



Atlanta Calgary Chicago Houston London New York Singapore

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

BY ELECTRONIC TRANSMISSION

Submission No. 09-47
November 4, 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: Amendments to Rule 27.11(a) -
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 27.11(a), attached as Exhibit A.

The amendments to Rule 27.11(a) create a new order type called "Trade At Morning Marker" (or "TAMM"). The TAMM order type provides for orders to buy or sell a permitted futures contract month at a price that is calculated by Market Supervision staff using the prices of trades executed on the electronic trading platform in said futures contract month during a one- or two-minute period ("Morning Marker Period"). The new TAMM orders are similar to the existing Trade At Settlement orders ("TAS"), which are orders to buy or sell a permitted futures contract month at a price that is equal to or up to two ticks above/below the Daily Settlement Price for that contract.

TAMM orders may be for prices equal to the Morning Marker Price, or for prices of up to two ticks above/below the Morning Marker Price. TAMM orders may be entered from the start of the pre-open through the end of the Morning Marker Period for the permitted contract. For each futures contract for which TAMM is permitted, the Morning Marker Period will commence at the same time as floor trading in the related options contract begins trading.

Initially, TAMM orders will be permitted for Sugar No. 11[®], Coffee "C"[®], Cocoa, Cotton No. 2[®] and FCOJ futures contracts. Additional futures contracts may be added at later date. The Morning Marker Period for Sugar No. 11, Coffee "C" and Cocoa futures will last two minutes; and for Cotton No. 2 and FCOJ futures will last one minute. In determining the Morning Marker Price, the Market Supervision staff will follow the same procedures used to calculate Daily Settlement Prices.

TAMM is similar to average price orders used by market participants who want the average price of the opening period (Rule 4.08). The Exchange has been calculating and publishing Morning Marker Prices, for informational purposes only, for each of the five soft futures contracts for several months and has received expressions of interest in TAMM orders from several traders.

The Exchange certifies that the amendments comply with the requirements of the Commodity Exchange Act and the rules and regulations promulgated thereunder.

The amendments were approved by the Exchange's Board of Directors at its meeting on September 17, 2009 and will become effective on November 9, 2009. No substantive opposing views were expressed by members or others with respect to the amendments.

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

Sincerely,

Jill S. Fassler
Vice President
Associate General Counsel

cc: Division of Market Oversight
New York Regional Office

EXHIBIT A

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

27.11. Acceptable Orders

(a) An ETS order shall be in one of the following order types (listed in alphabetical order):

27.11. Acceptable Orders

(a) An ETS order shall be in one of the following order types (listed in alphabetical order):

~~(v) [“Trade At Settlement orders” — Trade At Settlement (“TAS”) orders are orders to buy or sell a stated quantity at:~~

~~(A) the Trading Session’s Settlement Price or up to two (2) minimum price fluctuations above or below the Trading Session’s Settlement Price; or~~

~~(B) if a Calendar Spread, at the spread differential between the Trading Session’s Settlement Prices of the two (2) delivery months up to two (2) minimum price fluctuations above or below the spread differential between the Trading Session’s Settlement Prices of the two (2) delivery months.~~

~~TAS orders may be submitted only for those Commodity Contracts and delivery months and during such time periods as specified by the Exchange from time to time. TAS orders may result in transactions priced outside the daily price limits.~~

~~(vi)] “Trade At Index Close orders” – Trade At Index Close (“TIC”) orders are orders to buy or sell a stated quantity of an index-based futures contract at the end of the day Spot Index Value for the index upon which the futures contract is based, or up to a maximum number of minimum price fluctuations above or below the Spot Index Value. TIC orders may be submitted only for those Commodity Contracts and delivery months, during such time periods and for such maximum number of minimum price fluctuations above or below the Spot Index Value, as specified by the Exchange from time to time.~~

~~(vi) Trade at Morning Marker Price orders – Trade At Morning Marker Price (“TAMM”) orders are orders to buy or sell a stated quantity at:~~

~~(A) the Trading Session’s Morning Marker Price or up to two (2) minimum price fluctuations above or below the Trading Session’s Morning Marker Price; or~~

~~(B) if a Calendar Spread, at the spread differential between the Trading Session’s Morning Marker Prices of the two (2) delivery months or up to two (2) minimum price fluctuations above or below the spread differential between the Trading Session’s Morning Marker Prices of the two (2) delivery months;~~

~~For purposes of this Rule, the Morning Marker Price for an Exchange Futures Contract month shall be determined by the Exchange following the same procedures used to calculate Daily Settlement Prices as provided in Rule 4.28 and using prices traded or, if not traded, bid and offered during the Morning Marker Period.~~

For purposes of this Rule, the Morning Marker Period for each Exchange Futures Contract shall commence at the same time as the floor trading session for the related Exchange Options Contract begins and shall last for two (2) minutes for Sugar No. 11, Coffee "C" and Cocoa Futures Contracts and for one (1) minute for Cotton No. 2 and FCOJ Futures Contracts.

TAMM orders may be submitted only for those Commodity Contracts and delivery months and during such time periods as specified by the Exchange from time to time. TAMM orders may result in transactions priced outside the daily price limits.

(vii) "Trade At Settlement orders" – Trade At Settlement ("TAS") orders are orders to buy or sell a stated quantity at:

(A) the Trading Session's Settlement Price or up to two (2) minimum price fluctuations above or below the Trading Session's Settlement Price; or

(B) if a Calendar Spread, at the spread differential between the Trading Session's Settlement Prices of the two (2) delivery months up to two (2) minimum price fluctuations above or below the spread differential between the Trading Session's Settlement Prices of the two (2) delivery months.

TAS orders may be submitted only for those Commodity Contracts and delivery months and during such time periods as specified by the Exchange from time to time. TAS orders may result in transactions priced outside the daily price limits.

[REMAINDER OF RULE UNCHANGED]