



**BY ELECTRONIC MAIL**

Submission No. 15-237  
November 25, 2015

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

**Re: Amendments to FX Member Firm Fee Program -  
Submission Pursuant to Section 5c(c)(1) of the Act and Regulation 40.6**

Dear Mr. Kirkpatrick:

Pursuant to Section 5c(c)(1) of the Commodity Exchange Act, as amended, and Commission Regulation 40.6(a), ICE Futures U.S., Inc. (“IFUS” or “Exchange”) certifies amendments to the FX Member Firm Fee Program (“the Program”) which extend the term of the Program through June 30, 2016 and allow individual IFUS Members to enroll in the Program, as set forth in Exhibit A.

The Program, which was launched in May 2011 and scheduled to terminate on December 31, 2015, is currently only open to firms that are members of IFUS or the following exchanges: CME, CBOT, CBOE, NYMEX, EURONEXT, ICE Futures Europe, CFE and ISE. Participants in the program receive a discounted rate of 60 cents per side for all U.S. Dollar Index and currency pair volume executed for their proprietary account. In addition, participants that trade at least 500 lots of currency pair volume receive a further discounted rate of 30 cents per side. The Exchange believes that the program has helped tighten markets in the covered products and that termination of the program may reduce liquidity. Therefore, the Exchange is extending the Program through June 30, 2016; provided, however, that the Exchange in its sole discretion may cancel the Program prior to June 30, 2016.

In addition, the Exchange is amending the Program to allow individual IFUS Members to enroll. This is being done in connection with the Exchange’s pending membership consolidation that will take place on January 1, 2016 and eliminates a membership class in which certain participants are currently eligible to receive discounted Exchange and clearing fee rates for FX and U.S. Dollar index volume (see ICE Futures U.S. Submission No. 15-188). The Program is also being renamed as the “FX Member Fee Program.” All other Program terms remain unchanged.

The Exchange certifies that the Program continues to comply with the requirements of the Commodity Exchange Act and the rules and regulations promulgated thereunder. In particular, the amendments comply with Core Principle 4 (Monitoring of Trading), Core Principle 9 (Execution of Transactions) and Core Principle 12 (Protection of Market Participants). The Program is structured so that it does not create incentives for participants to engage in market abuses such as manipulative trading or wash sales; nor does it impact order execution priority or otherwise give participants any execution preference or advantage. In addition, the Exchange’s Market Regulation Department actively monitors

for trading abuses using electronic exception reports and will take appropriate action against any participants engaging in market abuses.

The Exchange further certifies that, concurrent with this filing, a notice of pending certification was posted on the Exchange's website. The Exchange is not aware of any substantive opposing views with respect to the amendments, which will become effective on January 1, 2016.

If you have any questions or need further information, please contact me at 212-748-4021 or at [jason.fusco@theice.com](mailto:jason.fusco@theice.com).

Sincerely,

A handwritten signature in black ink, appearing to read "Jason V. Fusco". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

Jason V. Fusco  
Assistant General Counsel  
Market Regulation

Enc.  
cc: Division of Market Oversight  
New York Regional Office

**EXHIBIT A**

**ICE Futures U.S.<sup>®</sup>, Inc. FX Contract Member Fee Program**

The program offers IFUS Members and entities that are corporate members from a number of qualifying U.S. derivatives exchanges a rate of \$0.60/side for all proprietary trades in ICE Futures U.S. U.S. Dollar Index<sup>®</sup> (“USD<sup>X</sup>”) and Currency futures and options contracts (the “Program Contracts”) executed in ~~that~~ a calendar month. The fee reduction is rebated to the participant’s clearing member- and passed on to the participant by the clearing member. Exchange for Physical (“EFP”), Exchange for Swaps (“EFS”) and Block Trade volume shall not be counted as volume for purposes of this program and shall not be eligible for any discounted fees under this program.

Participant Name: \_\_\_\_\_

Type of Membership (check one)

- |  |  |  |  |
|--|--|--|--|
| <input type="checkbox"/> <b>CME</b><br>Corporate Member      | <input type="checkbox"/> <b>CBOT</b><br>Corporate Member               | <input type="checkbox"/> <b>CBOE</b><br>Corporate Member |  |
| <input type="checkbox"/> <b>NYMEX</b><br>Corporate Member    | <input type="checkbox"/> <b>ISE</b><br>Corporate Member                | <input type="checkbox"/> <b>IFUS</b><br>Corporate Member | <input type="checkbox"/> <b><u>IFUS</u></b><br><u>Member</u> |
| <input type="checkbox"/> <b>Euronext</b><br>Corporate Member | <input type="checkbox"/> <b>ICE Futures Europe</b><br>Corporate Member | <input type="checkbox"/> <b>CFE</b><br>Corporate Member  |  |

NFA Registration ID (if applicable): \_\_\_\_\_

Please identify the proprietary account(s) you will be using for trading the Program Contracts (only trades in identified accounts will be eligible for program rates).

<b>ICE Futures U.S. Clearing Member</b>	<b>Proprietary Trading Account Number</b>

Clearing Member Contact: \_\_\_\_\_ Phone: \_\_\_\_\_  
email: \_\_\_\_\_

From the effective date ICE Futures U.S. will charge participants in the FX Member Fee Program a rate of \$0.60/contract side in the Program Contracts. If the participant has traded at least 500 lots of currency futures contracts in a month, ICE Futures U.S. will charge the participant a rate of \$0.30/contract side in the Program Contracts. Only trades executed by participants in their proprietary accounts are eligible for reduced fees. The difference between the rate charged participants in the FX Member Fee Program and the non-member rates for transactions in the Program Contracts will be rebated to the program participant through the participant’s clearing member.

The FX Member Fee Program will continue through trade date [~~December 31, 2015~~] **June 30, 2016** or until further notice, but in no case for a period to exceed three years. ICE Futures U.S. reserves the right to remove any participant from the program at its discretion, and also to terminate or amend the program terms at any time.

The undersigned, individually (if an IFUS Member) or as a qualified representative of the member firm applying to participate in the Program, hereby certifies that the information provided above is true and correct. The undersigned hereby acknowledges and understands that representatives of ICE Futures U.S., including but not limited to the Market Regulation Department, will be reviewing the trading in the

proprietary account(s) listed above in order to determine whether the participant is continuing to meet the requirements of the FX Member Fee Program and should continue or be renewed as a participant in the program. The undersigned authorizes ICE Futures U.S. to contact the specified clearing member(s) from time to time to confirm participant's continued eligibility for the program and authorizes the specified clearing member(s) to release all trading information related to the proprietary account(s) listed above to ICE Futures U.S.

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Printed Name:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Firm:** \_\_\_\_\_

**Telephone Number:** \_\_\_\_\_

**E-Mail Address:** \_\_\_\_\_

Please contact Scott Brusso (312 836-6741) with any questions about the program. The completed application should be returned to [Scott.Brusso@theice.com](mailto:Scott.Brusso@theice.com).