

#### **BY ELECTRONIC TRANSMISSION**

Submission No. 12-28 April 26, 2012

Mr. David 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: Amendments to Rules 15.05 and 16.03 – Last Trading Day 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(a), ICE Futures U.S., Inc. ("Exchange") submits, by written certification, amendments to Exchange Rules 15.05 and 16.03, as set forth in Exhibit A, which delete certain provisions that provide for the adjustment of the Last Trading Day in the U.S. Dollar Index<sup>®</sup> ("USDX<sup>®</sup>") and certain currency pair futures contracts in the event of a bank holiday.

## Rule 15.05

Currently, USDX Rule 15.05 provides that the Delivery Date for an expiring USDX futures contract shall be the third Wednesday of the expiring month, and that the Last Trading Day shall be the second Business Day prior to that Wednesday. The rule further provides that the Last Trading Day shall be moved forward one Business Day in the event of either: (1) a bank holiday in New York on the second Business Day prior to that Wednesday; or (2) a bank holiday in any of the countries whose currency is in the index the Last Trading Day on the first Business Day prior to that Wednesday. The amendment to Rule 15.05 removes the provision for adjusting the Last Trading Day in the event of a bank holiday in any of the countries whose currency is in the index on the Business Day prior to the third Wednesday.

## Rule 16.03

Similarly, Currency Rule 16.03 provides that the Delivery Date for most expiring physical delivery currency pair futures contracts shall be the third Wednesday of the expiring month, and that the Last Trading Day shall be the second Business Day prior to that Wednesday. The Rule further provides that the Last Trading Day shall be moved forward one Business Day in the event of either: (1) a bank holiday in New York on the second Business Day prior to that Wednesday; or (2) a bank holiday in the country of the quoted or the base currency in the contract on the Business Day prior to that Wednesday.

(The Dollar-Canadian dollar contracts are subject to different Last Trading Day treatment under the Rule; no change to provisions relating to these contracts is being made.) The amendments to Rule 16.03 remove the provisions for an adjustment to the Last Trading Day in the event of a bank holiday in the country of the quoted or base currency on the Business Day prior to the third Wednesday, for all currency contracts that are delivered under the CLS system (other than the Dollar-Canadian dollar contracts, which are not currently subject to these provisions). The amendment preserves the adjustment provision for the non-CLS currencies (the Euro-Forint, Euro-Koruna, Dollar-Forint and Dollar-Koruna contracts), based upon the need for a business day between the Last Trading Day and the Delivery Day for those currencies.

The provisions relating to adjustment of the Last Trading Day for the USDX and certain currency futures pairs are being deleted as they are no longer necessary because the CLS system is used to make delivery. In addition, the deletion also makes the provisions for Last Trading Day consistent with broader market practice.

The Exchange certifies that the amendment to Rules 15.05 and 16.03 comply with the requirements of the Commodity Exchange Act and the rules and regulations promulgated thereunder. The Exchange further certifies that, concurrent with this filing, a copy of this submission was posted on the Exchange's website at (<u>https://www.theice.com/notices/RegulatoryFilings.shtml</u>).

If you have any questions or need further information, please contact me at 212-748-4021 or at jason.fusco@theice.com.

Sincerely,

Jamil. Turo

Jason V. Fusco Assistant General Counsel Market Regulation

Enc.

cc: Division of Market Oversight New York Regional Office

# EXHIBIT A

(In the text of the amendment below deletions are shown in brackets and lined through.)

#### Rule 15.05. Last Trading Day

(a) The Last Trading Day in USDX Futures Contracts deliverable in the current contract month shall be the second  $(2^{nd})$  Business Day prior to the third  $(3^{rd})$  Wednesday of that month. If that day is a bank holiday in New York, New York [or, if the following Business Day (i.e., the first  $(1^{st})$  Business Day prior to the third  $(3^{rd})$  Wednesday) is a bank holiday in one of the countries whose currency is in the USDX], then the Last Trading Day in USDX Futures Contracts deliverable in the current delivery month shall be the preceding Business Day.

#### Rule 16.03. Last Trading Day

(a) Except for the <u>Euro-Forint, Euro-Koruna, Dollar-Forint, Dollar-Koruna</u>, dollar-Canadian and Large dollar-Canadian contracts, the Last Trading Day in all Currency Futures Contracts deliverable in the current delivery month shall be the second  $(2^{nd})$  Business Day prior to the third  $(3^{rd})$  Wednesday of that month. If the Last Trading Day is a bank holiday in New York, New York [or if the following Business Day (*i.e.*, the first  $(1^{st})$  Business Day prior to the third  $(3^{rd})$  Wednesday) is a bank holiday in the country of the quoted currency, or in the country of the base currency], then the Last Trading Day in the Currency Futures Contract deliverable in the current delivery month shall be the preceding Business Day.

(b) The Last Trading Day in the dollar-Canadian and Large dollar-Canadian contracts deliverable in the current delivery month shall be the first (1<sup>st</sup>) Business Day prior to the third (3<sup>rd</sup>) Wednesday of that month. If the Last Trading Day is a bank holiday in New York, New York or in the country of the quoted currency then the Last Trading Day in dollar-Canadian and Large dollar-Canadian contracts deliverable in the current delivery month shall be the preceding Business Day.

(c) The Last Trading Day in the Euro-Forint, Euro-Koruna, Dollar-Forint and Dollar-Koruna contracts deliverable in the current delivery month shall be the second  $(2^{nd})$  Business Day prior to the third  $(3^{rd})$  Wednesday of that month. If the Last Trading Day is a bank holiday in New York, New York or if the following Business Day (*i.e.*, the first  $(1^{st})$  Business Day prior to the third  $(3^{rd})$  Wednesday) is a bank holiday in the country of the quoted currency, or in the country of the base currency, then the Last Trading Day in the Currency Futures Contract deliverable in the current delivery month shall be the preceding Business Day.