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## **BY ELECTRONIC TRANSMISSION**

Submission No. 18-449  
September 13, 2018

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 ICE Futures U.S. Rules 11.06, 13.13 and 29.04 (Timing of Delivery Notices) - 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 (the “Act”), and Commodity Futures Trading Commission (“Commission”) Regulation 40.6(a), ICE Futures U.S., Inc. (“IFUS” or “Exchange”) hereby self-certifies the amendments to IFUS Rules 11.06, 13.13 and 29.04 set forth in Exhibit A, which change the time delivery notices must be submitted to ICE Clear U.S. for Sugar No. 11, Sugar No. 16 and Frozen Concentrated Orange Juice futures contracts (collectively the “Contracts”).

The rules currently require delivery notices for the Contracts to be submitted to ICE Clear U.S. by 5:00pm ET on a specified date. ICE Clear U.S. is implementing changes to its procedures and will now require such delivery notices to be submitted a half hour earlier in the day (by 4:30pm ET on the specified date). In order to provide flexibility to account for future timing changes by ICE Clear U.S., the amendments to Exchange Rules 11.06, 13.13 and 29.04 will provide that delivery notices shall be submitted “not later than the time specified by the Clearing Organization” on the specified date for each of the Contracts. The amendments track the language currently used in Rule 8.11(b)(3) for delivery notices for Coffee Futures.

The Exchange is not aware of any opposing views and certifies that the amendments to Rules 11.06, 13.13 and 29.04, which will become effective on September 28, 2018, comply with the requirements of the Act and the rules and regulations promulgated thereunder. The Exchange further certifies that concurrent with this filing a copy of this submission was posted

on the Exchange's website, which may be accessed at (<https://www.theice.com/futures-us/regulation#Rule-Filings>).

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 horizontal stroke at the end.

Jason V. Fusco  
Assistant General Counsel  
Market Regulation

Enc.

cc: Division of Market Oversight

## EXHIBIT A

### Rule 11.06. Last Trading Day

(a) The Last Trading Day for each delivery month in the Sugar No. 11 Futures Contract shall be the last full trading day of the month preceding the delivery month; provided however, for the January futures delivery month, the Last Trading Day shall be the second (2<sup>nd</sup>) Business Day prior to the preceding December 24<sup>th</sup>.

(b) After the close of business on the Last Trading Day of any delivery month:

(i) Each Member holding one (1) or more open sales contracts for that month shall issue a "Memo of Deliverer" to the Clearing Organization, [~~by 5:00 p.m.~~] not later than the time specified by the Clearing Organization, stating for each open sales contract the growth of the sugar (one (1) growth or description only for each sales contract) and the delivery port, provided, however, that a minimum of eighty (80) contracts shall be stated for each port designated in the Memo of Deliverer.

(ii) Notwithstanding any Rule to the contrary, after the close of trading on the Last Trading Day of any sugar delivery month, a Clearing Member shall not carry for its own account or the account of any other Person a number of open sales contracts less than eighty (80) in any such delivery month. In any case where a Clearing Member carries, for the account of any other Person, a number of open sales contracts which is less than eighty (80) on the Last Trading Day, the Clearing Member shall, in such manner as it deems appropriate, buy or sell the minimum number of contracts necessary, so that the contracts in such account equal at least eighty (80) or the account is liquidated.

(iii) Each Member holding one (1) or more open purchase contracts for that month shall issue a "Memo of Receiver" to the Clearing Organization, [~~by 5:00 p.m.~~] not later than the time specified by the Clearing Organization, stating the total number of open purchase contracts for that month (which number shall conform to the unliquidated position on said Member's books) which it will be receiving.

[REMAINDER OF RULE UNCHANGED]

### Rule 13.13. Delivery Notices

(a) The following terms, as used in this Chapter 13, shall have the meanings indicated unless the context requires otherwise:

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(b) Every Delivery Notice:

(1) shall be in a form acceptable to the Clearing Organization and shall be issued on the fifth (5<sup>th</sup>) Business Day prior to the Date of Delivery;

(2) may be tendered on and after the first (1<sup>st</sup>) Business Day of a maturing month;

(3) must be submitted to the Clearing Organization [~~prior to 5:00 p.m.~~] not later than the time specified by the Clearing Organization on the Business Day prior to the date of issue;

[REMAINDER OF RULE UNCHANGED]

#### **Rule 29.04. Last Trading Day**

(a) The Last Trading Day for each delivery month in the Sugar No. 16 Contract shall be the eighth (8<sup>th</sup>) calendar day of the month preceding the delivery month, provided, however, that if said day is not a Business Day then the Last Trading Day shall be the next succeeding Business Day.

(b) After the close of business on the Last Trading Day of any delivery month:

(i) Each Member holding one (1) or more open sales contracts for that month shall issue a "Memo of Deliverer" to the Clearing Organization, [~~by 5:00 p.m.~~] not later than the time specified by the Clearing Organization., stating the total number of open sales contracts for that month (which number shall conform to the unliquidated Position on said Member's books) which it will be delivering.

(ii) Each Member holding one (1) or more open purchase contracts for that month shall issue a "Memo of Receiver" to the Clearing Organization, [~~by 5:00 p.m.~~] not later than the time specified by the Clearing Organization., stating the total number of open purchase contracts for that month (which number shall conform to the unliquidated Position on said Member's books) which it will be receiving.

**[REMAINDER OF RULE UNCHANGED]**