February 27, 2022

SUBMITTED VIA CFTC PORTAL
Secretary of the Commission
Office of the Secretariat
U.S. Commodity Futures Trading Commission
Three Lafayette Centre
1155 21st Street, N.W.
Washington, D.C. 20581

Re: KalshiEX LLC – CFTC Regulation 40.2(a) Notification Regarding the Initial Listing of the "Will the price of oil be <above/below> <price>?" Contract

Dear Sir or Madam,

Pursuant to Section 5c(c) of the Commodity Exchange Act and Section 40.2(a) of the regulations of the Commodity Futures Trading Commission, KalshiEX LLC (Kalshi) hereby notifies the Commission that it is self-certifying the "Will the price of oil be <above/below> <price>?" contract (Contract). The Exchange intends to list the contract on both a weekly and monthly basis corresponding to Members' hedging needs. The new contract for each week/month will be issued at 10:00 AM ET on the day of the expiration of the previous weekly/monthly contract. The Contract's terms and conditions (Appendix A) includes the following strike conditions:

- **<start_date>** (start of evaluation period)
- **<end_date>** (end of evaluation period)
- **<price>** (target price)
- **<above/below>**

Along with this letter, Kalshi submitted the following documents:

- A concise explanation and analysis of the Contract;
- Certification;
- Appendix A with the Contract's Terms and Conditions;
- Confidential Appendices with further information; and
- A request for FOIA confidential treatment.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Elie Mishory
Chief Regulatory Officer
KalshiEX LLC
emishory@kalshi.com

KalshiEX LLC
Official Product Name: Will the price of oil be <above/below> <price>?
Rulebook: OIL
Kalshi Contract Category: Economic/Demographic Measure – U.S. Government
Oil Price
February 27, 2022

CONCISE EXPLANATION AND ANALYSIS OF THE PRODUCT AND ITS COMPLIANCE WITH APPLICABLE PROVISIONS OF THE ACT, INCLUDING CORE PRINCIPLES AND THE COMMISSION'S REGULATIONS THEREUNDER

Pursuant to Commission Rule 40.2(a)(3)(v), the following is a concise explanation and analysis of the product and its compliance with the Act, including the relevant Core Principles, and the Commission's regulations thereunder.

I. Introduction

The "Will the price of oil be <above/below> <price>?" Contract is a contract relating to the price of oil. The crude oil market is worth more than $2.8 billion annually. After careful analysis, Kalshi (hereafter referred to as "Exchange") has determined that the Contract complies with its vetting framework, which has been reviewed by the CFTC and formed part of the Exchange's application for designation as a Contract Market ("DCM") that was approved by the Commission.

Oil is used in a myriad of products, from gasoline to plastics and petrochemicals. The price of oil heavily affects the price of many other goods, including food. The Energy Information Administration ("EIA") reports data for the spot prices in dollars per barrel of WTI - Cushing, Oklahoma crude oil.

Further information about the Contract, including an analysis of its risk mitigation and price basing utility, as well as additional considerations related to the Contract, is included in Confidential Appendices B, C, and D.

Pursuant to Section 5c(c) of the Act and CFTC Regulations 40.2(a), the Exchange hereby certifies that the listing of the Contract complies with the Act and Commission regulations under the Act.

General Contract Terms and Conditions: The Contract operates similar to other binary contracts that the Exchange lists for trading. The minimum price fluctuation is $0.01 (one cent). Price bands will apply so that Contracts may only be listed at values of at least $0.01 and at most $0.99. Further, the Contract is sized with a one-dollar notional value and has a minimum price fluctuation of $0.01 to enable Members to match the size of the contracts purchased to their economic risks. The Exchange has further imposed position limits (defined as maximum loss exposure) of $25,000 USD on the Contract. As outlined in Rule 5.12 of the Rulebook, trading shall be available at all times outside of any maintenance windows, which will be announced in advance by the Exchange. Members will be charged fees in accordance with Rule 3.6 of the Rulebook. Fees are charged in such amounts as may be revised from time to time to be reflected on the Exchange's Website. Additionally, as outlined in Rule 7.2 of the Rulebook, if any event or any circumstance which may have a material impact on the reliability or transparency of a Contract's Source Agency or the Underlying related to the Contract arises, Kalshi retains the authority to designate a new Source Agency and Underlying for that Contract and to change any associated Contract specifications after the first day of trading. That new Source Agency and Underlying would be objective and verifiable. Kalshi would announce any such decision on its website. All instructions on how to access the Underlying are non-binding and are provided for convenience only and are not part of the binding Terms and Conditions of the Contract. They may be clarified at any time. Furthermore, the Contract's payout structure is characterized by the payment of an absolute amount to the holder of one side of the option and no payment to the counterparty. During the time that trading on the Contract is open, Members are able to adjust their positions and trade freely. After trading on the Contract has closed, the Expiration Value and Market Outcome are determined. The market is then settled by the Exchange, and the long position holders and short position holders are paid according to the Market Outcome. In this case, "long position holders" refers to Members who purchased the "Yes" side of the Contract and "short position holders" refers to Members who purchased the "No" side of the Contract. If the Market Outcome is "Yes," meaning that the price of oil is <above/below> <price> between <start_date> and <end_date>, then the long position holders are paid an absolute amount proportional to the size of their position and the short position holders receive no payment. If the Market Outcome is "No," then the short position holders are paid an absolute amount proportional to the size of their position and the long position holders receive no payment. Specification of the circumstances that would trigger a Market Outcome of "Yes" are included below in the section titled "Payout Criterion" in Appendix A.

