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OFC. OF THE SECRETARIAT

 **NEW YORK**  
BOARD OF TRADE®  
World Financial Center  
One North End Avenue  
New York, New York 10282

**BY ELECTRONIC TRANSMISSION**

05-27  
June 9, 2005

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

Re: **Amendments to Rule 4.19 -**  
**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 Rule 4.19, attached as Exhibit A.

Currently, Rule 4.19 allows a floor broker to take the opposite of his customer's order, if he has the prior written consent of his customer and the order pertains to Cotton, Pulp, Index or Financial contracts. The amendment adds Cocoa to the list of commodity contracts for which a floor broker may take the opposite side of his customer's order.

The amendments were adopted at the request of the Cocoa Contract Committee in response to competitive forces that have eroded the Exchange's volume and open interest in the Cocoa contract. The purpose is to increase liquidity and the opportunity for customers to get their orders executed. Out of all of the trading rings at the Exchange, the Cocoa ring has the smallest percentage of local traders, i.e. those who trade solely for their own account. By allowing floor brokers to take the opposite side of their customers' orders, more people may participate.

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 June 8, 2005. The amendments will become effective on June 20, 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](mailto:jfassler@nybot.com) or 212-748-4084.

Sincerely,

Jill S. Fassler  
Vice President  
Associate General Counsel

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

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

**Rule 4.19. Cross Trades**

(a) Subject to the conditions set forth in this Rule, a Floor Broker who has in hand at the same time both buying and selling or granting Exchange orders of different Principals for the same Commodity Contract in the same delivery month or Exchange Option series may execute such orders for and directly between such Principals at the market price; provided, however, that:

(i) with respect to Cocoa, Cotton No. 2, Pulp, Index and Financial Futures and Options Contracts, if any one (1) of the accounts listed below in (A) through (D) is opposite a Customer's order, the Floor Broker has the prior written consent of such Customer to cross his order opposite any one (1) of the following accounts:

(A) the Floor Broker's own account or an account in which the Floor Broker has a direct or indirect interest;

(B) an account of another Person for which buying and/or selling orders can be placed or originated, or for which Transactions can be executed, by such Floor Broker without the prior specific consent of the account owner;

(C) the account of an Associated Broker or an account controlled by such Associated Broker; or

(D) the account of any Firm of which the Floor Broker is a partner, officer, or employee or any other affiliate of such Firm, or the account of any partner, officer or employee of such Firm or any other affiliate of such Firm; for purposes of this Rule, the term "affiliate" means any Firm or individual which controls, is controlled by, or is under common control with, another Firm or individual; and for purposes of this Rule, the term "control" means the power to direct or cause the direction of the management or policies of a Firm or individual, whether through ownership of securities, by contract, or otherwise.

(ii) with respect to [~~Cocoa,~~] Coffee "C", Ethanol, Sugar No. 11 and Sugar No. 14 Futures and Options Contracts, Transactions described in paragraph (a) of this Rule may be executed as long as neither of the orders is for:

(A) the account of a Floor Broker present on the Floor of the Exchange, or an account controlled by such Floor Broker;

(B) the Floor Broker's own account or an account in which the Floor Broker has a direct or indirect interest;

(C) an account of another Person for which buying and/or selling orders can be placed or originated, or for which Transactions can be executed, by such Floor Broker without the prior specific consent of the account owner;

(D) the account of an Associated Broker or an account controlled by such Associated Broker; or

(E) the account of any Firm of which the Floor Broker is a partner, officer or employee of such Firm or any other affiliate of such Firm; for purposes of this Rule, the term "affiliate" means any Firm or individual which controls, is controlled by, or is under common control with, another Firm or individual; and for purposes of this Rule, the term "control" means the power to direct or cause the direction of the management or policies of a Firm or individual, whether through ownership of securities, by contract, or otherwise.

[REMAINDER OF RULE UNCHANGED]

**EXHIBIT A**