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part of eex group

October 1, 2024

**FOIA CONFIDENTIAL TREATMENT REQUEST**  
**Pursuant to 17 C.F.R. § 145.9**

**VIA CFTC PORTAL**

Assistant Secretary of the Commission for FOI,  
Privacy and Sunshine Acts Compliance  
Commodity Futures Trading Commission  
Three Lafayette Centre  
1155 21st Street, N.W.  
Washington, D.C. 20581

**Re: Petition for Confidential Treatment**

Dear Sir or Madam:

Nodal Clear, LLC ("Nodal Clear") has on this date provided the material described in Appendix A to this letter (the "Confidential Submission") to the staff of the Division of Clearing and Risk.

In accordance with the provisions of Commission Regulations 145.5 and 145.9, we hereby request confidential treatment of the Confidential Submission. Confidential treatment is requested, *inter alia*, on the grounds that the Confidential Submission contains data and information that would separately disclose business transactions and trade secrets that may not be disclosed to third parties, as provided in Section 8(a) of the Commodity Exchange Act and Commission Regulation 145.5(c)(1). Confidential treatment additionally is requested on the grounds that the Confidential Submission is exempt from disclosure under paragraph (b)(4) of the Freedom of Information Act ("FOIA") and Commission Regulations 145.5(d) and 145.9(d)(1)(ii) because it contains commercial and financial information that is confidential and would be of material assistance to competitors of Nodal Clear.

In accordance with the provisions of paragraph (d)(5) of Regulation 145.9, we request that the Confidential Submission be afforded confidential treatment in perpetuity.

We understand that if the Commission receives a FOIA request for the Confidential Submission, we will be notified of such request in accordance with the Commission's regulations and be asked to submit, within ten business days, a detailed written justification for confidential treatment of the Confidential Submission. See Commission Regulation § 149.5(e)(1); see also Executive Order 12600, 52 Fed. Reg. 23781 (June 23, 1987) (detailing pre-disclosure notification procedures under FOIA). In such event, we request that Commission staff telephone or email the undersigned rather than rely upon United States mail for such notice.

If the Commission or its staff transmits any portion of the Confidential Submission to another federal agency, we request that you forward a copy of this letter to any such agency with the Confidential Submission and further request that you advise any such agency that Nodal Clear has requested that this material be accorded confidential treatment.

The requests set forth in the preceding paragraphs also apply to any memoranda, notes, transcripts or other writings of any sort whatsoever that are made by, or at the request of, any employee of the Commission (or any other federal agency) and which (1) incorporate, include or relate to any aspect of the Confidential Submission; or (2) refer to any

conference, meeting, or telephone conversation between Nodal Clear, its current or former employees, representatives, agents, auditors or counsel on the one hand and employees of the Commission (or any other government agency) on the other, relating to the Confidential Submission.

Any questions regarding this request for Confidential Treatment, as well as any notices pursuant to Commission Regulation § 145.9(e), should be directed to the attention of the undersigned at the addresses and telephone number provided herein.

\* \* \* \*

Should you have any questions, or receive any requests for copies of the enclosed, please contact the undersigned at 703-962-9864 or [alvarez@nodalexchange.com](mailto:alvarez@nodalexchange.com).

Sincerely,

/s/Cody Alvarez

Chief Compliance Officer & Corporate Counsel

Encl. (Appendix A)

cc: Brian Baum (DCR)

## **APPENDIX A**

### **to October 1, 2024, Confidential Treatment Request from Nodal Clear, LLC**

The Confidential Submission referenced in the letter to which this Appendix A is attached consists of the following:

- Documents attached in CFTC Portal submission dated October 1, 2024, including:
  - Nodal Clear Risk Policies Redline (confidential treatment requested)
  - Nodal Clear Risk Management Framework Redline (confidential treatment requested)