



World Financial Center  
One North End Avenue  
New York, New York 10282

**BY ELECTRONIC TRANSMISSION**

Submission No. 12-75  
October 25, 2012

Ms. Sauntia Warfield  
Office of the Secretary  
Commodity Futures Trading Commission  
Three Lafayette Centre  
1155 21<sup>st</sup> Street, NW  
Washington, DC 20581

**Re: Amendments to Block Trade Procedures  
Submission Pursuant to Commission Regulation 40.6(a)**

Dear Ms. Warfield:

Pursuant to Section 5c(c)(1) of the Commodity Exchange Act, as amended (the “CEA”) and Commission Regulation 40.6(a) ICE Futures U.S., Inc. (“IFUS” or “Exchange”) hereby submits additions to the Exchange’s Block Trade Procedures (reflected in the Block Trade FAQ as questions 20, 21 and 22) which address block trades executed between affiliated parties and provides guidance on the disclosure of non-public information in connection with block transactions. The additions shall become effective on November 9, 2012.

The Exchange certifies that the additions to the Block Trade Procedures comply with the requirements of the CEA and the rules and regulations promulgated thereunder. Specifically, the additions comply with Core Principle 9 (Execution of Transactions) which requires that block transactions be executed in accordance with Exchange rules.

No substantive opposing views were expressed by members or others with respect to these additions. 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 Jason V. Fusco  
(212) 748-4021 (Jason.fusco@theice.com).

Sincerely,

A handwritten signature in black ink, appearing to read "Jason V. Fusco". The signature is written in a cursive, flowing style with a large initial 'J' and a long, sweeping underline.

Jason V. Fusco  
Assistant General Counsel  
Market Regulation

cc: Division of Market Oversight  
New York Regional Office

EXHIBIT A

ICE FUTURES U.S.  
BLOCK TRADE – FAQs

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**20. Do block trades between accounts of affiliated parties constitute as Wash trade?**

The Exchange permits block trades in all futures and options contracts between accounts of affiliated parties provided that each block trade meets all of the following requirements:

- (i) the block trade price must be executed at a fair and reasonable market price;
- (ii) each party must have a separate and independent legal bona fide business purpose for engaging in the trades; and
- (iii) each party's decision to enter into the block trade must be made by a separate and independent decision-maker.

If the block trade(s) does not meeting all of the requirements set forth above, the transaction may constitute an illegal Wash trade prohibited by ICE U.S. Rule 4.02(c).

**21. If a trade does not meet the minimum block quantity, what other execution alternatives does ICE offer for Energy Futures and Options Contracts?**

Trading via the Centralized Limit Order Book (“CLOB”) for any quantity of futures and options contracts is available on the Electronic Trading System (“ETS”).

EFRPs – Brokered trades of any size may be submitted to the futures exchange as an Exchange for Related Position (EFRP) if the parties are ECPs, exactly like the CME Clearport Process. EFRPs include Exchange for Swap (EFS) and Exchange for Option contracts (EOO). EFS trades are deemed swaps under the Dodd-Frank Act.

For more guidance on ICE’s alternative execution offerings, please view [https://www.theice.com/publicdocs/100112\\_S2F\\_Broker\\_Notice.pdf](https://www.theice.com/publicdocs/100112_S2F_Broker_Notice.pdf) and/or [https://www.theice.com/publicdocs/ICE\\_Swaps\\_to\\_Futures\\_FAQ.pdf](https://www.theice.com/publicdocs/ICE_Swaps_to_Futures_FAQ.pdf)

**22. What restrictions are in place regarding the disclosure of block trade details?**

A broker negotiating a potential block trade for a customer may, with the customer’s consent, disclose the customer’s identity and whether the negotiation of the trade has ended, to one or more of the parties involved in negotiating the block trade. Parties

involved in the solicitation or negotiation of a block trade may not disclose the terms of a block trade to non-involved parties prior to the block trade being publicly reported by the Exchange.