



August 5, 2013

**AMENDED FOIA CONFIDENTIAL TREATMENT REQUEST**

**VIA Electronic Mail and Overnight Delivery**

Assistant Secretary of the Commission for FOIA, Privacy and Sunshine Acts Compliance  
Commodity Futures Trading Commission  
Three Lafayette Centre  
1155 21<sup>st</sup> Street, N.W.  
Washington, DC 20581  
Via email: [FOIAsubmission@cftc.gov](mailto:FOIAsubmission@cftc.gov) and by overnight delivery

RE: Freedom of Information Act ("FOIA") Confidential Treatment Request for Information Submitted to the Commodity Futures Trading Commission ("Commission") Pursuant to Section 5h of the Commodity Exchange Act and Part 37 of the Regulations of the Commission, by Javelin SEF, LLC, as proposed operator of a swap execution facility

To Whom it May Concern:

At the request of the Commission, Javelin SEF, LLC (the "Applicant"), has resubmitted certain documents related to the Applicant's Swap Execution Facility Application for Registration on Form SEF (together with each exhibit thereto, the "SEF Application") for the purposes of reclassification of those documents from confidential to non-confidential ("Reclassified Documents"). In addition, the Applicant resubmitted certain documents that are intended to be confidential that may not have been properly labeled ("Re-labeled Documents").

The Applicant submitted one copy of the Reclassified Documents and the Re-labeled Documents" and accompanying cover letter via email to [secretary@cftc.gov](mailto:secretary@cftc.gov) and to [dmosubmissions@cftc.gov](mailto:dmosubmissions@cftc.gov). The portions of the SEF Application set out on Annex A hereto are referred to herein as the "Confidential Information". The Applicant hereby requests that the Confidential Information be accorded confidential treatment on the grounds that it would reveal the Applicant's trade secrets and confidential commercial or financial information. We request this confidential treatment for an indefinite period.

We understand that if the Commission receives a FOIA request for the Confidential Information, we will be notified of such request in accordance with the Commission's regulations and be asked to submit, within ten business days, a detailed written justification for confidential treatment of the Confidential Information. See Commission Rule § 149.5(e)(1); see also Executive Order 12600, 52 Fed. Reg. 23781 (June 23, 1987) (detailing pre-disclosure notification procedures under FOIA). In such event, we request that Commission staff telephone or e-mail the following rather than rely upon United States mail for such notice so that we may substantiate the foregoing request for confidential treatment in accordance with Part 145.9 of the Commission's regulations.

Suellen M. Galish  
General Counsel  
Javelin SEF, LLC  
443 Park Avenue South,  
New York, NY 10016  
Direct Dial: 646-307-5931  
Email: [suellen.galish@thejavelin.com](mailto:suellen.galish@thejavelin.com)

If the Commission or its staff transmits any of the Confidential Information to another federal agency, we request that you forward a copy of this letter to any such agency with the Confidential Information and further request that you advise any such agency that the Applicant has requested that this material be accorded confidential treatment.

The requests set forth in the preceding paragraphs also apply to any memoranda, notes, transcripts or other writings of any sort whatsoever that are made by, or at the request of, any employee of the Commission (or any other federal agency) and which: (i) incorporate, include or relate to any aspect of the Confidential Information; or (ii) refer to any conference, meeting, or telephone conversation between the Applicant and its current or former employees, representatives, agents, auditors or counsel on the one hand and employees of the Commission (or any other government agency) on the other, relating to the Confidential Information.

Pursuant to Part 145.9(d)(4) of the Commission's regulations, we have marked each page of the Confidential Information submitted to the Commission with the words "Confidential Treatment Requested by Javelin SEF, LLC" and have identified each portion of the Confidential Information with an identifying number and code.

Please contact Suellen M. Galish, General Counsel, at [suellen.galish@thejavelin.com](mailto:suellen.galish@thejavelin.com) or (646) 307-5931 with any questions regarding this matter.

Thank you for your attention to this matter.

