

 **ICE** FUTURES U.S.
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C.F.T.C.
OFFICE OF THE SECRETARIAT

2010 APR 16 PM 2 36

BY ELECTRONIC TRANSMISSION

Submission No. 10-16
April 16, 2010

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

Re: **Amendments 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, amendments to Rule 27.09, attached as Exhibit A.

Rule 27.09 details the user identifications that are required for accessing the Exchange's electronic trading system ("the ICE Platform"). The Rule, as currently drafted, became effective when the Exchange implemented electronic trading on February 2, 2007. As electronic trading has progressed and the ICE Platform enhanced, the required user identifications have changed, but the Rule has not. The amendments conform the Rule's required user identifications to the current practice. An explanation of the fields that are required to be populated for the identification of the person who physically keys in the order or the administrator (operator) of an automated trading system is attached as Exhibit B.

The amendments were adopted by the Exchange's Board of Directors at its meeting on November 11, 2009. The amendments will go into effect on April 20, 2010. The Exchange certifies that amendments comply 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 the amendments.

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

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

27.09. Required Identifications

(a) ~~[All Clearing Members and Users with Direct Access behalf must have unique log-in identifications (“Log-In IDs”) assigned by the Exchange to the individuals utilizing ETS on their behalf. Each individual assigned a Log-In-ID shall be referred to as a “Registered Operator”].~~

(b) A Registered Operator who is a Customer of a Clearing Member and who enters orders via the Clearing Member’s ISV interface or API must also have a unique order routing identification (“Order Routing ID”). Each individual User with Direct Access, employee of a Clearing Member or of a User with Direct Access, automated trading system and customer that order routes through a clearing member must have a unique identification assigned to them in accordance with the procedures adopted by the Exchange from time to time in order to utilize ETS. Each Person or automated trading system assigned a unique identification shall be referred to as a “Registered Operator”.

(b) Orders entered on the ETS must include the unique identification assigned to the Registered Operator. A Registered Operator is prohibited from allowing any other Person or automated trading system to use such unique identification to enter orders on the ETS. A Registered Operator may not enter orders on the ETS using a unique identification that has not been assigned to the Registered Operator.

(c) 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.

(d) Each order entered through an eBadge must contain ~~[a Log-In-ID]~~ the unique identification assigned in accordance with paragraph (a) of this Rule ~~[and, if applicable, an Order Routing ID]~~ that identifies the Registered Operator who entered the order. Each Registered Operator must utilize a client application that automatically populates the ~~[Log-In-ID]~~ the unique identification ~~[and, if applicable, the Order Routing ID,]~~ for every order.

(e) A Registered Operator shall be subject to the Rules, including, but not limited to, the Rules of this Chapter and Rules relating to order handling, trade practices and disciplinary proceedings. It shall be the duty of the Person who employs the Registered Operator to supervise the Registered Operator’s compliance with the Rules, and any violation thereof by such Registered Operator may be considered a violation by the employer.

EXHIBIT B

NOTICE

Amendment of Rule 27.09- Required Identifications

April 20, 2010

Summary of content

Amendment of Rule
27.09- Required
Identifications

For more information please contact:

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As previously noted in notices circulated by all ICE exchanges on May 6, 2008 and July 2, 2008, orders submitted via ISV and proprietary front-end trading systems are required to contain certain information which uniquely identifies the trader and company. This information is contained in three "FIX tags" designated for this purpose.

In an effort to more accurately describe the existing trader identification requirements and process, **effective immediately**, ICE Futures U.S., Inc. has amended Electronic Trading Rule 27.09 and the corresponding procedures for populating the Trader Identification FIX Tag fields. The language of the amended Rule and the corresponding procedures for populating the Trader Identification FIX Tag fields are included at the end of this Notice.

