on any of the items discussed in this letter or would like to discuss further, please contact me at howard.meyerson@fif.com.

Very truly yours,

/s/ Howard Meyerson

Howard Meyerson
Managing Director, Financial Information Forum

¹⁹ Id. at 6.