

# Milbank

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October 7, 2024

## **BY FEDEX AND ELECTRONIC PORTAL**

Assistant Secretary for FOI, Privacy and Sunshine Acts Compliance  
Commodity Futures Trading Commission  
Three Lafayette Centre  
1155 21st Street NW  
Washington, DC 20581

**Re: FOIA Request for Confidential Treatment**

Dear Assistant Secretary:

FMX Futures Exchange, L.P. (“FMX”) hereby requests that the Commodity Futures Trading Commission (“CFTC”) accord confidential treatment under 17 C.F.R. § 145.9 to the documents and information submitted today to the Office of Secretary today under cover of this same letter (such documents and information, and all information derived therefrom together, the “Confidential Materials”). The Confidential Materials bear the legend “FOIA Confidential Treatment Requested By FMX Futures Exchange, L.P.” and are numbered with the Bates range MMPR0001 to MMPR0014. FMX requests that the Confidential Materials be afforded confidential treatment for the maximum time period permitted by applicable law, but in any case for no less than five years from the date of this letter as first set forth above.

This request for confidential treatment is made pursuant to 17 C.F.R. § 145.9(d)(1) because FMX believes that the Confidential Materials are covered by one or more exemptions in the Freedom of Information Act, 5 U.S.C. §552(b) (“FOIA”), and are therefore exempt from the CFTC’s public disclosure requirements pursuant to 17 C.F.R. §145.5. In particular, FOIA Section 552(b)(4) and CFTC Regulation 145.9(d)(1)(ii) both exempt from public disclosure all documents and information that, if publicly disclosed, would reveal trade secrets or confidential commercial or financial information. FMX believes that the Confidential Materials contain such confidential commercial and financial information, as well as proprietary information regarding its business analyses and research that are protected from public disclosure pursuant to those provisions.

MILBANK LLP

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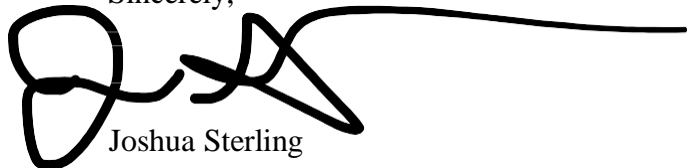
If the CFTC or its staff transmit any of the Confidential Materials to another governmental body, FMX requests that you (a) forward a copy of this letter to such governmental body, and (b) advise such governmental body of FMX's request that the Confidential Materials be accorded confidential treatment under FOIA.

The requests set forth in the preceding paragraphs also apply to any memoranda, notes, transcripts, or other writings or recordings that: (a) are made by or at the request of any Commissioner or CFTC staff member (or any other governmental body or its staff); and (b) either (i) incorporate, include or relate to any aspect of the Confidential Materials, or (ii) refer to any conference, meeting or telephone conversation between FMX, its current or former employees, representatives, agents, auditors or counsel on the one hand, and any Commissioner or CFTC staff member (or any other governmental body or its staff) on the other, relating to the Confidential Materials.

The requests set forth in this letter are not to be construed as a waiver of any other protection from disclosure or right to confidential treatment accorded by applicable law. In this regard, FMX will rely on and invoke any such other protection to the maximum extent possible.

FMX requests that the CFTC advise the undersigned, pursuant to 17 C.F.R. §145.9(e)(1), in advance of any disclosure of the Confidential Materials to any third party, whether pursuant to FOIA or otherwise, so that this request for confidential treatment may be substantiated. Please also contact the undersigned at [jsterling@milbank.com](mailto:jsterling@milbank.com) or 202-835-7535 should you have any questions or if you require additional information from FMX concerning this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Joshua Sterling", with a long horizontal line extending to the right.

Joshua Sterling