



Via Electronic Mail

December 26, 2013  
MGEX Submission No. 13-26

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

RE: Rule Certification Submission Pursuant to Regulation 40.6(a); Update to MGEX Rulebook

Dear Ms. Jurgens:

Pursuant to Commodity Exchange Act ("CEAct") Section 5c and Commodity Futures Trading Commission ("CFTC" or "Commission") Regulation 40.6(a), the Minneapolis Grain Exchange, Inc. ("MGEX" or "Exchange") hereby certifies that the attached amended MGEX Regulation complies with the CEAct and the Commission regulations promulgated thereunder. MGEX further certifies that the submission and pending change to the MGEX Rules and Regulations has been posted on the Exchange website at the following link: <http://www.mgex.com/regulation.html>.

I. Amendments to MGEX Regulation 2009.00. Resulting From Revised CFTC Recordkeeping Requirements

MGEX Regulation 2009.00. was amended to comply with CFTC recordkeeping requirements set forth in amended CFTC Regulations 1.31 and 1.35 regarding written and oral communications.

The Exchange has reviewed the core principles for designated contract markets ("DCM Core Principles") and has determined that the attached amendments comply with the requirements of DCM Core Principle 7, Availability of General Information, in that the Exchange is ensuring the information regarding the rules, regulations and procedures of the Exchange are accurate, complete and current.

Pursuant to the authority set forth in MGEX Rule 210.01., the MGEX Board of Directors unanimously approved the amendments to MGEX Regulation 2009.00.

The attached amended Regulation is to be effective immediately after the 10<sup>th</sup> business day following the date of this submission. If there are any questions regarding this submission, please contact me at (612) 321-7188. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Amber R. Donley". The signature is written in a cursive, flowing style.

Amber R. Donley  
Associate Corporate Counsel

Enclosures

cc: Thomas J. Bloom

## EXHIBIT A

The following MGEX Regulation is to be amended. Additions are underlined while deletions are marked through.

### I. Amendments to MGEX Regulation 2009.00. Resulting From Revised CFTC Recordkeeping Requirements

#### **2009.00. RECORDS OF TRANSACTIONS.**

Any Member or Market Participant initiating or executing transactions on the Exchange must keep full, complete and systematic records of their activity, including, but not limited to, records of their activity in the underlying commodity and related derivatives markets as well as related cash and forward transactions. Such records may include, but are not limited to, all orders (filled, unfilled, or canceled), trading cards, signature cards, street books, journals, ledgers, canceled checks, copies of confirmations, and copies of statements of purchase and sale.

Additionally, all Members and non-member FCMs and IBs are required to 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 in a commodity or related derivative market, whether communicated by telephone, voicemail, facsimile, instant messaging, chat rooms, electronic mail, mobile device, or other digital or electronic media. However, this requirement to record oral communications shall not apply to:

- A. Oral communications that lead solely to the execution of a related cash or forward transaction;
- B. 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 commodity for future delivery or commodity option;
- C. An Introducing Broker that has generated over the preceding three years \$5 million or less in aggregate gross revenue from its activities as an Introducing Broker;
- D. A floor trader;
- E. A commodity pool operator;
- F. A Member of the Exchange that is not registered or required to be registered with the CFTC in any capacity.

All records of oral communications required under this Regulation must be retained for a minimum of one year. All other ~~Such records must be retained for a minimum of five (5) years~~ and readily accessible during the first two years of the ~~five-year period.~~ ~~and~~ Additionally, all records must be made available and open to inspection at the request of the Exchange, any representative of the CFTC, or the United States Department of Justice.