

October 9, 2017

BY ELECTRONIC SUBMISSION

U.S. Commodity Futures Trading Commission
Attention: FOIA Compliance Office
Three Lafayette Centre
1155 21st Street, N.W.
Washington, D.C. 20581

**Re: FOIA Request for Confidential Treatment for Exhibit A of Eris Exchange, LLC's
Self-Certification #2017-05 (Broker Rebate Incentive Program)**

Dear Sir/Madam:

In accordance with Commission regulation 145.9(d), Eris Exchange, LLC ("Eris Exchange" or "Exchange") respectfully requests confidential treatment under the Freedom of Information Act (the "FOIA"), 5 U.S.C. § 552, for the attached Exhibit A (containing confidential details of Eris Exchange's Broker Rebate Incentive Program) submitted to the Commission today for self-certification, including subsequent emails and replies between Eris Exchange and Commission staff (the "Information").

Eris Exchange is requesting confidential treatment for the Information pursuant to Commission regulation 145.9(d)(ii), which provides that confidential treatment may be requested on the grounds that disclosure would reveal trade secrets or confidential commercial or financial information. Under settled case law there is a presumption of confidentiality for commercial information that is (1) provided voluntarily, and (2) is of a kind the provider would not customarily make available to the public.¹ Eris Exchange provided the confidential information in Exhibit A to the Commission voluntarily in connection with the above-referenced submission in order to demonstrate to the Commission the compliance of the incentive program with the CEA and relevant Commission Regulations. The incentive structure set out in Exhibit A was developed by Eris Exchange staff based on proprietary trend information and such information would not customarily be made available to the public. Eris Exchange believes that the information made in the public self-certification adequately balances the need for public information of the incentive structure.

This request is not to be construed as a waiver of any other protection from disclosure or confidential treatment accorded by law, and Eris Exchange will rely on and invoke any such confidentiality protection. Eris Exchange requests notification from the Commission in advance of any disclosure of the Information pursuant to the FOIA or the Commission's Rules of Practice so that this request for confidential treatment may be substantiated.

Cordially yours,



Laurian Cristea
Chief Regulatory Officer, and
Head of Legal and Regulatory Affairs
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¹ See Mallinckrodt, Inc. v. West, 140 F.Supp.2d 1 (D.D.C., 2000) (comparing standards of confidentiality in Critical Mass Energy Project v. Nuclear Regulatory Commission, 975 F.2d 871, 878 (D.C. Cir 1992)(en banc) and National Parks Conservation Ass'n v. Morton, 498 F.2d 765 (D.C. Cir. 1974)).