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One North End Avenue  
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Submission No. 11-29  
May 19, 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: **Delay in Implementing Increase to Cocoa Grading Fee -  
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. (the "Exchange") submits, by written certification, a notification to the Commission that the \$9.00 per lot increase to Cocoa Grading fees has been delayed from June 1 until July 25, 2011 (see Submission No. 10-54). The increase will be paid in full to the three graders who comprise a grading panel to compensate them for the additional work involved for new grading procedures that support the new Waste criteria that becomes effective with the March 2012 Cocoa futures contract. Grading for Waste under the new provisions will become mandatory for all lots submitted for grading on and after July 25, 2011.

At the time the change to the fees was adopted, the Exchange intended to allow owners of cocoa the option to request grading under the new Waste procedures on and after June 1, 2011 and, therefore, the original implementation date for the fee increase was also June 1<sup>st</sup>. The Exchange has revised its plan and will not offer optional grading for Waste prior to July 25<sup>th</sup> when such grading becomes mandatory.

The determination to delay implementation of the increase was adopted by the Exchange's Board of Directors on May 19, 2011. No substantive opposing views were expressed by members or others with respect to the implementation delay. The Exchange certifies that the implementation delay complies with the requirements of the Commodity Exchange Act and the rules and regulations promulgated thereunder.

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If you have any questions or need further information, please contact me at 212-748-4083 or at [Audrey.Hirschfeld@theice.com](mailto:Audrey.Hirschfeld@theice.com).

Sincerely,

Audrey R. Hirschfeld  
Senior Vice President and General Counsel

cc: Division of Market Oversight  
New York Regional Office