



BY ELECTRONIC TRANSMISSION

September 26, 2018

Mr. Christopher J. Kirkpatrick
Office of the Secretariat
Commodity Futures Trading Commission
Three Lafayette Centre
1155 21st Street, NW
Washington, DC 20581

Re: Amendment to ICE Clear US, Inc. Rule 203 (Procedures for Becoming a Clearing Member) - Submission Pursuant to Section 5c(c)(1) of the Commodity Exchange Act and Commission Regulation 40.6(a)

Dear Mr. Kirkpatrick:

Pursuant to Section 5c(c)(1) of the Commodity Exchange Act, as amended ("Act"), and Commodity Futures Trading Commission ("Commission") Regulation 40.6(a), ICE Clear US, Inc. ("ICUS") is submitting this self-certification to amend the ICUS Rules, as discussed below.¹ The amendment will become effective on the first business day following the tenth business day after submission, or such later date as ICUS may determine.

Concise Explanation and Analysis

ICUS is amending Rule 203(c). Rule 203 is entitled "Procedures for Becoming a Clearing Member" and it sets out how the Board and ICUS review and process applications to become an ICUS Clearing Member. Rule 203(c) provides that a Board approved application "shall be deemed to have been withdrawn" 60 calendar days after the applicant was given written notice of approval if, during that 60 calendar day period, the applicant has not: (i) deposited the required Guaranty Fund amount with ICUS; and (ii) filed all required agreements, undertakings and documents with ICUS.

The automatic sunset trigger in Rule 203(c) could produce unintended consequences by forcing a potential Clearing Member to submit a new application when there was a delay in complying with subparts (i) and (ii) for legitimate reasons. In order to eliminate a potential burden on prospective Clearing Members and ICUS, ICUS is amending Rule 203(c) in order to give ICUS discretionary authority to extend the 60 calendar day period, subject to such conditions as ICUS considers appropriate in light of the circumstances at the time.

¹ Capitalized terms used but not defined in this submission have the meanings specified in the Rules.

Compliance with the Act and CFTC Regulations

The amendment is potentially relevant to the following core principles: (C) Participant and Product Eligibility, and the applicable regulations of the Commission thereunder.

- *Participant and Product Eligibility.* The amendment is designed to enhance the participation and membership requirements by granting ICUS a degree of discretion in determining when an approved but not yet activated Clearing Membership application will be deemed to be withdrawn. This discretion will enhance ICUS's ability to ensure that the admission of Clearing Members is fair and open. As a result, ICUS believes the amendment is consistent with the requirements of Core Principle C and Commission Regulation 39.12.

As set forth herein, the amendment consists of changes to the ICUS Rule 203(c). A copy of the amendment is attached to this submission. ICUS certifies that the amendment to ICUS Rule 203(c) complies with the Act and the rules and regulations promulgated by the Commission thereunder. ICUS is not aware of any substantive opposing views expressed regarding the amendment. ICUS further certifies that, concurrent with this filing, a copy of this submission was posted on ICUS's website, and may be accessed at <https://www.theice.com/clear-us/regulation>.

ICUS would be pleased to respond to any questions the Commission or staff may have regarding this submission. If you have any questions or need further information, please contact me at (212) 748-3964 or eamonn.hahessy@theice.com.

Very truly yours,



Eamonn Hahessy

General Counsel and Chief Compliance Officer

Rule 203. Procedures for Becoming a Clearing Member

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(c) If the Board grants an application to become a Clearing Member, the Corporation shall promptly give the applicant written notice thereof, specifying each Exchange whose Contracts the applicant is entitled to clear. Such applicant shall become a Clearing Member at such time as the Applicant has (i) deposited such amount in the Guaranty Fund as may be required pursuant to Rule 301; and (ii) filed with the Corporation such agreements, undertakings and documents as the Corporation may require; provided, however, that if such applicant has not complied with the foregoing provisions within 60 calendar days after the applicant was given written notice of approval of its application, the application shall be deemed to have been withdrawn unless the Corporation, in its discretion, decides that the application shall not be deemed to have been withdrawn, subject to such conditions as the Corporation may prescribe.