Of particular note is FIX tag 116, which contains the Routing Trader ID (Tag 116 left) and Authorized Trader ID (Tag 116 right). **Authorized Trader ID** should uniquely identify the person entering the order. In the case of an Automated Trading System ("ATS"), this field should identify the individual responsible for the operation of the ATS.

The method by which an individual is identified in FIX tag 116 may be determined by the firm, provided that the value can be uniquely attributed to the person entering the order. Upon request, a clearing member or other direct access firm should be prepared to provide the name and contact information (phone number and email address) of the individual associated with a given Authorized Trader ID.

Failure to comply with the requirements of Exchange Rule 27.09 and the corresponding procedure for populating the Fix trader identification tags may result in disciplinary action by the Exchange.

The text of amended Rule 27.09 follows below. If you would like a copy of the language additions and deletions, please contact the Corporate Secretary's Office at 212.748.4082.

Rule 27.09 – Required Identifications

(a) Each individual User with Direct Access, employee of a Clearing Member or of a User with Direct Access, automated trading system and customer that order routes through a clearing member must have a unique identification assigned to them in accordance with the procedures adopted by the Exchange from time to time in order to utilize ETS. Each Person or automated trading system assigned a unique identification shall be referred to as a "Registered Operator".

(b) Orders entered on the ETS must include the unique identification assigned to the Registered Operator. A Registered Operator is prohibited from allowing any other Person or automated

trading system to use such unique identification to enter orders on the ETS. A Registered Operator may not enter orders on the ETS using a unique identification that has not been assigned to the Registered Operator.

(c) 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.

(d) Each order entered through an eBadge must contain the unique identification assigned in accordance with paragraph (a) of this Rule that identifies the Registered Operator who entered the order. Each Registered Operator must utilize a client application that automatically populates the unique identification for every order.

[REMAINDER OF RULE UNCHANGED]

Procedure for Populating the Fix Trader Identification Tags

The unique identification of the user entering an order to the ICE Platform, either by direct access or by order routing through a direct access user, must be contained within either the Log-in itself or in the Authorized Trader field (Fix Tag 116 right) of the Fix Trader Identification Tags detailed below. This unique identification must identify by name, code or other unique symbol the person who submitted, i.e. physically keyed in, an order for submission to the ICE Platform (hereafter referred to as the "Trader"), or a code that uniquely identifies the person responsible for the operation of the ATS. The path by which an order is submitted to the ICE Platform will dictate how the other Fix Trader Identification Tags are populated for the order.

In the case of a Trader connecting to the ICE Platform through WEBICE, the Trader will have a Log-in ID that uniquely identifies the Trader and the Fix Trader Identification Tags will not be required.

In the case of a Trader connecting to the ICE Platform through an ISV or proprietary connection the Fix Regulatory Tags and specifically FIX Tag 116 ("Authorized Trader") are required to identify the Trader.

The following is a description of the Fix Trader Identification Tags that are required to be submitted for proper Trader identification information and regulatory purposes. These are tags 115, 116, and 144. Each tag contains two data elements, separated by the "pipe" character.

Tag 116 right – Authorized Trader ID. If an individual; must identify the Trader physically entering the order. The Authorized Trader ID can be an alpha or numeric code that uniquely identifies the Trader. If an ATS; must identify the person responsible for its operation.

Tag 116 left – Routing Trader ID. Must identify the Trader through whom the order was routed, if more than one level of order routing occurs. Otherwise, duplicate value from Tag 116 right.

Tag 115 right – Authorized Member ID. Must identify the company entering the order. The Authorized Member ID is a code or value that identifies the firm, if any, with which the Authorized Trader is associated.

Tag 115 left – Routing Member ID. Must identify the order routing company, if more than one level of order routing occurs. Otherwise, duplicate value from Tag 115 right

Tag 144 left – Routing Group ID. Must identify the ISV or API including the name of the software vendor or proprietary application used.

Tag 144 right – Authorized Group ID. Must identify the originating desk or group within the Authorized Member company entering the order. (for example, the Chicago office of the company).