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Marco Bianchi Senior Vice President NYSE Liffe US 20 Broad Street, 10th Floor New York, NY 10005 T +1 212 656 4300

**By Electronic Mail** 

August 20, 2013

Ms. Melissa Jurgens Office of the Secretariat Commodity Futures Trading Commission Three Lafayette Centre 1155 21<sup>st</sup> Street, N.W. Washington, D.C. 20581



## Re: NYSE Liffe US Submission-2013-114 Notice Announcing the Introduction of an Enhanced Liquidity Provider Program for GCF Futures

Dear Ms. Jurgens:

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I am a Senior Vice President of, and Head of Market Development for, NYSE Liffe US LLC ("NYSE Liffe US" or the "Exchange"). Pursuant to Section 5c(c) of the Commodity Exchange Act, as amended (the "Act"), and U.S. Commodity Futures Trading Commission (the "Commission") Regulations (the "Regulations") Section 40.6(a), I enclose a Cover Sheet for NYSE Liffe US Submission 2013-114 and NYSE Liffe US Notice 18/2013 which announces the introduction of an Enhanced Liquidity Provider Program for Futures on the US Treasury DTCC GCF Repo Index ("U.S. Treasury GCF Futures") (the "ELP Program") effective with the September 4, 2013, Trading Session.

NYSE Liffe US hereby certifies that: (i) the ELP Program complies with the Act and the regulations thereunder and (ii) a notice and copy of this submission is being concurrently posted on the Exchange's web site. Additionally, a concise explanation and analysis of the ELP Program and its compliance with applicable provisions of the Act, including core principles and the Commission's regulations thereunder, is attached. No substantive opposing views were expressed by members or others with respect to the liquidity provider program.

If you have any questions, please call me at (212) 656-4300.

Yours Truly,

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Marco Bianchi Enclosures

## Designated Contract Market Core Principles Implicated by NYSE Liffe US Submission 2013-114

| CORE PRINCIPLE          | ANALYSIS   |
|-------------------------|--|
| Core Principle 2:       | The ELPs appointed to the program are subject to a liquidity   |
| Compliance with Rules   | provider agreement by which the participant agrees to abide by   |
|                         | the Commodities Exchange Act ("Act") and all rules,  |
|                         | regulations, orders and interpretations of the CFTC and any  |
|                         | applicable self-regulatory organization. In addition, the  |
|                         | Exchange has the right to terminate the agreement immediately  |
|                         | if the membership or trading rights of the market maker are  |
|                         | suspended or if, in the opinion of the Exchange's Market   |
|                         | Regulation Department, the liquidity providers' activity   |
|                         | violates any applicable law or rule. Moreover, the participants  |
|                         | agree to not only comply with the requirements of the program,   |
|                         | but also all existing rules of the Exchange including Chapter 3,   |
|                         | governing access to the Exchange's Trading Platform, Chapter   |
|                         | 6 governing the business conduct of Exchange members and   |
|                         | prohibiting, among other things, fraudulent acts, fictitious and   |
|                         | pre-arranged trades, market manipulation, disruptive trading<br>and acts inconsistent with just and equitable principles of trade. |
|                         | The Exchange monitors its markets on a constant basis in real-   |
|                         | time. In addition, through the operation of a regulatory   |
|                         | services agreement, the National Futures Association provides  |
|                         | to the Exchange comprehensive trade practice and market  |
|                         | surveillance services designed to detect activities that are not in  |
|                         | compliance with the Act, CFTC Regulations, or Exchange   |
|                         | rules and policies. Additionally, the Exchange has the   |
|                         | authority, through Chapter 7 of the Exchange's rulebook, and   |
|                         | the capacity to investigate any possible rule violations and,  |
|                         | where appropriate, bring disciplinary actions and impose   |
|                         | sanctions for any violations. Finally, the Exchange has in   |
|                         | place effective international information sharing arrangements   |
|                         | and has entered into accords such as the International   |
|                         | Information Sharing Memorandum of Understanding and  |
|                         | Agreement and the Intermarket Surveillance Group   |
|                         | Agreement.   |
| Core Principle 3:       | The program does not incentivize manipulative or other   |
| Contracts not Readily   | abusive practices. In the Exchange's experience, programs of   |
| Subject to Manipulation | this type have not promoted abusive practices by participants.   |
|                         | Further, the Exchange has policies and procedures to monitor<br>the participant and all trading more generally in Futures on       |
|                         | U.S. Treasury DTCC GCF Repo Index®and to detect and  |
|                         | prevent manipulative or abusive trading and practices.   |
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| CORE PRINCIPLE                                 | ANALYSIS   |
|--|--|
| Core Principle 4:                              | Trading by participants in the program, like all trading in GCF  |
| Prevention of Market                           | Futures, will be subject to the existing trade practice and  |
| Disruption                                     | market surveillance policies and procedures of the Exchange.   |
|  | As stated above, the Exchange has real-time surveillance   |
|  | capabilities involving both human interaction as well as   |
|  | technological tools. Furthermore, the Exchange staff, in   |
|  | coordination with National Futures Association, has the  |
|  | capacity to detect and respond to manipulation and price   |
|  | distortions in its market and the ability to provide accurate and  |
|  | complete trade reconstruction.   |
| Cono Duinciplo 5:                              | The participants in the program will be subject to all applicable  |
| Core Principle 5:                              |  |
| Position Limits or                             | position accountability levels and position limits.  |
| Accountability                                 |  |
| Core Principle 9:<br>Execution of Transactions | Liquidity provider, programs are designed to enhance the market, providing liquidity and requiring consistent, tighter |
|  | markets that tend to promote more accurate price discovery.  |
|  | Furthermore, the Exchange will, as it does for all such  |
|  | programs, monitor the impact, if any, that this particular   |
|  | program has on trading on the centralized market and, in the   |
|  | event the Exchange identifies any deleterious effect to the  |
|  | centralized market, will take appropriate action. The ELP  |
|  | Program is designed to avoid incentivizing non-central order   |
|  | book activity by (i) limiting the waiver of Exchange fees  |
|  | enjoyed by program participants to trades executed through the   |
|  | central order book, (ii) not counting Block and EFRP   |
|  | transaction volume towards any volume based thresholds to  |
|  | qualify for sharing in Exchange revenue, and (iii) limiting the  |
|  | revenue share provided to the ELPs to Exchange fee revenue   |
|  | which does not include revenue generated by Block Trades or  |
|  | EFRPs,   |
| Core Principle 10:                             | The Exchange records and maintains an audit trail with all   |
| -  | trade information regarding trading by all market participants,  |
| Trade Information                              | including the participants in the program, necessary to monitor  |
| 1  | for customer and market abuse.   |
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| Core Principle 12:                             | The participants in the program remain subject to all of the   |
| Protection of Markets and                      | Exchange's rules: Chapter 6 of the Exchange's rulebook   |
| Market Participants                            | governs the business conduct of Exchange members and   |
|  | prohibits, among other things, fraudulent acts, fictitious and   |
|  | pre-arranged trades and other activities that could disadvantage   |
|  | their customers, as well as disruptive trading and acts  |
|  | detrimental to the Exchange and inconsistent with just and   |
|  | equitable principles of trade. The Exchange monitors for and   |
|  | investigates any possible rule violations and where appropriate  |
|  | brings disciplinary actions and imposes sanctions for any  |
|  | violations by any participants in these programs.  |
| Core Principle 19:                             | The program will not result in any restraint of trade as it puts   |
| Antitrust Considerations                       | no restrictions on trading in other competing markets and  |
|  | venues.  |
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ISSUE DATE: EFFECTIVE DATE: August 20, 2013 September 4, 2013

