



## Rule Self-Certification

September 10, 2015

### VIA ELECTRONIC PORTAL

Christopher J. Kirkpatrick  
Office of the Secretariat  
Commodity Futures Trading Commission  
Three Lafayette Center  
1155 21<sup>st</sup> Street, N.W.  
Washington, DC 20581

Re: **Regulation §40.6 Submission Certification  
Ownership/Control Reports  
Reference File: SR-NFX-2015-67**

Dear Mr. Kirkpatrick:

Pursuant to Section 5c(c)(1) of the Commodity Exchange Act, as amended (“Act”), and Section 40.6(a) of the regulations promulgated by the Commodity Futures Trading Commission under the Act, NASDAQ Futures, Inc. (“NFX” or “Exchange”) adopts guidance related to ownership/control reporting (“OCR”) in the form of a Futures Regulatory Alert. The Futures Regulatory Alert containing the guidance is set forth in Exhibit A. The date of implementation is September 30, 2015.

The Exchange will issue a Futures Regulatory Alert providing participants with additional guidance pertaining to the submission of OCR reports. The Exchange initially provided participants with information on reporting requirements generally, including OCR reports, on April 29, 2015.<sup>1</sup> The Exchange noted that the compliance date for Form 102B submissions would be the same date as the CFTC implementation date for Form 102B, which is September 30, 2015, and that also starting on September 30, 2015, all new Form 102A submissions to NFX must be submitted in the new format. This Futures Regulatory Alert is intended to provide additional technical specificity as to the implementation details in connection with OCR.

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<sup>1</sup> See SR-NFX-2015-20 and Futures Regulatory Alert #2015-3.

With respect to the designated contract market core principles (“Core Principles”) as set forth in the Act:

- *Compliance with Rules:* The Exchange has in place Rules which describe the manner in which Futures Participants may access and trade on NFX. Chapter II, Section I provides for the qualifications and rules of participation applicable to Futures Participants as well as Authorized Traders. Chapter V, Section 18 describes prohibited activities with respect to the Trading System. Trading is subject to the Rules at Chapter III of the Exchange’s Rulebook, which include prohibitions against fraudulent, noncompetitive, unfair and abusive practices. Additionally, trading is subject to the trading procedures and standards in Chapter V of the Rulebook. The Exchange’s disciplinary Rules are contained in Chapter VI of the Rulebook.

- *Prevention of Market Disruption:* The Exchange’s Regulatory Department, which handles real-time surveillance, monitors trading activity on the Exchange with a SMARTS Surveillance Application through which the Exchange can track activity of specific Authorized Traders, monitor price and volume information and receive alerts regarding market messages. The Exchange’s Regulatory Department, which handles real-time surveillance in conjunction with staff that handles T+1 surveillance, utilizes data collected by the SMARTS Surveillance Application to monitor price movements, as well as market conditions and volumes to detect suspicious activity such as manipulation, disruptive trading and other abnormal market activity.

- *Protection of market participants.* Chapter III of the Exchange’s Rulebook contains prohibitions precluding intermediaries from disadvantaging their customers. These rules apply to trading in all Contracts.

There were no opposing views among the Exchange’s Board of Directors, members or market participants. The Exchange hereby certifies that the OCR guidance in the form of a Futures Regulatory Alert complies with the Commodity Exchange Act and regulations thereunder. The Exchange also certifies that a notice of pending certification with the Commission and a copy of this submission have been concurrently posted on the Exchange’s website at <http://business.nasdaq.com/nasdaq-futures/nfx-market>.

If you require any additional information regarding the submission, please contact Angela S. Dunn at +1 215 496 5692 or via e-mail at [angela.dunn@nasdaq.com](mailto:angela.dunn@nasdaq.com). Please reference SR-NFX-2015-67 in any related correspondence.

Regards,

A handwritten signature in black ink that reads "Daniel R. Carrigan". The signature is written in a cursive, flowing style.

Daniel R. Carrigan  
President

cc: National Futures Association  
The Options Clearing Corporation

Attachment:  
Exhibit A – Futures Regulatory Alert

## Exhibit A

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### **Futures Regulatory Alert #2015 - XX** Ownership and Control Reporting (“OCR”) Implementation

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#### **Category:**

System Impact

#### **Markets Impacted:**

[Nasdaq Futures](#)

#### **Contact Information:**

John C. Pickford, Chief  
Regulatory Officer

#### **Resources:**

NFX Rules at Chapter III,  
Section 16

Futures Regulatory Alert  
#2015-3

Effective Wednesday, September 30, 2015, Nasdaq Futures, Inc. (“NFX”) Clearing Futures Participants, futures commission merchants, and foreign brokers (collectively “Reporting Firms”) are required to report information to NFX on behalf of those accounts carried on their books that meet a reportable level as specified herein.

