



New York
Mercantile Exchange

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April 4, 2005

VIA FACSIMILE

Office of the Secretariat
Commodity Futures Trading Commission
Three Lafayette Centre
1155 21st Street, N.W.
Washington, D.C. 20581

Re: Rule Certification. New York Mercantile Exchange, Inc. Submission
#05.58: Revised NYMEX OTC Broker Incentive Program

Dear CFTC Commissioners:

The New York Mercantile Exchange, Inc. ("Exchange") is notifying the Commodity Futures Trading Commission ("Commission") of a self certification filing involving revisions to an existing NYMEX incentive program ("OTC Broker Incentive Program"). Pursuant to Section 5c(c) of the Commodity Exchange Act ("Act") and CFTC Rule 40.6, the Exchange hereby certifies that the attached incentive program as revised complies with the Act, including regulations under the Act. The Exchange announced this program in a notice to members issued on March 14, 2005 but inadvertently neglected to submit this filing at that time. The Exchange regrets the error.

Should you have any questions concerning the above, please contact the undersigned at (212) 299-2207.

Very truly yours,

Brian J. Regan
Vice President and Counsel

Attachment

New York Mercantile Exchange, Inc.
World Financial Center
One North End Avenue
New York, NY 10282-1101
(212) 299-2000

The New York Mercantile Exchange, Inc., is composed of two divisions. The NYMEX Division offers trading in crude oil, heating oil, unleaded gasoline, natural gas, electricity, coal, propane, platinum, and palladium. The COMEX Division offers trading in gold, silver, copper, and aluminum.

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Notice to Members

Notice No. 114
03/14/2005

Revised Broker Incentive Program (NX)

In order to continue to build liquidity and activity in our NYMEX ClearportSM Clearing and Execution facilities and demonstrate the Exchange's long-term commitment to its relationship with the Intermediary community the original terms under the "OTC Broker Incentive Plan" are modified as described herein:

1. Eligible Participants

Intermediaries on the NYMEX ClearportSM execution and clearing systems respectively. Intermediaries, as described below, must physically enter orders or transactions into one of the NYMEX ClearportSM systems in order to be eligible for participation in the program.

 - o Voice Brokers, Floor Brokers, IBs, APs, and FCMs who submit matched trades to the NYMEX ClearportSM clearing systems for 3rd parties
 - o CFTC/NFA registrants who submit orders to, and which are executed on, the NYMEX ClearportSM trading platform.
2. Excluded Participants

Principals who submit trades or executed orders for their own, or a proprietary, account, are excluded from participation in the program
3. Excluded Platform(s)

NYMEX ACCESSSM and its successor with respect to any floor traded products are excluded from this program.
4. Term: Six (6) years commencing January 1, 2005
5. Payments
 - o Payments shall be made quarterly.
 - o For NYMEX ClearportSM clearing services, an intermediary (on behalf of a 3rd party excluding proprietary accounts) submitting a matched trade, which clears successfully, will receive 25% of the net clearing fees charged by the Exchange. The Exchange in its sole discretion will decide any disputes arising about the identity or affiliation of the party entitled to the program fee.
 - o For NYMEX ClearportSM execution services, an intermediary (on behalf of a 3rd party excluding proprietary accounts) submitting an order which is executed will receive 25% of the net clearing fees charged by the exchange for the transaction. In the event both orders to the executed trade were submitted by one or two intermediaries, each will receive 25% of the net fees.
 - o Payments shall be made latest 30 days past the end of each quarter.
 - o The Exchange retains the exclusive right to determine its fees; however, the percentages described above will not be reduced during the term of the program.

As part of this agreement, all intermediaries shall continue to be required to provide the NYMEX

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Research Department with daily settlement data for those contracts that are requested. The Exchange retains the right to withhold Incentive plan payments as described under this Notice from those participants that do not comply with the request for data.

Should you have any questions or require any further information, please contact exchangeinfo@nymex.com

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