

August 21, 2007

Via E-Mail

Office of the Acting Secretary
Commodity Futures Trading Commission
Three Lafayette Centre
1155 21st Street, N.W.
Washington, DC 20581

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CFTC
2007 AUG 22 AM 11:42
OFFICE OF THE SECRETARIAN

**Re: Rule Certification, New York Mercantile Exchange, Inc.
Submission No. 07-101: Addition of Liquidity Provider Program**

Dear Ms. Eileen A. Donovan:

The New York Mercantile Exchange, Inc. ("Exchange") is notifying the Commodity Futures Trading Commission ("Commission") that it is self-certifying a new Liquidity Provider Program ("LPP") for the NYMEX Brent Crude Oil Contract ("BZ").

Pursuant to the LPP, up to 15 liquidity providers ("LPs") selected by the Exchange will be engaged to provide liquidity in the BZ contract on the CME GLOBEX® system. In consideration of the LPs making a good faith effort to trade the BZ contract, the Exchange will offer LPs a revenue sharing arrangement and a reduced Exchange-rate structure for LPs that are non-members of the Exchange. Unlike NYMEX's option market maker program, LPs will not be bound to make a minimum bid-offer spread or post trades of a minimum size, but rather will be expected to make good faith efforts to trade in the BZ contract.

There are two alternative revenue sharing arrangements under the term of the LPP and LPs must elect in which alternative they wish to participate. In the first alternative, NYMEX will each year share with the LPs that are among the top 10 LPs in terms of BZ volume for that year a portion of its net revenues from the BZ contract after the average daily volume in the BZ contract achieves a specified threshold. This revenue sharing program will last for five years after the volume threshold is achieved. Each LP will need to re-qualify each year for eligibility to remain in the LPP. NYMEX may terminate the LPP if the volume threshold is not reached within the first 12 month of the LPP. In the second alternative, NYMEX will pay the LP a flat per contract fee for each BZ contract traded by such LP until the earlier of: (a) the date that the volume threshold is achieved, and (b) the first anniversary date of the LPP. Under either revenue sharing alternative, LPs will be exempt from Exchange fees in the BZ contract until the earlier of (a) the date the volume threshold is achieved and (b) the first anniversary date of the LPP, and will be charged a reduced rate during the remainder of the term of the LPP.

Pursuant to Section 5c(c) of the Commodity Exchange Act ("Act") and CFTC Rule 40.6, the Exchange hereby certifies that the LPP complies with the Act, including regulations under

the Act. The LPP became effective as of trade date July 31, 2007. As discussed with Commission staff, the submission of this certification was inadvertently delayed due to an administrative error. Should you have any questions concerning the LPP, please contact the undersigned at (212) 299-2897.

Very truly yours,

Thomas F. LaSala
Chief Regulatory Officer

cc: Brian Regan