



Electronic Mail

October 28, 2003

Ms. Jean A. Webb  
Secretary of the Commission  
Commodity Futures Trading Commission  
Three Lafayette Centre  
1155 21st Street NW  
Washington, D.C. 20581

RE: Rule Certification

Dear Ms. Webb:

Pursuant to Commodity Exchange Act ("CEAct") Section 5c(c)(1) and Commodity Futures Trading Commission (ACommission@) Regulation 40.6(a), the Minneapolis Grain Exchange (AMGEX@ or "Exchange") hereby certifies that the attached amended Rules 280.00., 281.00., 816.00., 817.00., 817.01., 901.01., 1115.00. and 1116.00., and Regulations 2025.00. and 2037.00. comply with the CEAct and the regulations thereunder. Additions have been underlined while deletions have been crossed-out.

The purposes for amending Rules 280.00., 281.00., 901.01., 1115.00. and 1116.00., and Regulation 2037.00. are to remove the requirements that the Exchange have Sampling and Weighing Departments, remove the requirement that licensed public elevators report to the Weighing Department, and remove the requirement that all members of the Exchange operating grain facilities within the Minneapolis/St. Paul switching district use official/certified weights. The purpose for amending Rules 816.00., 817.00. and 817.01., and Regulation 2025.00. is to remove the option to issue Spring Wheat delivery notices in 25,000 bushel denominations. As a result, the MGEX clearing house will use a new program to automatically assign delivery in 5,000 bushel denominations. Delivery notices will no longer have to be split up and reissued.

Pursuant to the authority and procedures of MGEX Rule 204.01., the Board of Directors and the Ownership overwhelmingly approved amending the Rules. The MGEX plans to implement the changes the next business day after receipt of this notification to the Commission.

If there are any questions regarding this submission, please contact me at (612) 321-7166. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "M. Bagan".

Mark G. Bagan  
Vice President,  
Market Administration

Enclosure  
cc: Anne Reuter

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C.F.T.C.

#### ~~280.00. SAMPLING DEPARTMENT.~~

~~There shall be established a Sampling Department of the Corporation for the purpose of obtaining samples and/or supervising the sampling of commodities traded on this Exchange.~~

#### ~~281.00. WEIGHING DEPARTMENT.~~

~~There shall be established a Weighing Department of the Corporation, which shall supervise the weighing of grain delivered to, stored in or loaded out of warehouses eligible to make delivery, and grain bought or sold basis Minneapolis weights subject to the Rules and Regulations of the Corporation.~~

#### ~~1115.00. OFFICIAL/CERTIFIED WEIGHTS: WHEN REQUIRED.~~

~~Members of this Exchange operating grain handling and processing facilities within the Minneapolis or St. Paul switching district shall use official/certified weights for all modes of transportation both IN and OUT on grain customarily traded at the Minneapolis Grain Exchange. Shipments crosstown or "intraplant" not involving change in ownership may move with only one official/certified weight or waive the physical weighing but remit the fee currently in effect on date of unload.~~

~~**Interpretation:** These "grains" are identified in the MGE Statistical Annual and include: Wheat, Durum, Corn, Oats, Barley, Rye, Flax, Soybeans, Sunflower, Millet, Buckwheat and Milo.~~

#### ~~1116.00. OTHER WEIGHTS.~~

~~In all sales of commodities to be unloaded, elsewhere than within the Minneapolis or St. Paul or Duluth-Superior switching districts Buyer and Seller shall agree at the time of the sale on the character of the weights to be furnished.~~

#### ~~2037.00. OFFICIAL/CERTIFIED WEIGHTS: WHEN REQUIRED.~~

~~Pursuant to the provisions of **Rule 1115.00.**, the Board of Directors adopted this Regulation.~~

~~If a Member uses a grain handling and/or processing facility of a nonmember within the Minneapolis-St. Paul switching district and if the facility has no scale to obtain official/certified weights, the grain unloaded/loaded at such a facility must be unloaded/loaded under the supervision of the personnel of the Weighing Department of the Minneapolis Grain Exchange. In such instance where official/certified weights are not available, a certificate of estimated weights shall be issued stating that the grain was unloaded/loaded under said supervision.~~

#### ~~901.01. INFORMATION AND ACCESS TO RECORDS AND REPORTS BY THE MINNEAPOLIS GRAIN EXCHANGE.~~

~~Operators of qualifying licensed public elevators and warehouses shall timely file with the Weighing Department a weekly report of commodities in store on a form prescribed by the Exchange (see **Form 9-01.01.D.** page 7041 and **Form 9-01.01.M.** page 7043).~~

Operators of Regular elevators and warehouses shall timely file with the Department of Audits and Investigations a weekly report of commodities in store and available for delivery on futures contracts on a form prescribed by the Exchange (**Form 38M** page 7063). Operators shall also supply any other information concerning such commodities upon request of the Department of Audits and Investigations.