This alert provides additional technical specificity with respect to a previous Futures Regulatory Alert, #2015-3, which provided implementation details in connection with the Ownership and Control Reports (OCR) Final Rule (OCR Rule) issued by the Commodity Futures Trading Commission (CFTC).

As a reminder, CFTC regulations require Forms 102A and 102B to be filed with the CFTC to identify each reportable account. Form 102A generally must be submitted by 10:00 a.m. Eastern Time the business day after the establishment of the reportable level. Form 102B generally must also be submitted by 10:00 a.m. Eastern Time on the business day following the business day on which the reportable trading volume threshold is first triggered.

If an account becomes reportable in products listed on NFX and a Form 102A or Form 102B has already been filed for that account (as a result of becoming reportable at another exchange), the firm carrying the account must file with NFX a copy of the previously filed form.

If and when the information required in a previously submitted Form 102A or Form 102B changes, and the reportable trader in question continues to have a reportable level, the Reporting Firm carrying the account has the responsibility to file an updated Form 102A or Form 102B, as applicable, with the CFTC and NFX.

#### **Compliance Dates**

Form 102A and 102B submissions to NFX will have a compliance date that is same as the CFTC compliance date of September 30, 2015. With respect to Form 102B, NFX’s volume thresholds are the same as the quantity thresholds established by the CFTC. Starting on September 30, 2015, all new Form 102A submissions to NFX must be submitted in the new format. With respect to Form 71, the CFTC’s compliance date is February 11, 2016; therefore, NFX’s compliance date for electronic submission of Form 71 will also be February 11, 2016.

Should the CFTC grant any further no-action relief that extends any of the compliance dates set forth above, NFX will defer the applicable compliance date(s) in line with any relief granted by the CFTC regarding the submission of these forms to the CFTC.

## XML-Based OCR Reporting

For the submission of Forms 102A, 102B, and 71, NFX will take in the XML formatted files (as specified in the OCR Rule).

Production XML files can be submitted with the following filename:

OCRFORM\_102\_FIRMID\_YYYYMMDD\_E\_FILEID.xml[.zip]

OCRFORM\_71\_FIRMID\_YYYYMMDD\_E\_FILEID.xml[.zip]

File Name Component	Mandatory	Description
FIRMID	Yes	CFTC ID for the reporting firm
YYYYMMDD	Yes	Reporting date
FILEID	Yes	Identification to provide uniqueness in the file name for the reporting date. Reporters may use either time (HHMMSS) or another unique alphanumeric string
.xml	Yes	The XML file extension
.zip	No	File extension to be used if the reporter sends the file in a zip format. The zip file must contain only one file.

Reporting Firms planning to submit OCR data using XML formatted files must have connectivity to the NFX SFTP server. Please contact NFX Market Operations to establish connectivity to the SFTP server at [nfxops@nasdaq.com](mailto:nfxops@nasdaq.com) or visit: [http://business.nasdaq.com/Docs/99622\\_1272-q15-nfx-sftp-fs\\_0625.pdf](http://business.nasdaq.com/Docs/99622_1272-q15-nfx-sftp-fs_0625.pdf). Additional information from the CFTC may be found here: <http://www.cftc.gov/Forms/OCR/index.htm>.

## Content and Timing of Reporting to NFX

Reporting Firms are required to concurrently file with NFX in the manner described above a copy of all Form 102A, Form 102B, and Form 71 submissions (including any attachments, related submissions, or related information) relating to NFX Contracts that the Reporting Firm is required to report to the CFTC pursuant to CFTC regulations.

## Firms Using the FIA Tech OCR Data Service

Firms that are using the FIA Tech OCR Data Service to file Forms 102A and 102B with the CFTC can use the same Service to file with NFX. For more information on using the Data Service to report to multiple destinations, please contact FIA Tech at [ocr.support@fia-tech.com](mailto:ocr.support@fia-tech.com), or by phone at 1 (202) 772 3088.

## Form 71

The CFTC may request, in its discretion, a special call for identification of omnibus accounts and sub-accounts (Form 71) when a volume threshold account is identified as a customer omnibus account on Form 102B. This request will be made by the CFTC to the originating firm for the account. An originating firm that is requested to submit Form 71 to the CFTC must also submit Form 71 to NFX.