



**BY ELECTRONIC TRANSMISSION**

Submission No. 12-2  
January 13, 2012

Mr. David Stawick  
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 Rule 2.41 Exchange Broker Fee Payment Policy**  
**Submission Pursuant to Section 5c(c)(1) of the Act and Regulation 40.6**

Dear Mr. Stawick:

Pursuant to Section 5c(c)(1) of the Commodity Exchange Act, as amended, and Commission Regulation 40.6, ICE Futures U.S., Inc. ("Exchange") submits by written certification a change to Rule 2.41 regarding participation in the Exchange's electronic brokerage billing payment system, called ATOM®. Specifically, the amendment makes participation in the ATOM System permissive, rather than mandatory. This change will permit floor brokers who do not execute a large amount of trades or who otherwise have billing systems in place to utilize such other means and avoid fees for use of the ATOM System.

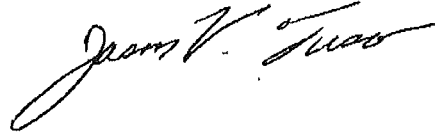
The Board of Directors adopted the amendment by Unanimous Written Consent as of January 4, 2012. The amendment will become effective on February 1, 2012.

The Exchange certifies that the rule amendment complies with the requirements of the Commodity Exchange Act and the rules and regulations promulgated thereunder. The Exchange further certifies that, concurrent with this filing, a notice of pending certification was posted on the Exchange's website as well as a copy of this submission, which may be accessed at (<https://www.theice.com/notices/RegulatoryFilings.shtml>).

ATOM is a registered mark of The Clearing Corporation.

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 written in a cursive style with a large, sweeping initial "J".

Assistant General Counsel  
Market Regulation

Enc.

cc: Division of Market Oversight  
New York Regional Office

**Rule 2.41. Exchange Broker Fee Payment Policy**

(a) Whenever a Floor Broker or Member Firm provides written notice to a Clearing Member of the rate such Floor Broker or Member Firm charges for Trade execution services for a particular Customer, such Clearing Member shall thereafter pay such rate for any Trades which the Floor Broker or Member Firm gives up to, and which are accepted by, the Clearing Member for such Customer. In connection with all Transactions executed on the Exchange, any Member who provides Trade execution services and any Clearing Member for which such services are performed may utilize ATOM<sup>®</sup> ("Automatic Transfer of Money" System) to effect payment of brokerage fees. Payment for Trade execution services rendered by an employee, partner or shareholder of a Member Firm who is a Lessee who utilizes the ATOM System must be effected through the bank account in the name of such Member Firm registered in the ATOM System. To comply with this Rule, a Member must file with the Membership Department an application in a form supplied by the Exchange.

Remainder of Rule Unchanged