

February 16, 2020

**FOIA CONFIDENTIAL TREATMENT REQUEST**  
**Pursuant to 17 C.F.R. §§ 145.5 and 145.9(d)**

**SUBMITTED VIA CFTC PORTAL**

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

Re: FOIA Confidential Treatment Request relating to KalshiEX LLC Submission 21-01

Dear Sir or Madam,

KalshiEX LLC (“Submitter”) has on this date provided the documents described in Appendix A to this letter (the “Confidential Submission”).

In accordance with the provisions of Commission Regulations 145.5(c), 145.5(d), and 145.9(d), Submitter 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 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 Submitter.

Pursuant to Commission Regulation 145.9(d)(4), each page containing the Confidential Information has been clearly marked as “Confidential Treatment Requested by KalshiEX LLC”.

In accordance with the provisions of paragraph (d)(5) of Regulation 145.9, Submitter requests that the Confidential Submission be afforded confidential treatment in perpetuity. Submitter understands that if the Commission receives a FOIA request for the Confidential Submission, Submitter will be notified of such request in accordance with the Commission’s regulations and be asked to submit, within ten business days, a detailed written justification for confidential treatment of the Confidential Submission. In such an event, Submitter requests that Commission staff telephone or email the undersigned 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, Submitter 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 Submitter has requested that this material be accorded confidential treatment.

If you should have any questions or comments or require further information, please do not hesitate to contact the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read 'Samuel Vergara', written in a cursive style.

Samuel Vergara  
Chief Regulatory Officer  
KalshiEX LLC  
svergara@kalshi.com

## **Appendix A**

Submitter requests that the following information be subject to its request for confidential treatment pursuant to §145.5 and 145.9(d) of the Commission Regulations:

1. KalshiEX LLC - 21-01 - Cover Letter
2. Exhibit A to KalshiEX LLC - 21-01 – Amended Exhibit A (Beneficial Ownership)
3. Exhibit B to KalshiEX LLC - 21-01 - Exhibit A-5 (Series A Preferred Stock Purchase Agreement)
4. Appendix A to this FOIA Request.