

CFTC Letter No. 00-58**April 4, 2000****Exemption****Division of Trading & Markets**

Dear :

This is in response to your correspondence received March 8, 2000, and subsequent response dated March 27, 2000, received by the Division of Trading and Markets requesting exemptive relief from Commodity Futures Trading Commission ("CFTC") Rule 4.22 on behalf of XX for the Y. You propose to provide participants with an unaudited Annual Report for 1999 that otherwise complies with Rule 4.22 (c) and to include this information in the Annual Report for the period ending December 31, 2000, thus providing pool participants with a certified Annual Report for a 13-month period.

Based upon the representations made in your correspondence, we understand the relevant facts to be as follows. The Fund began trading on December 1, 1999. There are two investors in the Fund. As of February 29, 2000, the gross capital contributions were \$7,016,202.06 and \$638,463.64 in withdrawals. You have submitted statements in support of this exemption from each of the two participants. You have also submitted a non-certified annual report for the period ended December 31, 1999.

Rules 4.22(c) and (d) require each registered CPO to file a certified Annual Report with the Commission and distribute copies to the pool participants within 90 calendar days of the end of the pool's fiscal year. The principal purpose of financial reporting required by Rule 4.22 is to ensure that pool participants receive accurate, fair and timely information on the overall trading performance and financial condition of the pool. Based upon the representations made in your letter, the Division believes that granting the request on behalf of the pool is neither contrary to the purposes of Rule 4.22 nor to the public interest. Accordingly, pursuant to the authority delegated by Rule 140.93(a)(1) but subject to the conditions set forth below, the pool is hereby granted relief from the certification requirement of Rule 4.22(d) for the pool's fiscal year ending December 31, 1999.

The relief granted in this letter is conditioned on [1] the distribution of an unaudited Annual Report for 1999 that otherwise complies with Rules 4.22(c) and (d), and [2] the future filing on behalf of Y, of a certified Annual Report for the period December 1, 1999 through December 31, 2000 in accordance with Rules 4.22 (c) and (d). Moreover, this letter applies solely with respect to the exemption from compliance with the certification requirement of Section 4.22(d) for the fiscal year ending December 31, 1999 and this in no way shall excuse XX or Y, from compliance with any other applicable requirements contained in the Act or in the Commission's regulations issued thereunder, including but not limited to the requirements of Sections 4.22(a) and (b) regarding the distribution of quarterly or monthly Account Statements of the pool.

This letter, and the exemption granted herein, is based on the representations you have made to us and are subject to compliance with the conditions stated above. Any different, changed or omitted material facts or circumstances might render this exemption void. You must notify us immediately in the event that the operations of XX or Y change in any material way from those represented to us. If you have any questions regarding this letter, please contact me or Z. Patricia Ross, Futures Trading Specialist on my staff, at (202) 418-5469.

Very truly yours,

Kevin P. Walek
Assistant Director

cc: Anthony Gialanella
National Futures Association