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August 31, 2006

Ms. Eileen A. Donovan  
Acting Secretary  
Commodity Futures Trading Commission  
Three Lafayette Center  
1155 21<sup>st</sup> Street, N.W.  
Washington, D.C. 20581

Reference File # 2717.01

Rule Certification

Dear Ms. Donovan:

Pursuant to Commission Regulation 40.6(a), the Chicago Board of Trade (CBOT<sup>®</sup>) hereby submits the following:

- **Establishment of an e-cbot<sup>®</sup> Message Use Policy as set forth in the attached text.**

The referenced policy is designed to enhance the performance of the Exchange's e-cbot<sup>®</sup> electronic marketplace by encouraging efficient messaging activity on the part of market participants. After undergoing development in a pilot program format, the policy in its final form will introduce message use surcharges as an incentive for compliance with specified message use guidelines.

The CBOT intends to implement this policy as of September 1, 2006.

There were no opposing views concerning this policy.

The CBOT certifies that this policy complies with the Commodity Exchange Act and the rules thereunder.

Sincerely,

Paul J. Draths  
Vice President and Secretary

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**e-cbot® Message Use Policy**  
**Effective September 1, 2006**

**Executive Summary**

The CBOT® provides state-of-the-art technology to its users. The success of the e-cbot® trading platform is due to the strong commitment from all trading Firms, Independent Software Vendors (ISVs) and Member Developers to manage their trading activity and dynamic pricing information. It is important that end users conform to existing order message guidelines to ensure maximum marketplace performance.

**Introduction**

The CBOT is committed to providing the optimal trading experience for its users. In order to assure integrity and efficiency in the e-cbot marketplace, the CBOT implemented its current Message Use Policy in March 2004. The Message Use Policy of the CBOT plays an integral part to help the entire marketplace consistently benefit from the superior execution capacity and strategy capabilities of this dynamic system.

**Message to Executed Volume Ratios**

The Message Use Policy will continue to evaluate messaging activity at the Individual Trader Mnemonic (ITM) level to isolate specific users who may negatively impact the market through inefficient messaging.

Order messages are defined as submits, pulls and revisions to the trading host. The Product Ratio is the number of order messages to the contract volume executed electronically. The CBOT will publish Product Ratios for all electronically traded products (see Exhibit I). Product Ratios will be distributed quarterly based on the previous quarter's execution activity and message data.

**The following parameters apply per ITM:**

- Product Ratios are applicable for daytime trading hours only (7:00 a.m. to 4:00 p.m. Chicago time). However, the CBOT will continue to monitor evening and overnight activity and expand time parameters if necessary.
- Total ITM order messages are calculated by summing all submit, pull and revise messages by product.
- Total ITM volumes are calculated by summing the number of buy and sell contracts executed by product.
- The ITM's Product Ratio is total number of order messages allowed to be submitted per executed contract
- ITMs submitting less than 1,000 messages per product daily are exempt.
- Messaging across product complexes will no longer be used.
- Daily charges under \$1,000 will be waived.
- Product Ratio calculations and charges are calculated on a daily basis.

Exchange designated Market Makers will be subject to separate and specific messaging guidelines.

Quarterly Product Ratios will be published via the e-cbot Bulletin and posted on the CBOT website at [www.cbtc.com/messageusepolicy](http://www.cbtc.com/messageusepolicy). Please refer to Exhibit I for the current Product Ratios.

**Reporting Methodology**

Reports are generated T+1 and analyzed by the CBOT for violations. Exception reports are reviewed daily by the CBOT Key Account Managers (KAMs) and violations are e-mailed to the Member Firm if the policy is violated. At the end of each month, the KAM e-mails a Monthly Threshold Exception Summary Report to the Member Firm that summarizes each violation for the month. When excessive messaging is noted real time, the Key Account Manager will contact the Firm or ITM Responsible Person.

**Message Use Surcharges and Appeals**

ITMs that exceed Product Ratio(s) will be given two exemptions per product, per calendar month. When the final updated policy is implemented, each violation of the Message Use Policy after the exemptions will result in a charge equal to 10¢ per message exceeding the ITM Product Ratio (per product, per ITM) for each violation. Daily surcharges under \$1,000 will be waived.

Once a Member Firm receives the Monthly Threshold Exception Summary Report, the Member Firm may submit an appeal to the Message Use Committee if it believes the circumstances of the event(s) have been rectified. In this situation, details of the circumstances including preventative measures taken must be included. Requests for appeal of charges must be sent via e-mail to the CBOT KAM and received no later than 10 days after the Monthly Threshold Exception Summary Report has been received. Final charges will be billed through the Primary Clearing Member via the Exchange's Dashboard system

## Exhibit I

### 3<sup>rd</sup> Quarter 2006 ITM Product Ratios

30 Yr., 10 Yr., 5 Yr., 2 Yr. U.S. Treasury Futures	10:1
30 Yr. U.S. Treasury Bond Options	50:1
10 Yr. U.S. Treasury Note Options	50:1
5 Yr., 2 Yr. U.S. Treasury Note Options	20:1
Fed Fund Futures	10:1
Fed Fund Options	20:1
Mini-Dow Futures	10:1
Mini-Dow Options	20:1
Dow Futures	20:1
Dow Options	20:1
Big Dow Futures	10:1
Agricultural Futures and Ethanol Futures	50:1
Agricultural Options	50:1
Mini-Gold Futures	100:1
Mini-Silver Futures	50:1
Gold Futures	50:1
Gold Options	50:1
Silver Futures	50:1
Silver Options	50:1
10 Year Interest Rate Swap Futures	20:1
5 Year Interest Rate Swap Futures	50:1
10 Year Interest Rate Swap Options	20:1
5 Year Interest Rate Swap Options	20:1
Dow Jones AIG Commodity Index	50:1
Binary Options on the Target Federal Funds Rate	20:1