# Introduction of Enhanced Liquidity Provider Program in Futures on U.S. Treasury DTCC GCF Repo Index®

#### Summary

This Notice announces the establishment of an Enhanced Liquidity Provider Program ("ELP Program") in Futures on the US Treasury DTCC GCF Repo Index® and the appointment of Enhanced Liquidity Providers in Futures on the US Treasury DTCC GCF Repo Index®.

#### 1. Introduction

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- 1.1 NYSE Liffe US Notice <u>No. 47/2012</u> announced the appointment of market makers ("MMs") to participate in the Exchange's General DMM Program in Futures on DTCC GCF Repo Index® Products ("GCF Futures") commencing with the January 16, 2013 Trading Session and continuing through the June 30, 2013 Trading Session.
- 1.2 NYSE Liffe US Notice <u>No. 13/2013</u> announced the extension of the Exchange's General DMM Program in Futures on DTCC GCF Repo Index® Products ("GCF Futures") commencing with the July 1, 2013 Trading Session and continuing through the December 31, 2013 Trading Session.

#### 2. Introduction of Enhanced Liquidity Provider Program in Futures on the US Treasury DTCC GCF Repo Index®

- 2.1 In addition to the General DMM Program, and with the goal of further enhancing liquidity in the central order book, the Exchange has determined to introduce the ELP Program.
- 2.2 The Exchange will introduce the ELP Program in the commencing with the September 4, 2013 Trading Session and continuing through the August 31, 2014 Trading Session.
- 2.3 This Notice informs Members of appointments of ELP Program participants in Futures on the U.S. Treasury DTCC GCF Repo Index®.
- 2.4 The appointments are subject to the terms of contractual agreements between the Exchange and each ELP Program participant. Under the terms of the agreements, the

ELP Program participant represents that its liquidity providing activity will comply with all applicable provisions of the Commodity Exchange Act, the regulations of the Commodity Futures Trading Commission and the Rules of the Exchange. The Exchange will monitor the activity of each registrant in the ELP Program to ensure that they are adhering to the terms of the contract and may adjust benefits otherwise due under the agreement and/or terminate the agreement if it determines the registrant has failed to perform its obligations under the agreement.

