



**BY ELECTRONIC TRANSMISSION**

Submission No. 24-xx  
October xx, 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: Amendments to Rule 9.14, 9.19 and 9.20 (Deletion of Obsolete Cocoa Rules) -  
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 self-certifies the amendments to Exchange Rule 9.14, 9.19 and 9.20, which are set forth in Exhibit A. The amendment to Rule 9.14 deletes an obsolete provision which relates to the bagging of cocoa which entered the United States prior to 1992. The Amendments also delete Rules 9.19 and 9.20 in their entirety. These Rules set forth procedures for grading cocoa for commercial use only. Grading under these procedures will not result in certification for delivery against the Exchange's futures contract. Further, the Exchange notes that no requests to grade cocoa for commercial use under Rules 9.19 and 9.20 have been received in over 25 years.

**Certifications**

The Exchange is not aware of any opposing views to the amendments and certifies that the amendments comply with the requirements of the Act and the rules and regulations promulgated thereunder. The Exchange has reviewed the designated contract market core principles ("Core Principles") as set forth in the Act and has determined that the amendments comply with the following relevant Core Principles:

**CONTRACTS NOT READILY SUBJECT TO MANIPULATION**

The amendments delete an obsolete provision relating to the bagging of cocoa which entered the United States prior to 1992 and deletes two rules which are unrelated to the cocoa futures contract and pertain to grading of cocoa for commercial/cash market use. Further, we the Exchange notes that the Cocoa futures contract is not readily subject to manipulation as it is based on established and liquid underlying cash market. In addition, trading of the contract continues to be monitored by the Market Regulation Department.

The Exchange further certifies that, concurrent with this filing, a notice of pending certification was posted on the Exchange's website. A copy of this submission may be accessed

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ICE Futures US, Inc. a designated contract market under  
the Commodity Exchange Act, as amended.

at (<https://www.theice.com/futures-us/regulation#rule-filings>). The Exchange is not aware of any opposing views with respect to the Program.

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 long, sweeping underline that extends to the left.

Jason V. Fusco  
General Counsel

Enc.

## EXHIBIT A

### Rule 9.14. Sampling Cocoa

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(ii) For sound cocoa to be sampled hereunder, (A) no external condition may appear on the bags and (B) the cocoa must be packaged in bags made of sisal, henequen, jute, burlap, or woven material having similar properties (any other material not permitted), without inner lining or other outer covering of any other material [~~]; provided however cocoa packaged in bags of polypropylene or other plastic material which has a United States Customs entry date prior to February 1, 1992 shall be considered sound.~~] In the event an external condition of the bags does exist, or the cocoa is not packaged in bags made of permitted material, it shall be noted by the sampler who shall record such condition or improper packaging on the Sampling Order and immediately notify the Exchange by facsimile (or other equally expeditious manner) whereupon the Exchange shall promptly notify the owner. The existence of any external conditions on the bags or improper packaging noted by the sampler shall automatically cancel the Sampling Order.

[REMAINDER OF RULE UNCHANGED]

### ~~[Rule 9.19. Grading Cocoa not Exchange Delivery; Informal Examination~~

~~(a) Any Person who has been licensed by the Exchange as a Cocoa grader, may examine any parcel of cocoa beans upon the request of any Member or non-member of the Exchange to determine the quality and condition of such cocoa and may sign, as a grader licensed by the Exchange, a letter reporting his findings and opinion (hereinafter referred to as the letter) providing the provisions of this Rule are observed:~~

~~(b) The party requesting the examination of the cocoa shall inform the grader as to the owner of the cocoa and of the names of any other parties who may have an actual or potential interest therein and provide evidence of the agreement of the owners to the examination.~~

~~(c) The grader shall have no direct interest, beneficial or prejudicial, in the parcel of cocoa to be examined, and upon request shall produce a letter confirming that he is an Exchange licensed grader, which letter must be acknowledged by the Exchange's Commodity Operations Department ("Commodity Operations").~~

~~(d) The cocoa to be examined shall be sampled by a master sampler licensed by the Exchange, under the direction of the grader by whom he shall be selected, to whom he shall make a written report identifying the parcel of cocoa sampled and the number of bags sampled, with any other particulars that may be requested by the grader, and the sampler shall seal the sample where drawn and deliver the sealed sample to the grader. The grader shall pay the master sampler and collect the master sampler's fee from the party requesting the examination of the cocoa. The fee for sampling shall be the regular fee for sampling plus any additional amount that may be agreed upon to cover any extra work involved in sampling the parcel of cocoa to be examined.~~

~~(e) The grader shall use every effort within his knowledge and experience to determine the true quality and condition of the parcel of cocoa, and the letter which he shall sign as a grader licensed by the Exchange~~

shall accurately set forth his findings as to the quality and condition of the cocoa for which such letter is issued.

~~(f) The grader shall collect from the party requesting the examination of the cocoa such fees as the Board may from time to time prescribe.~~

~~(g) The grader shall deliver his letter, duly signed, and the sampler's report to the party requesting the examination; and to Commodity Operations a copy of each, sealed in an envelope, properly marked and dated for identification, and such envelope shall not be opened except by order of the Board. Such envelopes shall be retained for a period of not less than six (6) years from the date thereon.~~

~~(h) The grader shall pay to the Exchange one fifth (1/5) of the fee collected for examining cocoa pursuant to this Rule.~~

~~(i) Any complaint against a master sampler or grader for violation of this Rule, or for misconduct thereunder, shall be made to the Exchange who shall hear the complaint and the defense, and determine whether to take any action pursuant to Rules 7.17 or 7.19.~~

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**Amended by the Board April 22, 2019; effective May 31, 2019 [¶ (i)].**

#### **Rule 9.20. Grading Cocoa not Exchange Delivery; Formal Examination**

~~(a) Any Person holding cocoa beans stored in a public warehouse, whether or not licensed by the Exchange, may submit such cocoa for examination by Persons who have been licensed by the Exchange as cocoa graders, providing the conditions in this Rule are observed.~~

~~(b) The holder of the cocoa shall send to Commodity Operations a Sampling Order for the cocoa involved, accompanied by a request for such an examination and an agreement to pay the costs pertaining thereto.~~

~~(c) The Exchange shall appoint a licensed master sampler to sample the cocoa. The cocoa shall be graded by three (3) graders licensed by the Exchange to be selected by Commodity Operations. The sampling and grading shall be done in accordance with the Rules and practice.~~

~~(d) The graders shall have no direct interest, beneficial or prejudicial, in the parcel of cocoa to be examined.~~

~~(e) The graders shall use every effort within their knowledge and experience to determine the true quality and condition of the parcel of cocoa, and the grading memorandum which they shall sign as graders licensed by the Exchange shall accurately set forth their findings as to the quality and condition of the cocoa for which such grading memorandum is issued.~~

~~(f) Each of the graders shall collect from the party requesting the examination a fee corresponding to the regular grading fees of the Exchange.~~

~~(g) The graders shall report their grades to the Exchange, which shall cause them to be recorded on the grading memorandum, and after the same has been duly signed by the licensed graders, the Certificate of Grade shall be issued by the Exchange, but such Certificate of Grade shall not be valid for a delivery of cocoa against an Exchange Futures Contract.~~

~~(h) Modification of the above Rule may be made, if necessary, to conform to any arrangement which might be made by an individual Member or a non-member with the U.S. Government in the event cocoa~~

~~has been seized or detained by a Governmental authority, in which case the fee for examination shall be five dollars (\$5) for each grader to each sample examined.]~~