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August 17, 2009

Mr. David A. Stawick  
Secretary to the Commission  
Commodities Futures Trading Commission  
Three Lafayette Center  
1155 21<sup>st</sup> Street, N.W.  
Washington D.C. 20581  
secretary@cftc.gov

**COMMENT**

**Re: Advanced Notice of Proposed Rulemaking on Account Ownership  
and Control Report -- 74 Fed.Reg. 31642 (July 2, 2009)**

Dear Mr. Stawick:

MF Global Inc.<sup>1</sup> ("MF Global") respectfully submits these comments regarding the Commodity Futures Trading Commission's ("Commission's") advanced notice of proposed rulemaking on establishing a new "account ownership and control report" ("OCR"). The notice states that the CFTC has determined to create this report in order to collect certain ownership, control, and related information for all trading accounts active on U.S. futures exchanges.

MF Global fully understands the Commission's need to "have the information necessary to conduct effective oversight, ensure market integrity, and protect customer from fraud and abuse" and we look forward to contributing to the rule-making process as it goes forward. MF Global has participated in the FIA's consideration of this proposal and shares the many concerns that the FIA expresses in its comment letter.

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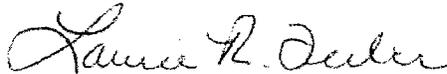
<sup>1</sup> MF Global Inc. is a wholly owned subsidiary of MF Global Ltd. which, through its various affiliates, is a leading broker of exchange-listed futures and options with offices in Bermuda, New York, London, Chicago, Paris, Mumbai, Singapore, Sydney, Toronto, Tokyo, Hong Kong, Taipei and Dubai. We provide execution and clearing services for exchange-traded and over-the-counter derivative products as well as for non-derivative foreign exchange products and securities in the cash market. MF Global operates across a broad range of trading markets, including interest rates, equities, currencies, energy, metals, agricultural and other commodities. MF Global operates in 12 countries on more than 70 exchanges, providing access to the world's largest and fastest growing financial markets.

The essence of the Commission's goal in this undertaking is to expand the amount of ownership and control information it gathers and to bridge the gap between the two types of information it now receives: individual transactions reported on exchange trade registers and aggregate positions reported in large trader data. One point that the Commission recognizes in its notice, however, bears emphasis. Trade registers do not contain the ownership and control information that the Commission wants to obtain. We mention this because MF Global, though a major clearing firm, also conducts a very substantial execution-only business. Most significantly (and as the Commission is aware), the use of "give-up" accounts in the trading of futures contracts has been a common practice for a substantial period of time. Indeed, it was for this reason that the futures industry requested and, in April 2007, the Commission and the Financial Crimes Enforcement Network ("FINCEN") provided guidance that an FCM that was only executing trades did not have a "formal relationship" with the commodity or option customer for the purposes of the customer identification rule. *See FinCEN/CFTC Guidance, Application of the Customer Identification Program Rule to Futures Commission Merchants Operating as Executing and Clearing Brokers in Give-Up Arrangements*, FIN-2007-G001 (Apr. 20, 2007), available at [http://www.fincen.gov/statutes\\_regs/guidance/pdf/cftc\\_fincen\\_guidance.pdf](http://www.fincen.gov/statutes_regs/guidance/pdf/cftc_fincen_guidance.pdf). In addition to "give-up" accounts, other types of accounts that are operationally set up for execution only purpose and for which an FCM may have no ownership or control information include a trading desk execution account or a block allocation account.

This proposal presents the industry - and the Commission - with perhaps one of their most significant operational and IT challenges to date. For this reason, MF Global strongly supports the FIA's recommendation that this be approached as a collaborative effort and form a committee or working group in which the Commission includes FCMs, US contract markets and the trade processing vendors whose systems will be directly affected. MF Global will be pleased to participate.

We appreciate the opportunity to offer these comments. If any member of the Commission or its staff has any questions, you contact the undersigned at 212 589 6235 or Dennis Klejna, Assistant General Counsel, at 212 935 3750.

Sincerely,



Laurie R. Ferber  
Executive Vice President and  
General Counsel