

CFTC Letter No. 01-57

June 8, 2001

Exemption

Division of Trading and Markets

Re: Y

Dear :

On May 29, 2001, the Division of Trading and Markets (the "Division") received your correspondence submitted by facsimile filed by XX ("XX"), the commodity pool operator ("CPO") for Y ("Y"). You requested an extension of time in which to file the December 31, 2000 Annual Report for Y until August 25, 2001.

Rule 4.22(f)(1) allows a CPO to request an extension in the event that the CPO cannot distribute an Annual Report for a pool that it operates within 90 days after the end of the pools' fiscal year without substantial undue hardship. The request must include detailed supporting documentation to justify the need for the extension. The CPO must also provide a letter from the pool's independent public accountant addressing certain questions specified in Rule 4.22(f)(1).

In support of your request you state, among other things, that Y has investments in Z ("Z"). You have submitted a statement from V, the independent accountant selected to audit Y indicating that the audited financial statement of Z is required in order for them to complete their audit. You have submitted a letter from the General Partner of U ("U"), the CPO of Z, that indicates that the annual financial statements for Z are expected to be completed by mid-July 2001.

The Division has reviewed the letter submitted from the underlying investment vehicle indicating that their audited financial statements should be completed by mid-July and the accountant's representation that because the audited financial information will not be available until mid-July 2001, the accountant will not be available to complete the audited financial report for the CPO until July 31, 2001.

Based on the information that has been provided, the Division finds no basis for granting any additional period of time to file the Annual Reports beyond July 31, 2001. The Division notes that if the accountant is provided the remaining financial information (the audited reports of the investee funds) by mid-July, the accountant should be able to complete the audit of the reports within 15 additional days. The Division believes that granting this request to this extent 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), XX is hereby granted an extension of time to file the Annual Reports for Y until July 31, 2001.

This letter applies solely with respect to the extension of time for the Annual Reports for 2000 and this in no way shall excuse XX and Y from compliance with any other applicable requirements or

prohibitions contained in the Act or in the Commission's regulations issued thereunder.

This letter is based on the representation you have made to us. Any different, changed or omitted facts or conditions might cause us to reach a different conclusion. 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
(202) 418-5463

cc: Jane Pfeiffer, Compliance
National Futures Association