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February 26, 2009

OFFICE OF THE SECRETARIAT

**VIA E-MAIL**

Mr. David Stawick  
Office of the Secretariat  
Commodity Futures Trading Commission  
Three Lafayette Centre  
1155 21st Street, N.W.  
Washington, D.C. 20581

**Re: Certification. New York Mercantile Exchange, Inc. and Commodity Exchange, Inc. Submission #09.30: Market Regulation Advisory Notice RA0903-4**

Dear Mr. Stawick:

The New York Mercantile Exchange, Inc. ("NYMEX") and the Commodity Exchange, Inc. ("COMEX") (collectively referred to as the "Exchange") is notifying the Commodity Futures Trading Commission ("CFTC" or "Commission") that the Exchange will issue the attached Market Regulation Advisory Notice ("Advisory Notice") on March 2, 2009:

NYMEX and COMEX RA0903-4 ("Phones on the Top Step of the Trading Rings")

The Advisory Notice states that the handset from a telephone that is hard-wired to a booth adjacent to a trading ring may be stretched onto the top step of the trading ring by a registered Floor Broker and used on the top step. This Advisory Notice will be effective on March 2, 2009.

The Exchanges certify that the policy clarification complies with the Act and regulations thereunder.

Should you have any questions concerning the above, please contact Nancy Minett, Director, General Investigations, at (212) 299-2940, or the undersigned at (202) 638-3838.

Sincerely,



De'Ana H. Dow  
Managing Director,  
Government Relations

Attachment

## MARKET REGULATION ADVISORY NOTICE

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<b>Exchange</b>	<b>NYMEX &amp; COMEX</b>
<b>Subject</b>	<b>Phones on the Top Step of the Trading Rings</b>
<b>Rule References</b>	<b>Exchange Policy</b>
<b>Advisory Date</b>	<b>February 27, 2009</b>
<b>Advisory Number</b>	<b>NYMEX &amp; COMEX RA0903-4</b>
<b>Effective Date</b>	<b>March 2, 2009</b>

Effective Monday, March 2, 2009, the handset from a telephone which is hard-wired into a booth adjacent to a trading ring, may be stretched onto the top step of the trading ring by a registered Floor Broker and used on the top step. Both wireless headsets (which may be worn by Floor Traders or Floor Brokers in the trading rings) and phones hard-wired in booths are covered by NYMEX Rule 6.01 and COMEX Rule 104.03 ("Retention of Records and Trading Floor Telephone Calls"), implemented on Monday, February 2, 2009. These rules mandate that all trading floor telephones are recorded.

Questions regarding this Advisory Notice should be directed to the following individuals in Market Regulation:

Thomas LaSala, Managing Director and NYMEX Chief Regulatory Officer	212.299.2897
Nancy Minett, Director, General Investigations	212.299.2940