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Submission No. 11-65  
September 19, 2011

Mr. David Stawick  
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: Amendment to Rule 4.34 – Use of Electronic Devices**  
**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, amendments to Rule 4.34, attached as Exhibit A.

Exchange Rule 4.34 governs the use of electronic devices on the trading floor and permits the use of cell phones, personal digital assistants and other similar devices in areas outside of the trading ring for non-business purposes and for the placement of orders for the Member’s own account. Amendments to Rule 4.34 allow the use of voice over internet protocol (“VoIP”) service provided by an Exchange approved third party in Exchange trading rings for all purposes. The Exchange will maintain the voice recordings of VoIP conversations to ensure that a proper audit trail record is retained. In addition, the amendments require a floor broker who uses VoIP to receive customer orders to prepare a written order ticket in accordance with existing recordkeeping requirements.

The amendments were adopted by the Exchange’s Board of Directors on August 31, 2011 and will become effective on Monday, October 3, 2011. No substantive opposing views were expressed by members or others with respect to the amendments. The Exchange certifies that the amendments comply with the requirements of the Commodity Exchange Act and the rules and regulations promulgated thereunder.

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,

Jason V. Fusco  
Assistant General Counsel  
Market Regulation

Enc.

cc: Division of Market Oversight  
New York Regional Office

## EXHIBIT A

(In the text of the amendment below, additions are underlined and deletions are bracketed and lined out.)

### Rule 4.34. Electronic Devices

\* \* \*

(c) Cell phones, personal digital assistants and other similar devices with instant message (“IM”) capabilities may be used only for non-business purposes and/or the placement of orders for the Member’s own account, from areas outside of the trading ring, provided, however, that voice over internet protocol (“VoIP”) service provided by an Exchange approved provider may be used within the trading ring. [~~provided, however, that such devices may not be used in the trading rings.~~]

(d) An order transmitted through IM or Exchange approved VoIP may not be bid, offered or executed until a separate, written order ticket is prepared in accordance with Rule 6.08 and all such orders shall be [~~and its~~] subject to all applicable audit trail requirements. All IMs relating to any Transaction or order must be retained for a minimum of (5) years in accordance with Commission Regulations and are subject to review by the Market Regulation Department.

[Remainder of Rule Unchanged]