



55 East 52<sup>nd</sup> Street  
New York, New York 10055

**BY ELECTRONIC TRANSMISSION**

Submission No. 24-89  
July 9, 2024

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: Amendment to Exchange Rule 21.03(h)(iii) on Summary Access Denial  
Procedures - Submission Pursuant to Section 5c(c)(1) of the Act and Regulation  
40.6(a)**

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. (“Exchange”) hereby submits by written certification the amendment to Rule 21.03(h)(iii) set forth in Exhibit A, which will become effective on July 23, 2024.

On July 5, 2023, the Exchange self-certified certain amendments to Chapter 21 “Disciplinary Rules” of its rulebook (see Submission No. 23-107), which included amendments to Rule 21.02(f) by extending the time that a person may be denied access under summary access denial (“SAD”) procedures from 60 days to 180 days. The amendments, however, inadvertently failed to note changes to Rule 21.03(h)(iii) for Rule 21.02(f) to be viable. Under the current language of Rule 21.03(h)(iii), a SAD pursuant to Rule 21.02(f) cannot exceed 120 days, which renders such language invalid given Rule 21.02(f) itself now allows SADs to remain in place for 180 days. Thus, the amendment to Rule 21.03(h)(iii), provided in Exhibit A below, revises the reference of 120 days to correctly reflect 180 days. The remainder of the rulebook remained unchanged.

If you have any questions or need further information, please contact me at (312) 836-6748 or [frances.mendieta@ice.com](mailto:frances.mendieta@ice.com).

Sincerely,

A handwritten signature in dark ink, appearing to read "Frances M. Mendieta", is written over a light gray circular watermark.

Frances M. Mendieta  
Director, Enforcement Counsel  
Market Regulation

cc: Division of Market Oversight  
New York Regional Office

## EXHIBIT A

(in the text of the amendment below, additions are underscored and deletions are bracketed and lined through.)

### Rule 21.02. Market Regulation Staff — Powers and Duties

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(f) The Chief Regulatory Officer or his designee, upon a good faith determination that there are substantial reasons to believe that immediate action is necessary to protect the best interests of the Exchange, may order that any Person be denied access to any or all Exchange Markets and/or denied access to the Exchange's electronic trading system for a period not to exceed 180 days. Notice shall promptly be given to the Person subject to the access denial. Such notice shall state the reasons for the denial, the effective date, time and the duration of the denial and advise the Person of their right to an expedited hearing before the Exchange's BCC in accordance with the procedures set forth in Rule 21.03(h) by filing a request with the Chief Regulatory Officer within 10 Business Days after receiving the notice.

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### Rule 21.03. The Business Conduct Committee

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(h)(i) Any hearing to review a summary access denial pursuant to Rule 21.02(f) shall be conducted by a subcommittee of the BCC within 10 days of receipt of a hearing request.

(ii) The subcommittee shall conduct a de novo review solely on the issue of the denial of access and shall determine the procedures to be followed, except that the following shall apply in every case: (1) at the hearing, the Market Regulation staff shall present such evidence and considerations as it deems relevant to show that the continued denial of access is necessary to protect the best interest of the Exchange; (2) the Person denied access shall be allowed to appear personally and/or to be represented by legal counsel or any other representative of his choosing and, either personally or through such representative, to present witnesses and documentary evidence and to cross-examine witnesses; (3) the formal rules of evidence shall not apply, and the subcommittee shall be free to accept or reject any and all evidence as it considers proper; and (4) a substantially verbatim record capable of being transcribed shall be made of the proceeding, provided, however, that such record need not be transcribed unless the Person denied access requests such transcript or the Exchange so determines.

(iii) The subcommittee may affirm, rescind or modify the summary access denial, provided, however, under no circumstances may a summary denial of access pursuant to Rule 21.02(f) exceed [~~120~~]180 days.

[REMAINDER OR RULEBOOK UNCHANGED]