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BY ELECTRONIC TRANSMISSION

Supplemental Submission No. 09-58
December 17, 2009

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 the Russell Futures Market Maker Program and Options Market Maker Programs -
Submission Pursuant to Section 5c(c)(1) of the Act and Regulation 40.6**

Dear Mr. Stawick:

In Submission No. 09-58 dated December 17, 2009, ICE Futures U.S., Inc. ("Exchange") submitted, by written certification, the extension of the Russell Futures Market Maker Program and the Russell Options Market Maker Program, in accordance with Section 5c(c)(1) of the Commodity Exchange Act, as amended, and Commission Regulation 40.6.

Commission staff noted that the applications for the Programs, which were included as Exhibits A and B in Submission No. 09-58, were different from the original applications that were included in prior referenced submissions [Submission No. 09-7 (Russell Futures Market Maker Program) and Submission No. 08-39 (Russell Options Market Maker Program)]. This Supplemental Submission No. 09-58 is being filed to address the discrepancies.

Russell Futures Market Maker Program (Exhibit A of Submission No. 09-58 ("Exhibit A") and Submission No. 09-7)

In paragraph 5 of Exhibit A, the words "and Clearing fees" was added as part of the fees due and owing by the Market Specialist in light of the fact that these were always included in the fees that would be waived. In that same paragraph, at the end, the Market Specialist acknowledges that the Exchange could terminate the program prior to June 30, 2010.

In paragraph 7 of Exhibit A, the words "[t]he Market Specialist further acknowledges that ICE Futures, in its sole discretion, retains the right to alter and amend the terms of this Agreement at any time, or terminate any market maker or specialist program in its entirety, upon written notice to the Market Specialist" were deleted. The intent of the Exchange was to limit the program to 6

months with any changes to be reflected in a different program. In addition, the Exchange reserved the right to end the program prior to June 30, 2010 with the additional language to paragraph 5, as discussed above.

Lastly on Schedule A, the following paragraph was added not only to this application but to all applications (see Exhibits B, C and D of Submission No. 09-58) so that each applicant is aware that staff of the Exchange, including the Market Regulation Department, can review the trading in its identified proprietary accounts to determine eligibility in the program. Of course, Market Regulation staff are authorized to review such trading under Exchange rules, at any time, in furtherance of the Exchange's self-regulatory obligations.

I hereby certify that the information provided above is true and correct. I hereby acknowledge and understand that ICE Futures, including but not limited to the Market Regulation Department, will be reviewing trading in my proprietary account(s) listed above in order to determine whether I am continuing to meet the requirements of the Market Specialist Program and if I should continue or be renewed as a participant in the Market Specialist Program. I authorize ICE Futures 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 my proprietary account(s) listed below to ICE Futures.

Russell Options Market Maker Program (Exhibit B of Submission No. 09-58 ("Exhibit B") and Submission No. 08-39)

The original application that accompanied Submission No. 08-39 is in a format that is no longer in use, so the new application, Exhibit B, represents the current version. Attached to this Supplemental Submission as Exhibit B is a redlined document marked to show deletions and additions to Exhibit B compared to the version filed with Submission No. 08-39.

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 B

(In the text of the amendments below, additions are underlined and deletions are bracketed and lined out.)

ICE Futures U.S.[®], Inc.

This Application and Agreement is submitted by _____ (“Market [Maker] Specialist”), to become a Market [Maker] Specialist for ICE Futures U.S. (“ICE Futures”) in order to provide a liquid and orderly marketplace for the ICE Russell [Index] Options [~~on Futures~~] Contracts traded on the ICE electronic trading system (the “Designated Contracts”).

