

CFTC Letter No. 00-37**March 9, 2000****Exemption****Division of Trading & Markets**

Dear :

On March 9, 2000, the Division of Trading and Markets received a facsimile copy of your correspondence dated December 16, 1999, submitted to Henry J. Matecki, Acting Chief Accountant. The correspondence requests exemptive relief from Commodity Futures Trading Commission ("CFTC") Rule 4.22. The request is filed on behalf of Y, the commodity pool operator ("CPO") for YY (the "Fund").

Based upon the representations made in your correspondence, we understand the relevant facts to be as follows. During the year ended December 31, 1999, all limited partners of the Partnership were immediate family members of W, the President and sole shareholder of Y. The limited partners have received and will receive monthly account statements from Y in accordance with Commission Regulation 4.22(a). You have submitted statements in support of this exemption from each of the limited partners.

Rules 4.22(c) and (d) require each registered CPO to file a certified Annual Report with the Commission and distribute copies to the pool participants within 90 calendar days of the end of the pool's fiscal year. The principal purpose of financial reporting required by Rule 4.22 is to ensure that pool participants receive accurate, fair and timely information on the overall trading performance and financial condition of the pool. Based upon the representations made in your letter, the Division believes that granting the request on behalf of the Fund is neither contrary to the purposes of Rule 4.22 nor to the public interest. Accordingly, pursuant to the authority delegated by Rule 140.93(a)(1) but subject to the conditions set forth below, the Fund is hereby granted relief from the certification requirement of Rule 4.22(d) for the pool's fiscal year ending December 31, 1999.

The relief granted in this letter is conditioned on the distribution of an unaudited annual report for 1999 that otherwise complies with 4.22(c) and (d). This exemption is granted with the further provisos that Y files an unaudited annual report for the YY for 1999, with the Commission and with National Futures Association. Moreover, this letter applies solely with respect to the exemption from compliance with the certification requirement of Section 4.22(d) for the fiscal year ending December 31, 1999 and this in no way shall excuse Y or YY from compliance with any other applicable requirements contained in the Act or in the Commission's regulations issued thereunder, including but not limited to the requirements of Sections 4.22(a) and (b) regarding the distribution of quarterly or monthly Account Statements of the pool.

This letter is based on the representation you have made to us. Any different, changed or omitted facts or conditions might cause us to reach a different conclusion. This letter represents the position of the Division of Trading and Markets only. It does not necessarily reflect the views of the Commission or any other office or division of the Commission. If you have any questions regarding this letter, please contact me or Z. Patricia Ross, Futures Trading Specialist on my staff, at (202) 418-5469.

Very
truly
yours,

Kevin P.
Walek
Assistant
Director

cc: Anthony Gialanella, Compliance
National Futures Association