

Commodity Futures Trading Commission  
CEA CASES

**NAME:** CARGILL, INCORPORATED, AND ERWIN E. KELM

**DOCKET NUMBER:** 58

**DOCUMENT TYPE:** WAIVER OF HEARING, CONSENT TO ENTRY OF ORDER AND STIPULATION

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re: Cargill, Incorporated, and Erwin E. Kelm, Respondents

C.E.A. Docket No. 58

Waiver of Hearing, Consent to Entry of Order, and Stipulation by Cargill, Incorporated

Cargill, Incorporated, having heretofore filed its answer to the complaint in this proceeding, submits this stipulation for filing in the record, in accordance with the provisions of section 0.4(b) of the rules of practice under the Commodity Exchange Act (17 CFR 0.4(b)).

1. Cargill, Incorporated, admits that it is a corporation organized under the laws of the State of Delaware with its principal office and place of business in Minneapolis, Minnesota, and branch offices throughout the United States; that it conducts various commercial enterprises throughout the United States, including the business of grain importing and merchandising, and that it was so engaged during 1961 and 1962, the period covered by this complaint; that it was, during the said period, and has been continuously since that time, registered as a futures commission merchant under the Commodity Exchange Act, and the holder of membership trading privileges on various boards of trade designated as contract markets under the Commodity Exchange Act; that it did during the said period, engage in futures trading for its own account on boards of trade in the United States and Canada, and that futures trades for its account were executed by others on the Board of Trade of the City of

Chicago, a contract market. This Waiver and Consent is filed solely for the purpose of disposing of this proceeding without hearing.

2. Cargill, Incorporated waives hearing on the charges in the complaint and consents to the entry of an order directing all contract markets to refuse all trading privileges in oats futures to Cargill, Incorporated, for its own account, for the period beginning on the tenth day after issuance of the order, and ending December 31, 1954. Cargill, Incorporated, hereby stipulates and agrees that such refusal of trading privileges in oats futures on all contract markets shall apply to trading done and positions held by Cargill, Incorporated, directly, and also to trading done and positions held indirectly by or through any person, as defined by the Commodity Exchange Act, owned wholly or in substantial part or otherwise directly or indirectly controlled by, or under a common control with, Cargill, Incorporated, or by any other means: Provided, that any position in May 1964 oats futures on any contract market held by Cargill, Incorporated, on the effective date of the order herein may be liquidated by means of futures transactions or deliveries at any time prior to the expiration of trading in such May 1964 oats futures and provided that, the order herein shall not be construed to prohibit the execution of bona fide orders received by Cargill, Incorporated, or any person, as defined in the Commodity Exchange Act, owned wholly or in substantial part or otherwise directly or indirectly controlled by, or under a common control with Cargill,

Incorporated, from its or their customers in its or their capacities as registered futures commission merchants under the Commodity Exchange Act.

3. Cargill, Incorporated, hereby further stipulates and agrees that in all future reports to the Commodity Exchange Authority it will refrain from using contracts or agreements with or commitments to any person, as defined by the Commodity Exchange Act, owned wholly or in substantial part or otherwise directly or indirectly controlled by, or under a common control with, Cargill, Incorporated, as a basis for classifying transactions or positions in commodity futures as hedging; and that in submitting such reports and in complying with the orders issued by the Commodity Exchange Commission under section 4a of the Commodity Exchange Act, it will treat all commodity transactions and positions of any such person as the transactions and positions of Cargill, Incorporated.

4. Cargill, Incorporated further stipulates and represents that it has not, since February 16, 1954, engaged in any transactions in oats futures on contract markets in the United States for its own account except for transactions necessary to transfer positions in March 1954 oats futures to May 1954 oats futures and except for transactions and deliveries in liquidation of its March 1954 short oats futures positions and transactions in partial liquidation of its May 1954 short oats futures positions.

Cargill, Incorporated

By /s/ Fred M. Seed

Vice President

**LOAD-DATE:** June 16, 2008

