

  
**ICE FUTURES U.S.**  
World Financial Center  
One North End Avenue  
New York, New York 10282

**BY ELECTRONIC TRANSMISSION**

Submission No. 13-53  
June 20, 2013

Ms. Melissa Jurgens  
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 Exchange Rule 9.18(b)(i)  
Submission Pursuant to Section 5c(c)(1) of the Act and Regulation 40.6(a)**

Dear Ms. Jurgens:

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") self certifies amendments to Exchange Rule 9.18(b)(i) which change the delivery pricing of Columbian and Peruvian grown cocoa delivered under an Exchange futures contract from par to premium, as set forth in Exhibit A.

The Exchange is moving cocoa grown in Columbia and Peru from Group C (par) to Group B (\$80 per ton premium) on the Growth and Description list [Rule 9.18(b)(i)] based upon the commercially relevant volume of exports from each origin in recent seasons. The consistent quality of the beans and the commercial value of the beans has consistently been equal to the commercial value of beans from several neighboring origins that are already in Group B, such as Ecuador, Guatemala, Honduras, Panama and Salvador. The effect of the amendment would be to treat Peru and Colombia beans in deliveries as equal in value to beans from those neighboring origins.

The amendments will become effective on July 8, 2013 and will apply to all new delivery months listed by the Exchange, starting with the July 2015 contract. The Exchange certifies that the amendments comply with the requirements of the Commodity Exchange Act and the rules and regulations promulgated thereunder. The Exchange has reviewed the designated contract market core principles ("Core Principles") as set forth in the Commodity Exchange Act and has determined that the amendments impact Core Principles 3 (Contracts not Readily Subject to Manipulation) and 7 (Availability of General Information). The amendments to the premiums for the Columbian and Peruvian growths better reflect commercial practice improving the Cocoa futures contract as a hedging tool.

The Exchange is not aware of any substantive opposing views expressed with respect to this filing and certifies that, concurrent with this filing, a copy of this submission was posted on the Exchange's website and may be accessed at (<https://www.theice.com/notices/RegulatoryFilings.shtml>).

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

Sincerely,

A handwritten signature in black ink, appearing to read "Jason V. Fusco". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jason V. Fusco  
Assistant General Counsel  
Market Regulation

Enc.  
cc: Division of Market Oversight  
New York Regional Office

## EXHIBIT A

[In the text below additions are underscored and deletions struck out]

### Rule 9.18. Grading Cocoa for Exchange Delivery

(a) All Cocoa to be delivered in Exchange-Segregated Lots must be certified as deliverable with respect to Growth, Description, Condition, Count, Waste and Grade in accordance with the provisions of this Rule.

(b) The Growth, Description, Condition, Count, Waste and Grade of Cocoa which may be delivered on an Exchange Futures Contract are as follows:

(i) *Growth and Description*

The following Growths and Descriptions of Cocoa, as such Growths and Descriptions may from time to time be known in the trade, may be delivered at the premiums or at par as indicated below:

#### Group A—Addition of \$160—per metric ton

Ghana—Main Crop	Nigeria—Main Crop
Ivory Coast—Main Crop	Sierra Leone—Main Crop
Lome—Main Crop	

#### Group B—Addition of \$80—per metric ton

Arriba (Ecuador)	Ivory Coast	Salvador
Bahia (Brazil)	Jamaica	Samoa
Cameroon	Indonesia-Java	Sanchez (Dominican Republic)
CCN (Ecuador)	Liberia—Main Crop	Sao Tomé
Chiapas (Mexico)	Masie Nguema	Sri Lanka
Costa Rica	(Fernando Poo)	Surinam
Ghana—Mid-Crop	New Guinea	Tabasco (Mexico)
Grenada	New Hebrides	Trinidad
Guatemala	Nicaragua	Venezuela
Hispaniolas (Dominican Republic)	Nigeria—Light Crop	Victoria (Brazil)
Honduras	Panama	Zaire
<u>Colombia</u>	<u>Peru</u>	

#### Group C—At Par

Bolivia  
Haiti  
Indonesia-Sulawesi  
Malaysia  
Para (Brazil)

~~Peru and a~~ All other growths not presently specified in Groups A, B or C.