Operators shall accord every facility to any duly authorized committee or person for:

- A. the examination of its books and records.
- B. the purpose of ascertaining the stocks of commodities which may be on hand at any time.

Such examination and verification may be made any time by the Board of Directors or its approved inspection agents or, any other committee authorized by the Board of Directors, which shall have the authority to employ appropriate personnel to determine the quantity and quality of commodities in the elevators or warehouses and to compare the books and records of the said facilities with the records of any State or Federal authority.

Operators shall keep all books, records, papers and memoranda relating to the storage and warehousing of commodities in said facilities for a period of five (5) years.

#### **816.00. DELIVERY NOTICE: CONTENTS.**

Delivery Notices for Spring Wheat shall be for ~~either twenty-five thousand (25,000) bushels or five thousand (5,000) bushels.~~ Such Notices shall contain the name of the issuer, a description of the warehouse receipts representing the commodity to be delivered, the grade to be delivered, and the storage/premium, where applicable, accrued and allowed, if any. All Delivery Notices shall be signed by an individual whose principal has filed with the Clearing House a written notice authorizing such person to sign notices on its behalf (see **Regulation 2025.00.**)

#### ~~**817.00. DELIVERY NOTICE: REISSUANCE OF.**~~

~~The issuer of a Delivery Notice upon request by the Clearing House shall (as soon as possible on the day of such receipt) split up such notice into lots of deliverable quantities as requested and issue new notices for the same (see **Regulation 2025.00.**)~~

#### ~~**817.01. DELIVERY NOTICE: IF REISSUED, NOTICE TO THE BUYER.**~~

~~In the event that the Clearing House has requested that a Delivery Notice be split up, the Clearing House shall inform the Buyer's Clearing Member firm, by telephone, or otherwise, that he will be receiving a Delivery Notice; and if such information is given to the Buyer's Clearing Member firm during the normal Delivery Notice hours, such information shall be binding upon the Buyer with the same force and effect as if the Delivery Notice had been delivered to him. The Clearing House shall as soon as possible on the same date deliver such new Delivery Notice to the Buyer through the Buyer's Clearing Member Firm (see **Regulation 2025.00.**)~~

#### **2025.00. TIMES FOR DELIVERY OF "DELIVERY NOTICES" AND DELIVERY AND PAYMENT ON FUTURES CONTRACTS.**

Pursuant to the provisions of **Rule 231.00.**, the Board of Directors has adopted this Regulation:

All Delivery Notices shall be made in accordance with the provisions of the Commodity Exchange Act and the Rules and Regulations issued thereunder.

All Delivery Notices shall be in the form specified by the Clearing House.

All Delivery Notices shall be delivered to the Clearing House two (2) business days prior to the date of delivery and at such time as determined by the Clearing House Committee (see **Res. 2101.00.C.**) on all such business days. Said Clearing House shall have until nine o'clock (9:00) a.m. on the following business day to make delivery of the Delivery Notice to the Buyers.

~~In case a Delivery Notice is given to the Clearing House and the Clearing House finds it necessary to require that this Delivery Notice be split up, the Clearing House is authorized to give notice by telephone to the parties to whom the delivery is to be made within the hours above mentioned, and such telephone notice shall be binding upon such Buyers. The Clearing House shall, as soon as possible on that date, deliver to the Buyers the new Delivery Notices after the originals have been split up.~~

Parties holding Delivery Notices shall present the same before one o'clock (1:00) p.m. on the delivery day, at the place designated by the Issuer, together with full payment, as provided in **Rule 810.00.**, for the net amount due for the property represented by said notices. Upon payment at the place designated by the said Issuer, the holder of such Delivery Notice shall be entitled to receive the property represented by the same, its value being based upon the closing market price of the Minneapolis Grain Exchange on the day preceding that on which the Delivery Notice was issued.