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August 31, 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: **Notification of Exchange Emergency Action -  
Submission Pursuant to Sections 5c(c)(1) and 5(d)(6) of the Act and Regulation 40.6**

Dear Ms. Webb:

Pursuant to Sections 5c(c)(1) and 5(d)(6) of the Commodity Exchange Act, as amended, and Commission Regulation 40.6, the Board of Trade of the City of New York, Inc. ("Exchange") is notifying the Commission that it has taken emergency action with respect to the September 2005 Coffee "C" futures contract ("UKC"). The Exchange has taken such action in accordance with its Rules 6.01 and 6.06.

Because of the catastrophic situation in New Orleans ("NOLA"), the Exchange has not been able to determine if any of its NOLA certificated coffee stocks are deliverable. The first notice day for UKC was August 23, 2005, approximately six days prior to the arrival of Hurricane Katrina. Until August 29<sup>th</sup>, when the Exchange declared a force majeure situation with respect to NOLA, 1058 delivery notices were issued designating NOLA as the delivery port. Because the situation has only increased in its severity, the Exchange has determined that deliveries from NOLA for UKC will not be able to take place and, in accordance with Rule 6.01(a), determined the circumstances threatened the fair and orderly delivery of UKC.

In order to give the NOLA deliverers the opportunity to designate another port for delivery and to give the NOLA deliverers and receivers the opportunity to decide whether to reissue and stop delivery notices for another port or liquidate their positions, in accordance with Rule 6.01(b), the Exchange has ordered that:

(1) all delivery notices issued for September 2005 Coffee for the Port of New Orleans to be declared null and void;

(2) the open position of each clearing member that has issued or stopped NOLA delivery notices shall be increased by the number of contracts reflected in such delivery notices; and

(3) the last trading day for the September 2005 Coffee "C" futures contract is extended until September 28<sup>th</sup>, last notice day for said contract is extended to September 29<sup>th</sup> and the last delivery day for said contract is extended until October 10<sup>th</sup>.

Prior to taking such emergency action, the procedures set forth in Rule 6.06, which address conflicts of interest any Board member may have had with respect to the September 2005 Coffee "C" futures contract, were carried out.

The Exchange certifies that the emergency action complies with the requirements of the Commodity Exchange Act and the rules and regulations promulgated thereunder.

The emergency action was taken by the Exchange's Board of Governors on August 31, 2005 and will become effective on September 1, 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  
Thomas Leahy  
John Bird  
CFTC, Division of Market Oversight  
Allen Cooper  
CFTC, New York Regional Office