

RECEIVED  
CFTC

2011 MAR -3 PM 3: 59

**ice**

Atlanta Calgary Chicago Houston London New York Singapore

World Financial Center  
One North End Avenue  
New York, New York 10282

OFFICE OF THE  
SECRETARIAT

**BY ELECTRONIC TRANSMISSION**

Submission No.11-10  
March 3, 2011

Mr. David A. 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: **Amendment to Rule 27.09 -**  
**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, an amendment to Rule 27.09, attached as Exhibit A.

On November 19, 2010, the Exchange filed amendments to Rule 27.09 which requires each user with direct access and each clearing member to file information regarding each and every Registered Operator ("RO") for whom it authorizes direct access to the platform (see Submission No. 10-50). An RO is either an individual user or an automated trading system that has been assigned a unique identification so that the Exchange and the Commission can identify who or what pushed the button when entering orders into the ICE electronic platform. The required information is to be filed in accordance with the method and format provided by the Exchange and includes such items as the RO's name, employer, email address and telephone number.

Feedback from users with direct access and clearing members caused the Exchange to reconsider whether or not the information was needed for each and every RO. CFTC staff was consulted, and procedures at other exchanges were reviewed. The determination was that the Exchange will limit the required filing to only certain categories of ROs. The amendment to Rule 27.09 limits the information filing to those ROs who are (i) individual members, (ii) employees of individual members, (iii) employees of clearing members, member firms and non-member firms with direct access, and (iv) all market maker and fee program participants and

their employees. In addition, the Exchange has reserved the right to require the information filing for any other RO as determined by the Exchange. For example, ROs that have reached a reportable level or other Exchange determined threshold.

The Exchange certifies that the amendment complies with the requirements of the Commodity Exchange Act and the rules and regulations promulgated thereunder.

The amendment was adopted by the Exchange's Board of Directors on March 2, 2011 and will become effective on March 9, 2011. No substantive opposing views were expressed by members or others with respect to the amendment.

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

Sincerely,

---

Jill S. Fassler  
Vice President  
Associate General Counsel

cc: Division of Market Oversight  
New York Regional Office

## EXHIBIT A

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

### Rule 27.09. Required Identifications

\* \* \*

(c) Each Clearing Member and User with Direct Access shall file with the Exchange, in a method and format prescribed by the Exchange, information regarding each Registered Operator for whom the Clearing Member and the User with Direct Access has authorized direct access and who is either (i) a Member, (ii) an employee of a Member, Member Firm, or Clearing Member, (iii) an employee of a firm with Direct Access; (iv) individuals or employees of firms who participate in an Exchange market maker, market specialist or fee program, or (v) any other Registered Operator as determined by the Exchange. Said information shall be filed with the Exchange prior to the date the Registered Operator is given access to ETS. Each Clearing Member and User with Direct Access shall ensure the accuracy of the registration information on file with the Exchange regarding its Registered Operators.

[REMAINDER OF RULE UNCHANGED]

---