



BY ELECTRONIC TRANSMISSION

05-16
April 14, 2005

Ms. Jean A. Webb
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 Rules 8.01 and 8.10 and Coffee Appendixes I and II -
Submission Pursuant to Section 5c(c)(1) of the Act and Regulation 40.6**

Dear Ms. Webb:

Pursuant to Section 5c(c)(1) of the Commodity Exchange Act, as amended, and Commission Regulation 40.6, the Board of Trade of the City of New York, Inc. ("Exchange") submits, by written certification, amendments to Rules 8.01 and 8.10 and Coffee Appendixes I and II, attached as Exhibit A.

The amendments make it clear that a non-member may submit a coffee sampling order to the Exchange. In most cases, the amendments substitute the word "Person" for the word "Member".

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 adopted by the Exchange's Board of Governors on April 13, 2005. The amendments will become effective on April 18, 2005. 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 jfassler@nybot.com or 212-748-4084.

Sincerely,

Jill S. Fassler
Vice President
Associate General Counsel

cc: Riva Adriance
Thomas Leahy
CFTC, Division of Market Oversight
Allen Cooper
CFTC, New York Regional Office

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

Rule 8.01. Definitions; Calculation of Time

(a) In this Chapter and in all procedures and resolutions adopted by the Board hereunder, the following terms shall have the meanings indicated, unless the context otherwise requires:

* * *

(15) Sampling Confirmation

The term "Sampling Confirmation" shall mean an electronic record created on eCOPS in which a licensed master sampler notifies the Exchange and the [~~Member~~] Person requesting the sample to confirm that such sampler obtained the requested sample in accordance with the Rules.

(16) Sampling Order

The term "Sampling Order" shall mean an electronic record created on eCOPS in which a Person [~~Member~~] requests that a sample of coffee be obtained and graded in accordance with the Rules. Copies of the Sampling Order shall be printed, signed and maintained in accordance with Appendix I and Resolution No. 2.

[REMAINDER OF RULE UNCHANGED]

Rule 8.10. Certificate of Grade

* * *

(i) The Exchange, at any time and in its sole discretion, may order that coffee for which a Certificate of Grade has been issued be resampled, regraded, and reinspected for uniformity. The fees and costs of any resampling, regrading, or reinspection conducted hereunder may, in the event a discrepancy is discovered, be assessed by the Exchange against the [~~Member~~] Person who last submitted the coffee for certification or such other [~~Member~~] Person as the Exchange determines.

[REMAINDER OF RULE UNCHANGED]

APPENDIX I

Procedures for Sampling Coffee

The following procedures must be followed by Members and Licensees in connection with the sampling of Coffee "C":

* * *

(b) Authorization of Samplers.

By submitting a Sampling Order, in such forms as the Exchange prescribes, the submitter [~~a Member~~] authorizes the Exchange to select a Master Sampler to draw on such Person's [~~Member's~~] behalf a fair and representative sample of each Chop of the coffee referred to in such application in accordance with the terms and conditions of these sampling procedures.

(f) Procedure.

* * *

EXHIBIT A

(12) Any ~~[Member]~~ Person who has submitted a Sampling Order may examine any sample drawn in connection with such Sampling Order during Exchange business hours; provided, however, that he has not examined the same sample before and that such examination does not take place at a time when the sample is being or is about to be graded. If upon any such examination ~~[the Member]~~ such Person approves of the sample, he shall indicate his approval upon the Sampling Order. If ~~[the Member]~~ such Person does not approve the sample, he may withdraw the sample. The failure ~~[of a Member]~~ to examine a sample drawn in connection with a Sampling Order submitted by ~~[such Member]~~ such Person prior to grading shall constitute a waiver of such ~~[Member's]~~ Person's right to object to such sample on the ground that it is not representative of the Lot from which it was drawn.

* * *

(m) No Exchange Liability.

These sampling procedures have been designed to promote the integrity and impartiality of the sampling process, and do not constitute an assumption by the Exchange in any respect of any responsibility or liability for sampling. All sampling of coffee continues to be the responsibility of the ~~[Member]~~ Person on whose behalf the coffee is sampled, and the Exchange shall have no liability for any acts or omissions in connection with such sampling. The Exchange shall not be liable in any way by reason of the fact that any sample was not drawn in accordance with these procedures, or was otherwise improperly drawn, or was not fair and representative of the Chop to which it is purported to relate.

APPENDIX II

Procedures for Grading Coffee and Issuance of Certificates of Grade

The following procedures must be followed by Members and Licensees in connection with the grading of Coffee "C":

(a) eCOPS Sampling Order.

(1) A ~~[Member]~~ Person who wishes to have coffee graded by the Exchange shall first (1st) submit to the Exchange a Sampling Order in the form prescribed by the Exchange. eCOPS will assign an Exchange identification number to each Sampling Order.

(2) No Sampling Order will be processed unless it is fully completed.

* * *

(j) Certificate of Grade.

The Exchange shall issue a Certificate of Grade with respect to the Chop of coffee covered by the Sampling Order, provided that

* * *

(4) if the Sampling Order indicates that the coffee submitted thereunder has been imported from ports other than the port of origin:

(i) the Sampling Order shall be deemed to include a certification by ~~[a Member]~~ the Person submitting the Sampling Order or his authorized representative substantially in the following form:

"I hereby certify that the information contained in the Sampling Order is full and complete. The coffee for which grading has been requested has not been removed from its original bags, and I have in my possession documents or other evidence to substantiate this fact. I will accept full responsibility for the accuracy of this certification."; and

(ii) ~~[the Member]~~ such Person shall furnish the Exchange with full particulars of the ports at which the coffee was located and the ships in which the coffee was transported from the time the coffee was shipped from the port of origin to its arrival in the Port of New York District, the Port of Antwerp, the Port of Hamburg/Bremen, the Port of Houston, the Port of New Orleans, or the Port of Miami accompanied by a consular invoice or a copy of an I.C.O. (International Coffee Organization) Certificate of Origin (Form O, R OR T), or a bill of lading sufficient to identify the original port of shipment of the coffee. This information will be retained by the Exchange and disclosed upon request, but the Exchange will not ascertain the accuracy or validity of such information.

* * *

(l) Fees.

The fee for grading is hereby established as sixty cents (\$.60) per bag of coffee with a minimum fee of twenty dollars (\$20.00). All fees will be paid by the ~~[Member]~~ Person submitting a Sampling Order at the time the Sampling Order is create[s]d. ~~[his Sampling Order.]~~ In the event coffee covered by a Sampling Order is not graded for any reason, the Exchange will refund to the submitter thereof thirty cents (\$.30) per bag.

[REMAINDER OF APPENDIX UNCHANGED]