

# ELX Futures

September 30, 2009

Mr. David A 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

2009 SEP 30 AM 8:15  
OFFICE OF THE SECRETARIAT  
C.F.T.C.

RE: Emergency Rule Amendment Certification to ELX Futures, L.P.  
Rules IV-19 Emergencies and IV-22 Market Opening

Dear Mrs. Stawick:

Pursuant to Section 5c(c)(1) of the Commodity Exchange Act, as amended, and Commission Regulation 40.6, ELX Futures, L.P. ("ELX") submits, by self certification, notification to the Commission that ELX has implemented rule changes, effective on trade date September 25, 2009, in response to a system outage experienced by ELX on that day for the US Treasury Bond Futures market. These rule changes were made effective under the authority granted to the Compliance Director, by the Board as per ELX Rule IV-19. The rule amendments are subject to review and may be revoked, suspended or modified by the Board according to the provisions of Rule IV-19.

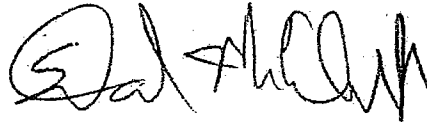
The amendments were implemented as per the provisions of ELX Rule IV-19 in order to restore trading in US Treasury Bond Futures markets after the systems that support such trading became unresponsive at approximately 1:00:01 p.m. ET on Friday, September 25, 2009.

The amendments to Rule IV-19 Emergencies and Rule IV-22 Market Opening clarify the steps that can be taken by authorized parties in the event of an Emergency and codify that changes to Market Opening and Pre-Opening are within the scope of actions that are necessary or appropriate in response to an Emergency. The amendment to section (c) of Rule IV-19 clarifies the responsibilities of ELX with respect to Notification and Recording.

ELX Futures has received no opposing views regarding the rule amendments.

Please contact the undersigned at (212) 829-5241 if you have any questions or need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel McElduff". The signature is stylized and cursive, with the first name "Daniel" written in a larger, more prominent script than the last name "McElduff".

Daniel McElduff

Senior Vice President and Compliance Director



NEW PRODUCT AND RULE AMENDMENT SELF-CERTIFICATION

ELX Futures, L.P. ("ELX Futures") hereby certifies to the Commodity Futures Trading Commission (the "Commission"), pursuant to the procedures set forth in Commission Regulation 40.6 that the amendments to ELX Futures Rules IV-19 and IV-22 comply with the Commodity Exchange Act, as amended, and the regulations promulgated thereunder.

IN WITNESS HEREOF, the party hereto has caused this certification to be signed as of the 1st day of October 2009.

**ELX FUTURES, L.P.**

By:

A handwritten signature in black ink, appearing to read "Daniel McElduff". The signature is stylized and somewhat cursive.

Name: Daniel McElduff  
Title: Senior Vice President and  
Compliance Director

TEXT OF RULE AMENDMENTS  
ELX FUTURES, L.P.  
2009-014

\_\_\_\_\_ = additions and ~~strikethrough~~ = deletions

**IV-19 Emergencies**

(a) *General.* In the event of an Emergency, the Chief Executive Officer, the Compliance Director or any other individual designated by the Chief Executive Officer and approved by the Board may place into immediate effect a temporary emergency rule which may provide for, or may authorize the Board or any committee thereof to undertake, actions necessary or appropriate to respond to the Emergency, including such actions as:

- (i) changing margin requirements;
- (ii) fixing a settlement price;
- (iii) ordering transfer of Customer Contracts and margin;
- (iv) limiting trading to liquidation only, in whole or in part;
- (v) changing the delivery month or extending or shortening the term of any Contract;
- (vi) changing delivery points or the means of delivery provided in any relevant Contract Rules;
- (vii) imposing or modifying position or price limits with respect to a particular Contract;
- (viii) ordering the liquidation of Contracts, the fixing of a Settlement Price or any reduction in positions;
- (ix) ordering the exercise of Options on Futures;
- (x) extending, limiting or changing the hours of trading, or adapting the Market Open or Pre-Opening Period;
- (xi) suspending or curtailing trading in any or all Contracts or modifying circuit breakers; or
- (xii) modifying or suspending any provision of the Rules of the Exchange or the Rules of the Clearinghouse.

Any such action placed into effect in accordance with the preceding sentence shall be reviewed by the Board as soon as practicable under the circumstances and may be revoked, suspended or modified by the Board.

TEXT OF RULE AMENDMENTS  
ELX FUTURES, L.P.

2009-014

(b) *Physical Emergency.* If, in the judgment of the Chief Executive Officer, or any individual designated by the Chief Executive Officer and approved by the Board, the physical functions of the Exchange are, or are threatened to be, severely and adversely affected by a physical emergency, such Person shall have authority to take such action as he or she may deem necessary or appropriate to respond to such physical emergency, including closing the Exchange, delaying the opening of trading in one or more Contracts or suspending trading in or extending trading hours for one or more Contracts. In the event that any action has been taken pursuant to the immediately preceding sentence, any Person who is authorized to take such action may subsequently order the removal of any restriction previously imposed pursuant to such sentence, upon a determination by such Person that the physical emergency that gave rise to such restriction has sufficiently abated to permit the physical functions of the Exchange to continue in an orderly manner. Any Order by any Person pursuant to this sentence shall be subject to review, modification or reversal by the Board. In the event that trading is suspended in any or all Contracts, unexecuted Orders for the suspended Contracts that are currently resting in the ELX System will automatically be cancelled and must be resubmitted upon resumption of trading in the affected Contracts.

(c) *Notification and Recording.* The Exchange will notify the CFTC of any action taken, or proposed to be taken, pursuant to this Rule IV-19, and in addition will notify the CFTC of any required rule change in accordance with CFTC Regulation 40.6. The decision-making process with respect to, and the reasons for, any such action will be recorded in writing.

(d) *Conflicts of Interest.* The conflict of interest provisions set forth in Rule II-10 and the related documentation requirements set forth in Rule II-10 shall apply, with any such modifications or adaptations as may be necessary or appropriate under the circumstances, to the taking of any action under this Rule IV-19 by the Chief Executive Officer, or his or her designee.

**IV-22 Market Opening**

(a) During a period designated by the Exchange prior to the Market Open (the "Pre-Opening Period"), Orders may be entered into the ELX System for execution upon Market Open or for execution in the Business Day generally.

(b) At the time designated by the Exchange to commence a trading session (the "Market Open"), the Exchange will apply an

TEXT OF RULE AMENDMENTS  
ELX FUTURES, L.P.  
2009-014

uncrossing algorithm to calculate the opening price at which the maximum volume will be traded for each Contract and will utilize as the opening price the price at which the greatest number of Orders would be traded. All Orders at a price better than the opening price will be fully matched and executed at the opening price in the order in which they were received. Any other Orders that are not executed at the opening price shall become part of the general order book and shall be matched pursuant to the algorithm described in Rule IV-7. The Exchange does not guarantee the execution of any Order at the opening price. Only Market on Open Orders and Limit Orders (including GTC Limit Orders) may be entered during the Pre-Opening Period.

(c) After the Market Open, each Contract will be traded on a continuous basis until a time designated by the Exchange for the close of daily trading for such Contract except in the event that trading is halted. If trading ~~shall be~~ is halted prior to the scheduled close, there shall be a Pre-Opening Period, as described in paragraph (a) above, prior to the resumption of trading which will begin with a Market Open procedure as described in paragraph (b) above, except in the event that parties authorized as per Rule IV-19(a) determine that, given the circumstances associated to each Emergency, a Pre-Opening Period is not possible or the best course of action.