

2002 BCSECCOM 426

Headnote

Temporary relief from the requirements of the ATS Rules

Order under National Instrument 21-101 Marketplace Operation and National Instrument 23-101 Trading Rules

State Street Global Markets, LLC
State Street Global Markets Canada Inc.

Background

- ¶ 1 State Street Global Markets, LLC (“State Street LLC”) and State Street Global Markets Canada Inc. (“State Street Canada”) applied under section 15.1 of National Instrument 21-101 *Marketplace Operation* and section 12.1 National Instrument 23-101 *Trading Rules* (the “ATS Rules”) for an exemption from the requirements under the ATS Rules until the earlier of July 1, 2002 or the date on which State Street Canada is in a position to comply with the requirements of the ATS Rules;

Representations

- ¶ 2 State Street Canada and State Street LLC represent that:
1. State Street Canada is incorporated under the laws of Canada and is registered as an investment dealer in British Columbia, Ontario, Alberta, Quebec and is a member of the Investment Dealers Association of Canada;
 2. State Street LLC is registered as a broker-dealer in the United States and is a member of the National Association of Securities Dealers, and the Boston Stock Exchange;
 3. State Street LLC is not currently registered with any securities regulatory authority and is not a member of the Investment Dealers Association of Canada;
 4. State Street LLC operates a proprietary electronic trading system called Lattice which permits users to simultaneously access information, and request bids and offers and execute transactions, respecting U.S. equity securities from United States broker-dealers via the internet;

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5. State Street LLC offers Lattice to a single customer in Canada, a portfolio manager registered as an adviser in British Columbia;
6. Lattice is an alternative trading system under the ATS Rules;
7. Lattice executes trades only in securities allowed under the ATS Rules;
8. prior to the ATS Rules becoming effective, State Street LLC relied on the registration and prospectus exemptions contained in sections 45(2)(5) and 74(2)(4) of the *British Columbia Securities Act* to execute trades for the portfolio manager through Lattice;
9. State Street LLC intends to reorganize its method of offering Lattice in Canada so that clients open accounts and enter into agreements with State Street Canada in order to use Lattice;

Order

- ¶ 3 Because it is not prejudicial to the public interest, the Executive Director orders that State Street LLC is exempt from the requirements of the ATS Rules until the earlier of July 1, 2002 and the date on which State Street Canada is in a position to comply with the requirements of the ATS Rules.

- ¶ 4 May 22, 2002

Brenda Leong
Director