Members who have questions or seek additional information in respect of this Notice should contact:

New York Office Chicago Office +1 212 656 4300 +1 312 442 7730

nyseliffeus@nyx.com

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#### Attachment 1

#### Introduction of Enhanced Liquidity Provider Program in Futures on US Treasury DTCC GCF Repo Index®

#### **Participant Eligibility**

Market Participants

#### Program Hours

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• 8am-5pm New York Time

#### Program Term

• September 4, 2013-August 31, 2014

#### **Obligations**

- Market Participants that are registered as the Enhanced Liquidity Providers in this program must be in full compliance with Exchange rules
- Post bids and offers at contracted bid/ask spreads and sizes in Futures on the US Treasury DTCC GCF Repo Index® during designated Program Hours set forth above under normal market conditions to be determined by contract with individual market maker
- Market Participants must place bids and offers in contracted bid/ask spreads and sizes in the fourth through eighteenth expiration months

#### **Incentives**

- Waiver of Exchange fees for all trades executed in the central order book
- The top 5 program registrants, measured in terms of central order book traded volume in expiration months four to eighteen, share in a portion of monthly revenue generated by exchange fees resulting from transactions in expiration months four to eighteen in the Exchange's central order book in Futures on the US Treasury DTCC GCF Repo Index® during each calendar month in which ELP participants are enrolled in the program

#### **Monitoring and Termination Status**

NYSE Liffe US will monitor activity resulting from registrants in the Enhanced Liquidity Provider program on an ongoing basis, and retains the right to revoke the benefits status if NYSE Liffe US concludes, from its review that a program participant is not complying with the market-making obligations of the program.

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Karl D. Cooper Chief Regulatory Officer NYSE Liffe U.S. 20 Broad Street, 10<sup>th</sup> Floor New York, NY 10005 T +1 212 656 4568

## FOIA CONFIDENTIAL TREATMENT REQUEST

#### **By Electronic Mail**

August 20, 2013

Ms. Melissa Jurgens Office of the Secretariat Commodity Futures Trading Commission Three Lafayette Centre 1155 21<sup>st</sup> Street, N.W. Washington, D.C. 20581

## CONFIDENTIAL TREATMENT REQUESTED

## Re: Supplemental Submission NYSE Liffe U.S. Submission 2013-114 – Supplemental Information Relating to the Enhanced Liquidity Provider Program for GCF Futures

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Dear Ms. Jurgens:

NYSE Liffe US LLC ("NYSE Liffe US" or the "Exchange") in connection with NYSE Liffe US Submission 2013-114, announcing the Introduction of an Enhanced Liquidity Provider Program for GCF Futures, which was filed today, is providing the attached supplemental information. The Exchange has simultaneously submitted to the Commission a request for confidential treatment of the supplemental information. A copy of the request for confidential treatment is enclosed.

If you have any questions, please call me at (212) 656-4568.

Yours truly,

Karl D. Cooper Enclosure



Karl D. Cooper Chief Regulatory Officer NYSE Liffe U.S. 20 Broad Street, 10<sup>th</sup> Floor New York, NY 10005 T +1 212 656 4568

#### FOIA CONFIDENTIAL TREATMENT REQUEST BY NYSE LIFFE US LLC

**By Electronic Mail** 

August 20, 2013

Linda J. Mauldin Paralegal Specialist FOIA Compliance Office Commodity Futures Trading Commission Three Lafayette Centre 1155 21<sup>st</sup> Street, N.W. Washington, D.C. 20581



#### Re: FOIA Confidential Treatment Request

Dear Ms. Mauldin:

By e-mail dated today, August 20, 2013, NYSE Liffe US LLC ("NYSE Liffe US" or the "Exchange") in connection with NYSE Liffe US Submission 2013-114, voluntarily provided the supplemental information attached.

Pursuant to Commission Rule 145.9(d), the Exchange requests confidential treatment of the information attached and this letter on the grounds that disclosure of this information would reveal confidential commercial or financial information of the Exchange. Pursuant to Commission Rule 145.9(d)(5) the Exchange requests that confidential treatment of the attached information be maintained until further notice from the Exchange. The Exchange requests that the Commission notify it immediately after receiving any request under the Freedom of Information Act ("FOIA") or any other court order, subpoena or summons for the attached information. The Exchange specifically notes that it <u>does not</u> waive in any manner its rights under Section 8(f) of the Commodity Exchange Act to receive a copy of any subpoena or summons for the attached information prior to the Commission's disclosure of such information pursuant to such subpoena or summons. Finally, the Exchange requests that the Commission notify it in the event that the Commission intends to disclose the attached information formation to Congress or any federal or state governmental agency or department.

In connection with this request for confidential treatment, and pursuant to Commission Rule 40.8, the Exchange is submitting the attached detailed written justification in support of the request for confidential treatment.

If you have any questions, please call me at (212) 656-4568.

Yours truly,

Karl D. Cooper Enclosure . 135 LLC ( 1. 1952