


Ice FUTURES U.S.
World Financial Center
One North End Avenue
New York, New York 10282

C.F.T.C.
OFFICE OF THE SECRETARIAT
2010 JAN 19 PM 12 34

BY ELECTRONIC TRANSMISSION

Submission No.10-2
January 19, 2010

Mr. David Stawick
Secretary of the Commission
Office of the Secretariat
Commodity Futures Trading Commission
Three Lafayette Centre
1155 21st Street, NW
Washington, DC 20581

Re: **Extension of USDX[®] Member Firm Fee Program -
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, the extension of the USDX Member Firm Fee Program.

In Submission No. 09-42 dated October 13, 2009, the Exchange notified the Commission of a USDX fee program for member firms of one or more of the major U.S. futures or options exchanges listed below, (the "USDX Member Firm Fee Program"), which essentially mirrored a prior fee program for the Russell Mini Indexes and the USDX. The USDX Member Firm Fee Program is available to member firms of the following exchanges: CME, CBOT, CBOE, NYMEX and ISE and entitles the member firm to a discounted Exchange and Clearing Fee ("Fee") of \$0.30 per side on all USDX futures and options contracts traded during the month for the participant's proprietary account. The USDX Member Firm Fee Program's initial term was from November 1, 2009 until January 30, 2010, but could be extended by the President for a period of time not to exceed three (3) years. The President has determined to extend the USDX Member Fee Program until April 30, 2010. A copy of the application is attached as Exhibit A.

In addition, as described in Submission No. 09-42, the reduced USDX Exchange transaction and Clearing fee for NYBOT Members, NYBOT Member Firms, NYBOT Permit Holders and Lessees will remain in place for the duration of the USDX Member Firm Fee Program.¹

¹ Section 4(a) of Annex B of the Bylaws entitles NYBOT Members and NYBOT Member Firms to a Fee reduction of no less than 20% with respect to certain products off the lowest Fees charged to individuals or firms who are not NYBOT Members

The Exchange certifies that the extension of the USDX Member Fee Program complies with the requirements of the Commodity Exchange Act and the rules and regulations promulgated thereunder.

No substantive opposing views were expressed by members or others with respect to any of the Programs.

If you have any questions or need further information, please contact me at 212-748-4084 or at jill.fassler@theice.com.

Sincerely,

Jill S. Fassler
Vice President
Associate General Counsel

cc: Division of Market Oversight
New York Regional Office

EXHIBIT A

ICE FUTURES U.S.®, Inc.
USD^X® CONTRACT MEMBER FIRM FEE PROGRAM

The program offers entities that are corporate members from a number of qualifying U.S. derivatives exchanges a rate of \$0.30/side for all ICE Futures U.S. U.S. Dollar Index® (“USD^X”) futures and options contracts executed in that calendar month. The fee reduction is rebated to the participant's clearing member, and passed on to the participant.

Participant Name: _____

Type of Membership (check one):

CME Corporate Member **CBOT** Corporate Member **CBOE** Corporate Member
 NYMEX Corporate Member **ISE** Corporate Member

NFA Registration ID (if applicable): _____

Please identify the proprietary account you will be using for trading ICE Futures U.S. USD^X futures and options contracts (only trades in identified accounts are eligible for program rates).

| ICE Futures U.S. Clearing Member | Proprietary Trading Account Number |
|----------------------------------|------------------------------------|
| | |
| | |
| | |

Clearing Member Contact _____ Phone _____ email _____

From the effective date through trade date [~~January~~] April 30, 2010, ICE Futures U.S. will charge participants in the USD^X Contract Member Firm Fee Program a rate of \$0.30/contract side in the ICE Futures U.S. USD^X futures and options contracts. Only trades executed by the participants in their proprietary accounts are eligible for reduced fees. The difference between the rate charged participants in the USD^X Contract Member Firm Fee Program and the standard non-member fees for USD^X transactions in these contracts will be rebated to the Program participant through the participant's clearing member. The USD^X Contract Member Firm Fee Program will continue through trade date [~~January~~] April 30, 2010 or until further notice, but in no case for a period to exceed three (3) years. ICE Futures U.S. reserves the right to remove any participant from the Program at its discretion.

As a qualified representative of the member firm applying to participate in the Program, I hereby certify that the information provided above is true and correct. I hereby acknowledge and understand that ICE Futures U.S., including but not limited to the Market Regulation Department, will be reviewing the trading in the proprietary account(s) listed above in order to determine whether the firm is continuing to meet the requirements of the USDX Contract Member Firm Fee Program and if the firm should continue or be renewed as a participant in the Member Firm Fee Program. I authorize ICE Futures U.S. to contact my clearing member from time to time to confirm my continued eligibility for the program and authorize my clearing member to release all trading information related to the proprietary account(s) listed above to ICE Futures U.S.

Signature: _____ Date: _____

Printed Name: _____

Title: _____ Firm: _____

Telephone Number: _____

E-Mail Address: _____

The application should be returned to Tracy Anzalone, IntercontinentalExchange, fax number 312.214.2001, or tracy.anzalone@theice.com. Please call Ted Doukas (312.214.2022) with questions about the program.