

BY ELECTRONIC TRANSMISSION

07-21
March 8, 2007

Ms. Eileen A. Donovan
Acting Secretary of the Commission
Office of the Secretariat
Commodity Futures Trading Commission
Three Lafayette Centre
1155 21st Street, NW
Washington, DC 20581

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O.F.C. OF THE SECRETARIAT

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Re: **Amendments to Licensing Rule 7.64(f) -
Submission Pursuant to Section 5c(c)(1) of the Act and Regulation 40.4(b)**

Dear Ms. Donovan:

Pursuant to Section 5c(c)(1) of the Commodity Exchange Act, as amended, and Commission Regulation 40.4(b), the Board of Trade of the City of New York, Inc. ("Exchange") submits, by written certification, amendments to Rules 7.64(f), attached as Exhibit A.

Licensing Rule 7.64(f) requires an orange juice tank facility operator to submit its tariffs for storage, handling and other charges to the Exchange for publication on the Exchange's web site. Currently, the facility operator is not permitted to increase its tariffs without ninety (90) days written notice to the Exchange. The amendments will reduce the ninety (90) day requirement to a sixty (60) day requirement, and the tariff change will become effective for the following calendar quarter.

The Exchange deems the amendments to be non-material changes as they meet the requirements of Regulation 40.4(b)(6) because they will have no effect on the economic characteristics of the product.

The Exchange certifies that the amendments comply with the requirements of the Commodity Exchange Act and the rules and regulations promulgated thereunder.

The Exchange's Board of Directors adopted the amendments on March 8, 2007. The amendments will become effective on a date set by the President ten (10) days after submission. No substantive opposing views were expressed by members or others with respect to the amendments.

If you have any questions or need further information, please contact me at jfassler@nybot.com or 212-748-4084.

Sincerely,

Jill S. Fassler
Vice President
Associate General Counsel

cc: Riva Adriance
Thomas Leahy
CFTC, Division of Market Oversight
Allen Cooper
CFTC, New York Regional Office

(In the text of the amendments below, additions are underlined and deletions are bracketed and lined through.)

Rule 7.64. Agreements by Facility Operator and Owner

* * *

(f) Tariffs

(1) The operator of a licensed facility shall submit to the Exchange in detail its tariff showing its charges for storage, handling (FCOJ Only, Exchange tariffs for NFC shall not include handling charges), authorized interest and insurance premiums, where applicable, and other charges payable to it (hereinafter "storage charges") at the time it applies for a license from the Exchange which tariff shall be published and not increased without ~~[ninety]~~ sixty ([9]60) days written prior notice to the Exchange effective for the following calendar quarter; provided, however, that storage charges shall be calculated at a minimum Brix value of not less than 62.5 degrees.

Storage charges filed and effective under this Rule are due and payable in advance on the first (1st) day of the month and, if not paid by 2:00 p.m. on the last Business Day of the month, are subject to authorized interest for the entire month.

Authorized interest, if filed and effective under the Rule, shall mean interest up to the maximum rate of interest allowed by applicable law. The charging of such interest by a licensed facility is a representation by it that such charge and such rate do not violate applicable law.

(2) For purposes of this Rule, the ~~[ninety]~~ sixty ([9]60) day period shall be deemed to begin on the date that the Office of Commodity Operations receives the written tariff increase request.

(3) Thereafter, the Exchange shall cause the written tariff increase request to be:

- (A) delivered promptly to each member of the Board of Citrus Advisors; and
- (B) posted on the Exchange Website.

(4) Any such tariff increase request shall be considered by the Board of Citrus Advisors during the ~~[ninety]~~ sixty ([9]60) day period if any member thereof so requests.

(5) All such written tariff increase requests shall become effective for the following calendar quarter from and after the ~~[ninetieth]~~ sixtieth ([9]60th) day after receipt unless:

- (A) such request has been considered by the Board of Citrus Advisors during that period in the manner set forth in subparagraph (f)(4) of this Rule; and
- (B) a majority of the whole Board of Citrus Advisors finds such tariff increase unsatisfactory.

In the latter event, notice of the determination that a proposed tariff increase is unsatisfactory shall be given to the Person who requested the tariff increase and posted on the Exchange's Website.

[REMAINDER OF RULE UNCHANGED]

EXHIBIT A