



A CME/Chicago Board of Trade/NYMEX Company

August 18, 2009

**VIA E-MAIL**

Mr. David Stawick  
Office of the Secretariat  
Commodity Futures Trading Commission  
Three Lafayette Centre  
1155 21st Street, N.W.  
Washington, D.C. 20581

**Re: Rule Certification. New York Mercantile Exchange, Inc. Submission #09-155: Notification of Delisting NYMEX AECO/NIT Basis Swap (NGX/CGPR) Futures Contract Listed on CME ClearPort® and Amendments to 9A.26, 9A.27 and 9A.34**

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OFFICE OF THE SECRETARIAT  
C.F.T.C.

Dear Mr. Stawick:

The New York Mercantile Exchange, Inc. ("NYMEX" or the "Exchange") is notifying the Commodity Futures Trading Commission ("CFTC" or "Commission") that it is self-certifying the delisting of the NYMEX AECO/NIT Basis Swap (NGX/CGPR) (commodity code NA) contract. As previously communicated in Submission 09-62, filed with the Commission on April, 24, 2009, final settlement for the September 2009 contract month will be based on the Natural Gas Exchange (NGX) Canadian Gas Price Reporter (CGPR) ("NGX/CGPR") index. Final settlement for all remaining contract months beginning with the October 2009 contract month will no longer be based on the NGX/CGPR index. As such, on August 31, 2009, the Exchange will conduct a final mark-to-market following the close of trading and cash settle all remaining open positions in all contract months for the NYMEX AECO/NIT Basis Swap (NGX/CGPR) contract.

The Exchange is also notifying the Commission that it is self-certifying (i) the deletion of Chapter 516 which contains the terms and conditions of the NYMEX AECO/NIT Basis Swap (NGX/CGPR) contract from the NYMEX Rulebook and (ii) amendments to Rules 9A.26, All Month/Any One Month Accountability Levels, 9A.27, Expiration Month Limit and 9A.34, Reporting Levels, in order to remove all references to the NYMEX AECO/NIT Basis Swap (NGX/CGPR) contract. The deletion of Chapter 516 is reflected in Annex A of this submission. These amendments to Chapter 9A, Appendix A are reflected in Annex B of this submission.

Pursuant to Section 5c(c) of the Commodity Exchange Act ("Act") and CFTC Rule 40.6, the Exchange hereby certifies that the delisting of the NYMEX AECO/NIT Basis Swap (NGX/CGPR) contract, deletion of Chapter 516 and amendments to Rules 9A.26, 9A.27 and 9A.34 comply with the Act, including regulations under the Act. The delisting of the contract, deletion of Chapter 516 and amendments to Rules 9A.26, 9A.27 and 9A.34 will become effective on August 31, 2009.

Should you have any questions concerning the above, please contact Brad Leach at (212) 299-2609, or contact me at (312) 648-5422.

Sincerely,

/s/ Stephen M. Szarmack  
Director and Associate General Counsel

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## ~~NYMEX AECO/NIT Basis Swap (NGX/CGPR) Contract~~

### ~~516.01 Scope~~

~~The provisions of these rules shall apply to all contracts listed on the Exchange for cash settlement based on the Floating Price or the Termination Cash Settlement Price as described in 516.07B below.~~

### ~~516.02 Floating Price~~

~~For all contract months prior to and including the September 2009 contract month, the Floating Price for each contract month will be equal to the Alberta Spot Price – AECO C/NIT (7A) priced in US\$/MMBtu ("NGX/CGPR") published by Canadian Enerdata Limited ("CEL") in Canadian Gas Price Reporter ("CGPR") and published in real time on the website of NGX Canada Inc. (www.ngx.com) minus the NYMEX (Henry Hub) Natural Gas Futures contract final settlement price for the corresponding contract month.~~

### ~~516.03 Contract Quantity and Value~~

~~The contract quantity shall be 2,500 MMBtu (million British thermal units).~~

~~Transaction sizes for trading in any delivery month shall be restricted to whole number multiples of the number of calendar days in that contract month, provided however this restriction on transaction size does not apply to either Exchange of Futures for, or in Connection with Product (EFP) or Exchange of Futures for, or in Connection With Swap Transactions (EFS).~~

~~Each futures contract based on the NYMEX Alberta Basis Swap (NGX CGPR) contract shall be valued as the contract quantity (2,500 MMBtu) multiplied by the settlement price.~~

### ~~516.04 Contract Months~~

~~Posting of transactions shall be conducted in contracts in such months as shall be determined by the Exchange.~~

### ~~516.05 Prices and Fluctuations~~

~~Prices shall be quoted in U.S. dollars and cents per MMBtu. The minimum price fluctuation shall be \$0.0025 per MMBtu.~~

### ~~516.06 Termination of Posting of Transactions~~

~~Posting of transactions shall cease on the last business day of the month prior to the contract month. On August 31, 2009, trading will terminate for all listed contracts and all contracts will be cash settled.~~

### ~~516.07 Final Settlement~~

~~For all contract months up to and including September 2009 contract month~~

~~A) Delivery under the NYMEX AECO/NIT Basis Swap (NGX/CGPR) contract shall be by cash settlement. Final settlement, following termination of trading for contract months through the September 2009 contract month, will be based on the Floating Price. The final settlement price will be the Floating Price calculated for each contract month, provided, however, that in the event that the Floating Price is not available to the Exchange for any reason, the Exchange, based on the best information available to it at the time, will determine a final settlement price, which in the judgment of staff, is intended to serve as the best substitute for the Floating Price.~~

~~For all contract months beyond September 2009 contract month~~

~~B) Final settlement, following termination of trading for contract months beyond the September 2009 contract month, will be based on the termination cash settlement price (the "Termination Cash Settlement Price"). The Termination Cash Settlement Price will be based on a survey of OTC Derivative Market Brokers performed by Exchange staff. The survey will consist of at least four OTC Derivative Market Brokers and a simple arithmetic average of the brokers' responses will be calculated to determine the Termination Cash Settlement Price. The Termination Cash Settlement Price will reflect the current market values for each contract month based upon transactions in the off-exchange derivatives market. In the event that a survey of OTC Derivative Market Brokers for any contract month is not~~

available to the Exchange for any reason, the Exchange, based on the best information available to it at the time, will determine the current market values based upon transactions in the off exchange derivatives market

**516.08 Exchange of Futures for, or in Connection with Product and Exchange of Futures for, or in Connection with Swap Transactions**

Any Exchange of Futures for, or in Connection with Product (EFP) or Exchange of Futures for, or in Connection with Swap Transactions (EFS) shall be governed by the provisions of Rules 6.21 and 6.21A, respectively.

**516.09 Disclaimer**

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