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05-33

August 29, 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 Rule 8.15 -
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 8.15, attached as Exhibit A.

Due to Hurricane Katrina, the Exchange's Board of Governors met to determine what actions it should take with respect to the Exchange certificated coffee located in the Port of New Orleans. Upon review of Rule 8.15(a), it was determined that, if a force majeure situation is found to exist, delivery could not take place until the later of either the last business day of the delivery month or promptly after the force majeure situation has been resolved. The Rule does not allow for delivery any earlier than the last business day, even if the force majeure situation has resolved itself before then. This clearly was an error in drafting. In addition, it was decided that the Board should make the decisions regarding the force majeure situation, and, the Rule was further amended to reflect that.

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 August 29, 2005. The amendments will become effective on August 30, 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 8.15. Force Majeure

(a) In the event the Board determines that the delivery or receipt of coffee to be delivered under a Coffee "C" Futures Contract is hindered by a strike, lockout, or other cause beyond the control of the Deliverer or Receiver ("force majeure"), such delivery or receipt shall take place[; ~~with the approval of the Coffee Committee, on the later of the last Business Day of the trading month or promptly after such strike, lockout or other such cause has been resolved~~ (by such date as the Board shall determine, which date shall be the Date of Delivery for all purposes under the Rules)], and no delivery notices for delivery in the affected port shall be issued until such date as the Board shall determine.

[REMAINDER OF RULE UNCHANGED]

EXHIBIT A