The Market [Maker] Specialist understands and agrees that:

1. It will execute all documents and agreements required by ICE Futures in order that the Market Specialist is able to input orders into the ICE electronic trading system. [~~This Application and Agreement shall not become effective unless and until it is accepted and executed by ICE Futures.~~]
2. It will use its best efforts to continuously maintain in the at-the-money strike and the five closest strikes on each side of the at-the-money strike of the appropriate Designated Contracts, a current bid and offer as specified in Schedule A, which is attached and made a part of this Application, for the hours specified in Schedule A, [~~either on the trading floor or, if a Market Maker for block trades, through the Market Maker's trade facilities~~].
3. It will make and conduct all trading activity as a Market [Maker] Specialist through the Market [Maker's] Specialist's proprietary account which the Market [Maker] Specialist will identify to appropriate ICE Futures personnel. [~~The Market Maker agrees that all options and futures trading that it will execute pursuant to its obligations hereunder will be cleared through the Clearing Member and Account identified in this Application and Agreement, and that no other trading will be cleared through such account while this Application and Agreement is in effect.~~] *(The rest of this paragraph appears in paragraph 4 of Submission 08-39)*. If necessary the Participant will achieve the fee waiver or fee discount referenced in Paragraph 4 below via a rebate that will be paid to Participant/Participant's Clearing Member on a monthly basis. Such rebate will be paid after Participant's Clearing Member has provided to the Exchange an accounting of the executed volume by the participant's proprietary trading account for the respective calendar month and demonstrated that a higher fee has been charged. All rebate requests must be provided to ICE Futures audit personnel by the 7th business day of the subsequent month.
4. ICE Futures will waive all Exchange transaction and Clearing fees due and owing by the Market [Maker] Specialist for all trades executed on the ICE electronic trading system in the appropriate Designated Contracts for the account identified in accordance with paragraph 3 above for that month; as well as for all futures contracts executed by the Market [Maker] Specialist on the ICE electronic trading system [or on the ICE US trading floor] in the related underlying futures contract as part of the Market [Maker's] Specialist's options market making function; provided, however, that upon prior written notice to the Market Specialist, the Exchange may charge Exchange transaction and Clearing fees of no more than ten cents (10¢) per side commencing at the beginning of the month following such notice. This program will be in effect from the Effective Date through June 30, 2010, with the Market Specialist acknowledging that ICE Futures may terminate this program at any time prior to June 30, 2010.
5. This Application and Agreement supersedes any and all prior and contemporaneous market specialist agreements, understandings, negotiations and discussions, written or oral, between ICE Futures and the Market Specialist, relating to any transactions contemplated by this Agreement.
6. The term of this Agreement shall commence on the Effective Date and [~~shall terminate December 31, 2008~~] end on June 30, 2010. ICE Futures, in its sole discretion, may either extend the term of the Agreement for a period not to exceed three (3) years in total or terminate the Market Specialist Program at any time prior to June 30, 2010. The Market [Maker] Specialist further acknowledges that ICE Futures retains the right to revoke the Market [Maker's] Specialist's status [~~at any time~~] if ICE Futures concludes from its review that the Market [Maker] Specialist is not complying with the obligations [~~as a~~] of the Market [Maker] Specialist.

~~[6. The Market Maker further represents and affirms that it has all licenses and regulatory approvals necessary to engage in the activities of a market maker as described herein.]~~

Effective Date: _____

ICE Futures U.S.

(Market Specialist)

By: _____

Name: _____

Title: _____

By: _____

Name: _____

Title: _____

Phone: _____

Email: _____

SCHEDULE A

(Assume a 30 day at-the-money option for the spread/size information below)

Product: _____

	Front Month	Second Month		
Bid/Offer Spread				
Size				
Trading Hours				

Product: _____

	Front Month	Second Month		
Bid/Offer Spread				
Size				
Trading Hours				

Product: _____

	Front Month	Second Month		
Bid/Offer Spread				
Size				
Trading Hours				

Product: _____

	Front Month	Second Month		
Bid/Offer Spread				
Size				
Trading Hours				

Clearing Member Information

Name: _____ CM Contact: _____

Acct #: _____ Phone or email: _____

I hereby certify that the information provided above is true and correct. I hereby acknowledge and understand that ICE Futures, including but not limited to the Market Regulation Department, will be reviewing trading in my proprietary account(s) listed above in order to determine whether I am continuing to meet the requirements of the Market Specialist Program and if I should continue or be renewed as a participant in the Market Specialist Program. I authorize ICE Futures 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 my proprietary account(s) listed below to ICE Futures.

I hereby agree that the above bid/offer spreads and trading hours listed for certain of the above ICE Futures US Commodity Option Contracts are the spreads I, as a Market Specialist, will use its best efforts to maintain in accordance with paragraph 2 of the Market Specialist Application.

Date: _____

By: _____
 Name:
 Title: