

July 26, 2024

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## **FOIA CONFIDENTIAL TREATMENT REQUEST Pursuant to 17 C.F.R. § 145.9**

### **SUBMITTED VIA EMAIL TO: (FOIAsubmissions@cftc.gov)**

Assistant Secretary of the Commission for FOIA, Privacy and Sunshine Acts Compliance  
Commodity Futures Trading Commission  
Three Lafayette Centre  
1155 21st Street, N.W.  
Washington, D.C. 20581

### **Re: Petition for Confidential Treatment of SEF Application Exhibits Resubmitted by REsurety Markets LLC, Attached hereto as Appendix A**

Dear Sir or Madam:

REsurety Markets LLC ("**REsurety Markets**") has on this date provided the materials described in Appendix A to this letter (the "**Confidential Submission**") as an electronic submission to the Commodity Futures Trading Commission ("**CFTC**" or "**Commission**") of revised versions of certain exhibits to REsurety Markets' Form SEF Application ("**SEF Application**") for registration of REsurety Markets as a Swap Execution Facility ("**SEF**"), which SEF Application was initially submitted to the CFTC on June 25, 2024.

Those certain revised exhibits accompanying this Petition for Confidential Treatment have been modified to address concerns raised by the Staff of the CFTC and are hereby resubmitted in lieu of those same exhibits that were attached to REsurety Markets' original SEF Application. In addition, for the convenience of the CFTC Staff in reviewing such revised exhibits, REsurety Markets is submitting redlined versions of these certain revised exhibits, each of which has been compared to the version of such exhibit that was submitted to the CFTC on June 25, 2024. REsurety Markets requests confidential treatment of both (i) the revised versions of each exhibit, and (ii) the redlined comparisons of each such exhibit against the version initially submitted, as such exhibits are expressly designated as "Confidential" in Appendix A to this letter and on the header of each page of such confidential exhibits.

Please note that REsurety Markets is not requesting confidential treatment for any modified exhibit submitted herewith and not so designated on Appendix A and not showing the "NOT FOR PUBLIC RELEASE – CONFIDENTIAL TREATMENT REQUESTED" header on each page.

In accordance with the provisions of Commission Regulations 145.5 and 145.9, REsurety

Markets hereby requests confidential treatment of the Confidential Submission. Confidential treatment is requested, *inter alia*, on the grounds that the Confidential Submission contains data and information which would separately disclose business transactions and trade secrets that may not be disclosed to third parties, as provided in Section 8(a) of the Commodity Exchange Act (“CEA”) and Commission Regulation 145.5(c)(1). Confidential treatment additionally is requested on the grounds that the Confidential Submission is exempt from disclosure under paragraph (b)(4) of the Freedom of Information Act (“FOIA”) and Commission Regulations 145.5(d) and 145.9(d)(1)(ii), because it contains commercial and financial information that is confidential and would be of material assistance to competitors of REsurety Markets.

In accordance with the provisions of paragraph (d)(5) of Regulation 145.9, we request that the Confidential Submission be afforded confidential treatment in perpetuity.

REsurety Markets understands that if the Commission receives a FOIA request for the Confidential Submission, REsurety Markets will be notified of such request in accordance with the Commission's regulations and REsurety Markets will be asked to submit, within ten business days, a detailed written justification for confidential treatment of the Confidential Submission. *See* Commission Regulation 149.5(e)(1); see also Executive Order 12600, 52 Fed. Reg. 23781 (June 23, 1987) (detailing pre-disclosure notification procedures under FOIA). In such event, REsurety Markets respectfully requests that Commission staff telephone or email the undersigned counsel for REsurety Markets rather than rely upon United States mail for such notice.

If the Commission or its staff transmits any of the Confidential Submission to another federal agency, REsurety Markets respectfully requests that you forward a copy of this letter to any such agency with the Confidential Submission and further requests that you advise any such agency that REsurety Markets has requested that this material be accorded confidential treatment.

The requests set forth in the preceding paragraphs also apply to any memoranda, notes, transcripts or other writings of any sort whatsoever that are made by, or at the request of, any employee of the Commission (or any other federal agency) and which (1) incorporate, include or relate to any aspect of the Confidential Submission; or (2) refer to any conference, meeting, or telephone conversation between REsurety Markets, its current or former employees, representatives, agents, auditors or counsel on the one hand and employees of the Commission (or any other government agency) on the other, relating to the Confidential Submission.

Please acknowledge your receipt of this confidential treatment request by reply email.

Any questions regarding this request for Confidential Treatment, as well as any notices pursuant to Commission Regulation 145.9(e), should be directed to the attention of the undersigned at the telephone number and/or email address set forth herein with a copy to

William Robertson, Corporate Counsel, REsurety Markets LLC, [wrobertson@resurety.com](mailto:wrobertson@resurety.com), and Laurie Gussow, Chief Compliance Officer, [lgussow@resurety.com](mailto:lgussow@resurety.com).

Very truly yours,

/s/Phillip G. Lookadoo

Phillip G. Lookadoo  
Brian Sung

Counsel for REsurety Markets LLC

Encl. (Appendix A)

cc: Nancy Markowitz, Deputy Director, Division of Market Oversight ([nmarkowitz@cftc.gov](mailto:nmarkowitz@cftc.gov)); Aleko Stamoulis, Associate Director, Division of Market Oversight ([ASTamoulis@CFTC.gov](mailto:ASTamoulis@CFTC.gov)); Nivedita Sathiakumar, Special Counsel, Division of Market Oversight ([nsathiakumar@cftc.gov](mailto:nsathiakumar@cftc.gov)); Katherine Clark, Division of Market Oversight ([KClark@cftc.gov](mailto:KClark@cftc.gov))

## Appendix A Confidential Information

Exhibit	Description
A	List of persons who control Applicant
Comparison	Comparison to original Exhibit A
D	Organizational Structure of Applicant and addresses for service
Comparison	Comparison to original Exhibit D
E	Personnel Qualifications for Each Category of Professional Employees Employed by Applicant
Comparison	Comparison to original Exhibit E
F	Analysis of Staffing Requirements, Names and Qualification of Key Staff
Comparison	Comparison to original Exhibit F
K	Dues, Fees and Other Charges Imposed for SEF Services of Applicant
Comparison	Comparison to original Exhibit K
S	Information Responsive to How Trading Data Will Be Maintained by REsurety Markets LLC
Comparison	Comparison to original Exhibit S
Comparison	Comparison to original Exhibit U - Information Pertaining to Request for Confidential Treatment
V	Information Responsive to CFTC Staff Technology Questionnaire
Comparison	Comparison to original Exhibit V
V-01	Acceptable Use Policy
Comparison	Comparison to original Exhibit V-01
V-08	Business Continuity Management Policy Manual
Comparison	Comparison to original Exhibit V-08
V-38	Pre-Launch Risk Assessment
Comparison	Comparison to original Exhibit V-38