James Cawley  
Chief Executive Officer

cc: Commodity Futures Trading Commission ([Email: secretary@eftc.gov](mailto:secretary@eftc.gov))

Division of Market Oversight ([Email: dmosubmissions@cftc.gov](mailto:dmosubmissions@cftc.gov))

Nancy Markowitz, Division of Market Oversight, Commodity Futures Trading Commission  
([Email: NMarkowitz@cftc.gov](mailto:NMarkowitz@cftc.gov))

Amir Zaidi, Division of Market Oversight, Commodity Futures Trading Commission ([Email: AZaidi@cftc.gov](mailto:AZaidi@cftc.gov))

**Appendix A**

Confidential Information

| <b>Name of Confidential Information</b> | <b>Description</b>   | <b>Identifying Number and Code</b> |
|---|--|------------------------------------|
| A                                       | List of control persons of Javelin SEF   | Javelin SEF Exhibit A              |
| B-2                                     | Compensation of directors of Javelin SEF   | Javelin SEF Exhibit B              |
| E                                       | Qualifications of Javelin SEF's professional employees   | Javelin SEF Exhibit E              |
| F                                       | Staffing requirements of Javelin SEF, Name and qualifications of each key staff person   | Javelin SEF Exhibit F              |
| I                                       | Statement of Financial Condition of Javelin SEF, Operating costs, financial resources, and sources of operational resources of Javelin SEF | Javelin SEF Exhibit I              |
| J                                       | Financial information of certain Javelin SEF affiliates  | Javelin SEF Exhibit J              |
| K                                       | Javelin SEF fee schedule   | Javelin SEF Exhibit K              |
| N                                       | Service Agreements   | Javelin SEF Exhibit N              |
| N-1                                     | Software License, Support and Maintenance Agreement, dated July 29, 2013, between Cinnober Financial Technology and Javelin SEF, LLC       | Javelin SEF Exhibit N-1            |
| N-2                                     | CME ClearPort Developer Utility Agreement, dated July 24, 2013, between the CME and Javelin SEF, LLC                                       | Javelin SEF Exhibit N-2            |
| N-3                                     | Javelin SEF On-Boarding Documentation for Customers, DSBs and DMMs   | Javelin SEF Exhibit N-3            |
| N-4                                     | Telx Master Services Agreement, dated 8/3/2012   | Javelin SEF Exhibit N-4            |
| N-5                                     | Contribution Agreement, dated 7/31/13  | Javelin SEF Exhibit N-5            |
| N-6                                     | CME Repository Service Agreement for Service Providers, in draft form, between the CME and Javelin SEF, LLC                                | Javelin SEF Exhibit N-6            |
| N-7                                     | Javelin SEF On-Boarding Documentation for Clearing Members   | Javelin SEF Exhibit N-7            |

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|-----|---|-------------------------|
| N-8 | Line of Credit Agreement between Arbor Research Holdings, LLC and Javelin SEF, LLC , dated August 2, 2013 | Javelin SEF Exhibit N-8 |
| O   | Javelin SEF compliance manual   | Javelin SEF Exhibit O   |
| P   | Javelin SEF disciplinary and enforcement procedures; alternative dispute resolution                       | Javelin SEF Exhibit P   |
| Q-1 | Functional descriptions of Javelin SEF's RFQ and Order Book systems                                       | Javelin SEF Exhibit Q-1 |
| Q-2 | Mp4 Demonstration Video of the Javelin SEF Trading Platform   | Javelin SEF Exhibit Q-2 |
| R   | Javelin SEF rules prohibiting specific trade practice violations  | Javelin SEF Exhibit R   |
| S   | Discussion of how trading data will be maintained   | Javelin SEF Exhibit S   |
| T   | Clearing organizations; representations that clearing members will guarantee trades                       | Javelin SEF Exhibit T   |
| V-1 | Organizational Structure  | Javelin SEF Exhibit V-1 |
| V-2 | Risk Analysis and Oversight   | Javelin SEF Exhibit V-2 |
| V-3 | System Operations   | Javelin SEF Exhibit V-3 |
| V-4 | System Development Methodology  | Javelin SEF Exhibit V-4 |
| V-5 | Information Security  | Javelin SEF Exhibit V-5 |
| V-6 | Physical Security & Environmental Controls  | Javelin SEF Exhibit V-6 |
| V-7 | Capacity Planning & Testing   | Javelin SEF Exhibit V-7 |
| V-8 | Business Continuity & Disaster Recovery   | Javelin SEF Exhibit V-8 |