

RECEIVED
C.F.T.C.

2004 SEP 10 PM 3:36

September 10, 2004

Ms. Jean A. Webb
Secretary
Commodity Futures Trading Commission
Three Lafayette Center
1155 21st Street, N.W.
Washington, D.C. 20581

Reference File #2486.01
Rule Certification

Dear Ms. Webb:

Pursuant to Commission Regulation 40.6(a), the Chicago Board of Trade (CBOT[®]) hereby submits the following:

- **Establishment of an Electronic Market Maker (EMM) Program for CBOT mini-sized Dow Jones Industrial Average Index^{SM*} futures options. (Summary of program's salient features is attached).**

This initiative has been established pursuant to CBOT Rule 225.00 "General Enabling Rule for Market Maker Programs", which authorizes the Chief Executive Officer of the Exchange to approve the implementation of such programs.

The CBOT intends to implement this program no later than one business day following the Commission's receipt of this filing.

The CBOT certifies that this program complies with the Commodity Exchange Act and the rules thereunder.

Sincerely,

Paul J. Draths
Vice President and Secretary

*"Dow JonesSM", "The DowSM", "Dow Jones Industrial AverageSM", and "DJIASM", are service marks of Dow Jones & Company, Inc. and have been licensed for use for certain purposes by the Board of Trade of the City of Chicago, Inc. ("CBOT[®]"). The CBOT's futures and futures options contracts based on the Dow Jones Industrial AverageSM are not sponsored, endorsed, sold or promoted by Dow JonesSM, and Dow JonesSM makes no representation regarding the advisability of trading in such product(s).

**Electronic Market Maker for
Options on CBOT mini-sized Dow Jones Industrial Average IndexSM Futures
("mini-sized Dow Options")**

Market Maker Obligations

Participants in the EMM program will provide two-sided markets in mini-sized Dow Options on the CBOT's electronic platform, on a continuous basis, between 7:20 a.m. and 3:15 p.m. Chicago time Monday through Friday (or during any modified hours designated by the CBOT), unless prevented from doing so as a result of extraordinary circumstances beyond the EMM's reasonable control or due to position limits.

EMM participants agree that they will make a market in mini-sized Dow Options at agreed upon minimum size and maximum bid/offer spread levels for specified options series.

Market Maker Entitlement and Incentives

Waiver of transaction fees: All CBOT transaction fees will be rebated for EMM proprietary transactions in mini-sized Dow Options. EMM will remain responsible for all monthly electronic connection fees and for all hardware and software necessary to fulfill its EMM obligations.

Entitlements: EMM will receive preference status for its limit orders in mini-sized Dow Options. This preference status will allocate a percentage of incoming orders (initially 6%) to EMM orders resting at the best price that have not already been allocated through priority allocation. The CBOT reserves the right to periodically review and adjust the entitlement percentage.

Other Program Terms

1) Term: The initial term of the EMM Agreement will be through February 28, 2005. The parties may negotiate any additional term to begin at the end of that period.

2) Termination: If there is a material breach of the EMM Agreement by either party, the non-breaching party may terminate the Agreement, effective ten (10) days after written notice thereof to the breaching party, unless the breaching party corrects or has initiated measures to correct the breach within such ten (10) day period.

Notwithstanding any other provision of the EMM Agreement, the CBOT may, in its discretion, immediately terminate the Agreement, in the event that EMM is formally charged by an Exchange disciplinary committee with a violation of CBOT Rules or Regulations, other than a violation that is excluded from the definition of a disciplinary offense contained in Commodity Futures Trading Commission Regulation 1.63.

The parties may terminate the EMM Agreement by mutual consent at any time.