

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

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

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BY ELECTRONIC TRANSMISSION

Submission No. 09-38
September 9, 2009

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

**Re: Delisting of the January 2010 and January 2011 Sugar No. 11[®] Futures Contract -
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. ("Exchange") submits, by written certification, a notice to the Commission that the Exchange will be delisting the January 2010 Sugar No. 11 futures contract at such time when there is no outstanding open interest and the January 2011 Sugar No. 11 futures contract at such time when there is no outstanding open interest. As of the close of business September 8, 2009, the January 2010 and 2011 Contracts had open interest of 178 and 2 contracts, respectively.

The Exchange's delisting of the Contracts is consistent with the actions previously taken by the Exchange in which the terms of the January 2010 Contract were changed from physical delivery to cash settlement (Submission No. 09-1), the underlying futures delivery month for several Sugar No. 11 options contracts was changed from January to March (Submission No. 09-5) and the listing of the January 2012 Sugar No. 11 futures contract was delayed and has not yet occurred (Submission No. 09-6).

The Exchange certifies that the delisting of the Contracts complies with the requirements of the Commodity Exchange Act and the rules and regulations promulgated thereunder.

The delisting was approved by the Exchange's Board of Directors by unanimous written consent in accordance with Bylaw Section 4.7 on September 9, 2009 and will become effective for the January 2010 Contract twenty-four hours after outstanding open interest is zero and for the January 2011 Contract twenty-four hours after outstanding open interest is zero. No substantive opposing views were expressed by members or others with respect to the delisting of the Contracts.

If you have any questions or need further information, please contact me at jill.fassler@theice.com or at (212)748-4084.

Sincerely,

Jill S. Fassler
Vice President
Associate General Counsel

cc: Division of Market Oversight
New York Regional Office