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**BY ELECTRONIC TRANSMISSION**

Submission No. 22-239  
December 5, 2022

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 the Micro NYSE FANG+™ Index Exchange Member Firm Fee Program - Submission Pursuant to Section 5c(c)(1) of the Act and Regulation 40.6**

Dear Mr. Kirkpatrick:

Pursuant to Commodity Futures Trading Commission (“CFTC”) Regulation 40.6(a), ICE Futures U.S., Inc. (“IFUS” or “Exchange”) hereby submits by written certification, notice that the Exchange is extending the term of the Micro NYSE FANG+ Index Exchange Member Firm Fee Program (“Program”) through December 31, 2023, as set forth in Exhibit A. The MICRO NYSE FANG+ contract was first listed by the Exchange in November 2017 and the market is still growing. The Exchange believes that the Program has helped attract volume and promote liquidity in the product. As such, the Exchange has decided to extend the Program for an additional year. All other terms remain unchanged.

The terms of the Program are set forth in Exhibit A. The Program offers market participants that are member firms of ICE Futures US or another qualifying exchange the ability to earn discounted Exchange and Clearing fees for proprietary trading of NYSE FANG+ Index contracts. Program participants must meet certain pre-set monthly volume levels in order to earn discounted rates.

The Exchange certifies that the amended Program complies with the requirements of the Commodity Exchange Act and the rules and regulations promulgated thereunder. In particular, the Program complies with Core Principle 4 (Monitoring of Trading), Core Principle 9 (Execution of Transactions) and Core Principle 12 (Protection of Market Participants). The Program does not 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 is not aware of any opposing views with regard to the amendments, which will become effective on January 1, 2023 and further certifies that, concurrent with this filing, a copy of this submission was posted on the Exchange's website at (<https://www.theice.com/futures-us/regulation#rule-filings>).

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. MICRO NYSE FANG+™ Index Contract Exchange Member Firm Fee Program**

The program offers entities that are corporate members of a number of qualifying derivatives exchanges that execute proprietary trades in MICRO NYSE FANG+ Index futures and options contracts (“the program contracts”) during a calendar month a fee reduction which is rebated to the participant’s clearing member and passed on to the participant. The fee reduction is more fully described below.

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>NYSE 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 ICE Futures U.S. MICRO\_NYSE FANG+ Index contracts; only trades in identified accounts are eligible for program rates.

ICE Futures U.S. Clearing Member	Proprietary Trading Account Number

Clearing Member Contact: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

For each calendar month that a participating firm meets the volume thresholds shown below in proprietary trades in the program contracts, the participant shall qualify for the reduced Exchange and Clearing Fee shown below:

~~Monthly Volume Level : Discounted Exchange and Clearing Fee:~~

- Up to 4,999 sides — no discount
- 5,000 to 9,999 sides — \$0.75 per side
- 10,000 to 49,999 sides — \$0.50 per side
- 50,000 or more sides — \$0.25 per side

<u>Discounted Exchange and Clearing Fees</u>	<u>Minimum Monthly Proprietary Account Volume</u>
<u>\$.025/side for all MICRO FANG+ contracts</u>	<u>50,000 sides</u>
<u>\$.050/side for all MICRO FANG+ contracts</u>	<u>10,000 sides</u>
<u>\$.075/side for all MICRO FANG+ contracts</u>	<u>5,000 sides</u>

Only transactions in the program contracts executed by the participating firm in its proprietary account(s) are eligible for reduced fees in this program; for the avoidance of doubt EFRP and block trade transactions in the program contracts are eligible for reduced fees. If necessary, the participant will achieve the stated fee discount via a rebate that will be paid to the participant's Clearing Member on a monthly basis. Such rebate will be paid after the Clearing Member has provided to the Exchange an accounting of the participant's proprietary trading account volume in the program contracts and demonstrated that a higher fee has been charged. All rebate requests must be provided to Exchange audit personnel by the 7<sup>th</sup> business day of the subsequent month.

The Member Firm Fee Program shall commence on the first trading day of the program contracts and shall continue through trade date December 31, 202[2]3, 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 to terminate or amend the program terms at any time.

As a qualified representative of the member firm applying to participate in the Program, I hereby certify that the information provided above is true and correct. I hereby acknowledge and understand that ICE Futures U.S., including but not limited to the Market Regulation Department, will be reviewing trading in the proprietary account(s) listed above to determine whether the firm continues to meet the requirements of the Member Firm Fee Program and whether the firm should continue or be renewed as a participant in the Member Firm Fee Program. I authorize ICE Futures U.S. to contact the clearing member of the participating firm from time to time to confirm its continued eligibility for the program and authorize its clearing member to release all trading information related to the proprietary account(s) listed above to ICE Futures U.S.

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

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

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

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

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

Please call Ted Doukas (312.836.6712) or Laura Brandeis (212 323-8874) with questions about the program. The application should be returned to ted.doukas@theice.com.