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January 19, 2007

Ms. Bileen A. Donovan  
Acting Secretary  
Office of the Secretariat  
Commodity Futures Trading Commission  
1155 21<sup>st</sup> Street, N.W.  
Washington, DC 20581

Re: Certification Pursuant to Commission Regulation 38.5(d)

Dear Ms. Donovan:

We are writing to advise the Commission of the change in ownership of Board of Trade of the City of New York, Inc. ("NYBOT"), effective as of January 12, 2007, and to make the certification required pursuant to CFTC Regulation 38.5(d) promulgated under the Commodity Exchange Act, as amended (the "Act").

Pursuant to an Agreement and Plan of Merger among Intercontinental Exchange, Inc. ("ICE") and NYBOT, NYBOT became a wholly-owned subsidiary of ICE and a for-profit corporation organized under Delaware law, on January 12, 2007. Under the terms of the Order issued by the Commission on January 11, 2007, the contract market designation of NYBOT was transferred to NYBOT (Delaware) along with all of the contracts formerly listed on NYBOT and the open interest associated with them.

In accordance with the provisions of Commission Regulation 38.5(d), we hereby certify that NYBOT (Delaware) meets all of the requirements set forth in each of (a) Section 5(b) of the Act (Criteria for Contract Market Designation), (b) Section 5(d) of the Act (Core Principles for Contract Markets) and (c) Part 38 of the Commission's Regulations, as described in all material respects in submissions to, and filings with, the Commission and its staff (including amendments and supplements thereto) and in explanations, representations, presentations (both written and oral, formal and informal) to the Commission and its staff (and amendments, supplements and clarifications thereto),

Johanna Short  
Intercontinental Exchange  
2100 RiverEdge Parkway  
Suite 500  
Atlanta, GA 30328  
direct 770 738 2120  
fax 770 837 4755  
email jshort@ice.com



including but not limited to, as described in NYBOT's bylaws and rules approved by, certified to, or otherwise filed with, the Commission.

Sincerely,

A handwritten signature in black ink, appearing to read "Johnathan H. Short".

Johnathan H. Short  
Senior Vice President and General Counsel  
Intercontinental Exchange, Inc.

A handwritten signature in black ink, appearing to read "Audrey R. Hirschfeld".

Audrey R. Hirschfeld  
Senior Vice President and General Counsel  
NYBOT