


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

BY ELECTRONIC TRANSMISSION

Submission No. 12-47
August 30, 2012

Mr. David A. Stawick
Secretary of the Commission
Office of the Secretariat
Commodity Futures Trading Commission
Three Lafayette Centre
1155 21st Street, NW
Washington, DC 20581

Re: Delayed Open and Pre-Open of Electronic Markets
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. (the “Exchange”) submits, by written certification, notification to the Commission that the ICE electronic trading system experienced a technical issue on August 29th 2012 at approximately 6:12PM ET. Measures taken to address the issue introduced an unexpected delay in the nightly system maintenance and start-up process. As a result, ICE Operations reset the pre-open and open for Exchange markets. The pre-open, which normally occurs at 8:00PM ET, was delayed until 8:50PM ET and the open of electronic trading in U.S. Dollar Index®, Russell Complex, Currency and Cash-Settled U.S. Agricultural markets, which normally occurs at 8:00PM ET, was delayed until 8:55PM ET. All other Exchange markets opened at their regularly scheduled times. Customers were alerted via standard broadcast means to the issue and again alerted when the issue was resolved and to the new market pre-open and open times.

The actions described above were taken in accordance with Rule 6.02(a), which provides that “[i]n the event the physical functions of the Exchange are . . . adversely affected by a ‘Physical Emergency’, such as . . . computer malfunction, screen-based trading system breakdown... the Vice President, Operations of ICE may take any action which, in the opinion of such officer is necessary or appropriate to deal with the computer malfunction or screen-based trading system disruption in accordance with Exchange procedures relating to such business disruptions. The Exchange’s conflict of interest rules were not invoked because no person with a position in Exchange contracts was involved in the decision making process.

The Exchange certifies that the delayed open and pre-open 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, which 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.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason V. Fusco". The signature is written in a cursive style with a large, looping initial "J".

Assistant General Counsel
Market Regulation

Enc.

cc: Division of Market Oversight
New York Regional Office