



BY ELECTRONIC TRANSMISSION

Submission No. 13-87
September 27, 2013

Ms. Melissa Jurgens
Assistant Secretary
Commodity Futures Trading Commission
Three Lafayette Centre
1155 21st Street, NW
Washington, DC 20581

**Re: Amendments to Exchange Rules 4.19, 4.20 and 6.07 – Recordkeeping Requirements
Submission Pursuant to Section 5c(c)(1) of the Act and Regulation 40.6(a)**

Dear Ms. Jurgens:

Pursuant to Commodity Futures Trading Commission (“CFTC” or “Commission”) Regulation 40.6(a), ICE Futures U.S., Inc. (“IFUS” or “Exchange”) self certifies the amendments to Exchange Rules 4.19, 4.20 and 6.07 set forth in Exhibit A. The amendments to Rule 6.07 conform the Exchange’s recordkeeping requirements with changes to CFTC recordkeeping requirements that participants will be required to comply with under Commission Regulations 1.31 and 1.35.

Beginning on December 21, 2013, Commission Regulation 1.35 will require certain participants to record and maintain all oral communications and to maintain all written communications concerning quotes, solicitations, bids, offers, instructions, trading and prices that lead to the execution of a transaction in a commodity interest or a related cash or forward transaction. Corresponding amendments to Commission Regulation 1.31 will require those participants to maintain records of oral conversations for 1 year and records of written conversations for 5 years. The amendments to Exchange Rule 6.07(b),(c) and (d) track the new recordkeeping requirements. Futures commission merchants and certain IFUS members and certain non-members registered with the Commission as introducing brokers will be obligated under Exchange rules to record and maintain oral and written communications concerning transactions in IFUS futures and options contracts and related cash and forward transactions. The amendments to paragraph (a) relocate provisions from former paragraph (c) regarding the types of reports and records required to be maintained under the CEA and Commission regulations, with the addition of a reference to recordings.

The Exchange is deleting Rule 4.20 (which currently provides that the Exchange will record and archive all conversations conducted by members and member firms on their Exchange Trading Floor telephones) because the rule is no longer necessary in light of the recording obligation imposed directly on Members under Rule 6.07. Separately, the Exchange is also deleting provisions of Rule 4.19 which allow Floor Brokers to use voice over internet protocol while on the Exchange Trading Floor as the Exchange no longer supports technology.

The amendments will become effective on December 21, 2013. The Exchange certifies that the amendments comply with the requirements of the CEA and the rules and regulations promulgated thereunder. As mentioned above, the amendments correspond with changes to Commission Regulations 1.31 and 1.35. No substantive opposing views were expressed by members or others with respect to the rules or the amendments. The Exchange further certifies that, concurrent with this filing, a copy of this submission was posted on the Exchange's website 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 fluid and cursive, with a large initial "J" and a long, sweeping underline.

Jason V. Fusco
Assistant General Counsel
Market Regulation

Enc.
cc: Division of Market Oversight
New York Regional Office

EXHIBIT A

Rule 6.07. General Record Requirements

(a) Each Person shall make and file reports and maintain records and recordings in accordance with the rules and regulations of, and in such manner and form and at such times as may be prescribed by, the CFTC, showing the details and terms of all Transactions involving Exchange Futures or Option Contracts consummated on the Exchange or subject to the Rules and all related Cash Commodity or forward transactions. Included among such records shall be all orders (filled, unfilled, or canceled), trading cards, signature cards, street books, journals, ledgers, canceled checks, copies of confirmations, copies of statements of purchase and sale, month-end statements and all other records, which have been prepared in the course of dealing in Exchange Futures or Option Contracts consummated on the Exchange or subject to the Rules and all related Cash Commodity or forward transactions. All such records must be in permanent form, showing the parties to all such Transactions, including the Persons for whom made, any assignments or transfers thereof, with the parties thereto, and the manner in which said Transactions are fulfilled, discharged or terminated. ~~Such record shall be kept for a period of five (5) years from the date thereof, or for a longer period if the CFTC shall so direct, and shall at all times be open to the inspection of any representative of the CFTC or the United States Department of Justice.~~

~~[(b) For the purpose of defining the enforcement duties of the Exchange, subparagraph (d) of this Rule shall be limited to the following items:~~

~~(i) all orders (filled, unfilled and canceled);~~

~~(ii) all journals and ledgers;~~

~~(iii) all copies of confirmations, copies of statements of purchase and sale, and copies of month end statements;~~

~~(iv) all written records of such Customer orders;~~

~~(v) all records of Transactions;~~

~~(vi) all other documents necessary to prepare a precise trade register.]~~

~~(c) Each Person shall make and file reports with the Exchange, and maintain such records for such length of time, in such manner and form and at such times as the Rules or the Board may prescribe. Such records shall at least consist of the following if applicable:~~

~~(i) all orders (filled, unfilled and canceled);~~

~~(ii) all journals and ledgers;~~

~~(iii) all copies of confirmations, copies of statements of purchase and sale, and copies of month end statements;~~

~~(iv) all written records of such Customer orders;~~

~~(v) all records of Transactions;~~

~~(vi) all other documents necessary to prepare a precise trade register~~

(b) Except as provided in subparagraph (c) of this rule or in an alternative compliance schedule approved under Commission Regulations, all Members, all non-members registered with the Commission as futures commission merchants and all non-members registered with the Commission as introducing brokers shall record and maintain all oral and written communications provided or received concerning quotes, solicitations, bids, offers, instructions, trading, and prices that lead to the execution of a

transaction involving Exchange Futures or Option Contracts and related Cash Commodity or forward transactions, whether communicated by telephone, voicemail, facsimile, instant messaging, chat rooms, electronic mail, mobile device, or other digital or electronic media

(c) The requirement to record oral communications in paragraph (b) above shall not apply to:

(i) Oral communications that lead solely to the execution of a related Cash Commodity Transaction or forward transaction;

(ii) Oral communications provided or received by a floor broker that do not lead to the purchase or sale for any person other than the floor broker of any Exchange Futures or Option Contracts;

(iii) An introducing broker that has generated over the preceding three years \$5 million or less in aggregate gross revenues from its activities as an introducing broker;

(iv) A floor trader;

(v) A commodity pool operator;

(vi) A member of a designated contract market that is not registered or required to be registered with the Commission in any capacity.

(d) Recordings of oral communications required under paragraph (b) above shall be kept for a period of one-year. All other records shall be kept for a minimum period of five (5) years. All records and recordings shall be open to the inspection of by any representative of the CFTC or the United States Department of Justice at all times.

~~(e)~~ Unless otherwise specifically provided, all records listed in this Rule must be retained in accordance with the Act and the regulations thereunder.

Rule 4.19. Electronic Devices

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(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].~~

(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 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.

4.20. Telephone Recordings

~~The Exchange will record and archive all conversations conducted by Members and Member Firms on their Exchange Trading Floor telephones for a minimum period of 14 Calendar Days following the day when such recordings are made. All such recordings shall be made and archived at the expense of the relevant Member or Member Firm.~~