CERTIFICATIONS PURSUANT TO SECTION 5c OF THE COMMODITY EXCHANGE ACT, 7 U.S.C. § 7A-2 AND COMMODITY FUTURES TRADING COMMISSION RULE 40.2, 17 C.F.R. § 40.2

Based on the above analysis, the Exchange certifies that:

- ❑ The Contract complies with the Act and Commission regulations thereunder.
- ❑ This submission (other than those appendices for which confidential treatment has been requested) has been concurrently posted on the Exchange's website at https://kalshi.com/regulatory/filings.

Should you have any questions concerning the above, please contact the exchange at ProductFilings@kalshi.com.

Eliezer Mishory

By: Eliezer Mishory
Title: Chief Regulatory Officer
Date: February 27, 2022

Attachments:

Appendix A - Contract Terms and Conditions
Appendix B (Confidential) - Further Considerations
Appendix C (Confidential) - Source Agency
Appendix D (Confidential) - Compliance with Core Principles

APPENDIX A – CONTRACT TERMS AND CONDITIONS

TERMS OF CONTRACTS TRADED ON KALSHI

Official Product Name: Will the price of oil be <above/below> <price>?
Rulebook: OIL

OIL

Scope: These rules shall apply to this contract.

Underlying: The Underlying for this Contract is the set of daily spot prices in dollars per barrel of WTI - Cushing, Oklahoma crude oil between <start_date> and <end_date> according to the Energy Information Administration's Spot Prices data. The Underlying is not the value available at the Daily Prices section of the website at this link.[1] Revisions to the Underlying made after Expiration will not be accounted for in determining the Expiration Value.

Instructions: The Underlying is available at the Energy Information Administration's Spot Prices page here.[2] (For historical data going back more than a week, please see here).[3] These instructions on how to access the Underlying are provided for convenience only and are not part of the binding Terms and Conditions of the Contract. They may be clarified at any time.

Source Agency: The Source Agency is the Energy Information Administration.

Type: The type of Contract is a Binary Contract.

Issuance: The Contract is based on the outcome of a recurrent data release, which is issued by the Source Agency on a weekly basis, generally on Wednesdays (with the exception of federal holidays, when it is generally released on Thursdays). The Source Agency's data release encompasses information from the day of the preceding data release through two days before the release, generally on Monday of that same week. No data is released on or for federal holidays. On weeks with holidays (including days when the holiday is not on Wednesdays), the data is delayed one day. The data release schedule is available here.[4] Thus, Contract iterations will be issued on a recurring basis, with new iterations being issued at 10:00 AM ET on the day of the expiration of the previous iteration(s) of the contract, whether that Contract be weekly or monthly.

<price>: Kalshi may list iterations of the Contract with <price> levels that fall within an inclusive range between -$100 and $1000 at consecutive increments of 0.01. Due to the potential for variability in the Underlying, the Exchange may modify <price> levels at any time and in response to suggestions by Members.

<start_date>: <start_date> refers to a calendar date specified by Kalshi. Kalshi may list iterations of the Contract corresponding to different statistical periods of <start_date>. For weekly contracts,

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[1] https://www.eia.gov/todayinenergy/prices.php
[2] https://www.eia.gov/dnav/pet/PET_PRI_SPT_S1_D.htm
[3] eia.gov/dnav/pet/hist/rwtcD.htm
[4] https://www.eia.gov/petroleum/supply/weekly/schedule.php

<start_date> will normally correspond to the Tuesday immediately preceding Issuance, as each data release generally contains data from Tuesday-Monday (and would differ for weeks containing holidays).

<end_date>: <end_date> refers to a calendar date specified by Kalshi. Kalshi may list iterations of the Contract corresponding to different statistical periods of <end_date>. <end_date> will normally correspond to the Monday after Issuance of the Contract for weekly contracts, and the fourth Monday after Issuance of the Contract for monthly contracts.

Payout Criterion: The Payout Criterion for the Contract encompasses the Expiration Values that contain a value that is strictly <above/below> <price>.

Minimum Tick: The Minimum Tick size for the referred Contract shall be $0.01.

Position Limit: The Position Limit for the $1 referred Contract shall be $25,000 per Member.

Last Trading Date: The Last Trading Date of the Contract will be the sooner of the date of the first 10:00 AM following occurrence of an event that is encompassed in the Payout Criterion (whereupon the Last Trading Time will be 10:00 AM ET), or the date the data for <end_date> is expected to be released (whereupon the Last Trading Time will be 4:59 PM ET).

Settlement Date: The Settlement Date of the Contract shall be no later than the day after the Expiration Date, unless the Market Outcome is under review pursuant to Rule 7.1.

Expiration Date: The Expiration Date of the Contract shall be the sooner of the date of the first 10:00 AM ET following the occurrence of an event encompassed by the Payout Criterion, the first 10:00 AM ET following the release of the data for <end_date>, or two weeks after <end_date>.

Expiration time: The Expiration time of the Contract shall be 10:00 AM ET.

Settlement Value: The Settlement Value for this Contract is $1.00.

Expiration Value: The Expiration Value is the value of the Underlying as documented by the Source Agency on the Expiration Date at the Expiration time.

Contingencies: Before Settlement, Kalshi may, at its sole discretion, initiate the Market Outcome Review Process pursuant to Rule 6.3(c) of the Rulebook. Additionally, as outlined in Rule 7.2 of the Rulebook, if any event or any circumstance which may have a material impact on the reliability or transparency of a Contract's Source Agency or the Underlying related to the Contract arises, Kalshi retains the authority to designate a new Source Agency and Underlying for the Contract and to change any associated Contract specifications after the first day of trading.