



BY ELECTRONIC TRANSMISSION

07-18
March 8, 2007

Ms. Eileen A. Donovan
Acting Secretary of the Commission
Office of the Secretariat
Commodity Futures Trading Commission
Three Lafayette Centre
1155 21st Street, NW
Washington, DC 20581

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OFFICE OF THE SECRETARIAT

Re: **Amendment to Rule 4.07 and 27.12, and New Appendix II to Chapter 27 -
Submission Pursuant to Section 5c(c)(1) of the Act and Regulation 40.6**

Dear Ms. Donovan:

Pursuant to Section 5c(c)(1) of the Commodity Exchange Act, as amended, and Commission Regulation 40.6, the Board of Trade of the City of New York, Inc. ("Exchange") submits, by written certification, amendments to Rule 4.07 and 27.12, and new Appendix II to Chapter 27, attached as Exhibit C.

Amendments to Rule 4.07(a)(i) extend the open outcry trading hours of Sugar No. 11SM and Coffee "C"[®] futures and options in order to provide market participants with longer access to the open outcry market. The new trading hours for Sugar No. 11 are from 8:10AM through 12:30PM, and the new hours for Coffee "C" are from 8:30AM through 12:30PM.

In addition, the amendments to Rule 4.07(a)(ii)(B) restate the re-open time for Financial Products at the Dublin trading facility in Dublin time instead of New York time to prevent any confusion which could arise from the coming expansion of Daylight Savings Time (DST) in the USA. The Financial products will re-open in Dublin at 7:00 AM Dublin time no matter when daylight savings occurs.

Rule 27.12 was amended to extend the use of a suspense account as the account designation for the electronic trading system. At the time each order is received a written order ticket containing the required information and the appropriate account designation. The appropriate account designations must be submitted into the Trade Processing System ("TIPS[®]") by the end of the trading session. The Chicago Board of Trade has a similar rule in place.

New Appendix II to Chapter 27 memorializes the NYBOT Messaging Policy for the Exchange's ETS. The policy penalizes users who enter more than 3,000 messages in one trading session and fail to trade at a ratio of one contract per twenty messages. Statistics regarding system usage are available on-line to users, so that they can keep themselves apprised of where they stand in relation to system usage and the policy. The excessive usage fee would only be charged in cases where the ratio had already been exceeded twice in the same month. Enforcement of any fees so charged is already authorized under NYBOT's bylaws and rules, as well as the terms of the Electronic User Agreement.

The Exchange certifies that the amendments comply with the requirements of the Commodity Exchange Act and the rules and regulations promulgated thereunder.

The amendments were adopted by the Exchange's Board of Directors on March 8, 2007. No substantive opposing views were expressed by members or others with respect to the amendments. The amendments to Rules 4.07(a)(ii)(B), 27.12 and new Appendix II will become effective on March 9, 2007. The amendments to Rule 4.07(a)(i) will become effective on March 19, 2007.

If you have any questions or need further information, please contact me at jfusco@nybot.com or 212-748-4021.

Sincerely,

Jason V. Fusco
Compliance Counsel

Enc.

cc: Riva Adriance
CFTC, Division of Market Oversight
Allen Cooper
CFTC, New York Regional Office

(In the text of the amendments below, additions are underlined and deletions are bracketed and lined out.)

Rule 4.07. Open Outcry Trading Hours

(a) Unless otherwise directed by the Board, the trading hours of the Exchange shall be as follows:

(i) Agriculture Contracts Trading Hours

CONTRACT	OPEN	CLOSE
Cocoa Futures and Options	8:00 AM Pre-Open commences at 7:50 AM	11:50 AM Closing period commences at 11:45 AM
Coffee "C" Futures and Options	[9:15] <u>8:30</u> AM Pre-Open commences at [9:05] <u>8:20</u> AM	12:30 PM Closing period commences at 12:28 PM
Mini Coffee "C" Futures	9:15 AM	12:30 PM Closing period commences at 12:28 PM
Cotton No. 2 Futures and Options	10:30 AM Pre-Open commences at 10:20 AM	2:15 PM Closing period commences at 2:14 PM Pre-Close commences at 2:00 PM
Ethanol Futures and Options	8:50 AM	12:10 PM Closing period commences at 12:08 PM
FCOJ Futures and Options	10:00 AM Pre-Open commences at 9:50 AM	1:30 PM Closing period commences at 1:29 PM Pre-Close commences at 1:15 PM
FCOJ Spot	12:45 PM	1:15 PM
NFC Futures and Options	10:00 AM Pre-Open commences at 9:50 AM	1:30 PM Closing period commences at 1:29 PM Pre-Close commences at 1:15 PM
Pulp Futures and Options	7:55 AM	8:55 AM Closing period commences 8:53 AM
Sugar No. 11 Futures and Options	[9:00] <u>8:10</u> AM Pre-Open commences at [8:50] <u>8:00</u> AM	[12:00] <u>12:30</u> PM Closing period commences at [11:58 AM] <u>12:28 PM</u>
Sugar No. 14 Futures	8:40 AM	12:30 PM Closing period commences at 12:28 PM

* * *

(ii) Financial Contracts

* * *

(B) Trading in all Financial Futures and Options Contracts will reopen on the Dublin Floor at ~~[2:00]~~ 7:00 AM ~~[New York]~~ Dublin time.

[REMAINDER OF RULE UNCHANGED]

EXHIBIT A

27.12. Order Entry

* * *

(e) The account designation must be an account number, account name or other identifying notation that is uniquely tied to a specific account owner for whom the order is placed.

(i) A [~~Floor Broker may utilize a~~] suspense account may be utilized at the time of order entry for bunched orders that are eligible for post-trade allocation and which are made, time-stamped and executed pursuant to, and in accordance with, Rule 6.08 and CFTC Regulation 1.35(a-1) (5), provided that the appropriate account designation is entered into TIPS by the end of the [†]Trading [~~day~~] Session.

(ii) A suspense account may be used at the time of order entry for any other order, provided, however, that a contemporaneous written order ticket containing the correct account designation is made, time-stamped and maintained in accordance with Rule 6.08 and the appropriate account designation is entered into TIPS by the end of the Trading Session.

[REMAINDER OF RULE UNCHANGED]

APPENDIX II NYBOT MESSAGING POLICY

Introduction

The NYBOT® Messaging Policy (hereinafter the "Policy") provides a cost guideline that will encourage Users to properly trade and quote the NYBOT futures markets listed on the ICE trading platform. Inefficient and excessive messaging can slow the performance of the platform, which may negatively affect NYBOT market participants. Accordingly, the Policy is aimed at preventing inefficient and excessive messaging without compromising market liquidity. Users who exceed both a set Message Count Threshold ("MCT") and Volume Ratio ("VR") in any NYBOT contract or spread market are subject to surcharge.

Message Count Threshold

NYBOT has implemented a MCT of 3,000 messages. Users who enter more than 3,000 messages in any NYBOT contract or spread market during the VR compliance hours may be subject to a surcharge if that User's VR (explained below) exceeds 20:1. The attached schedule provides a list of the VR compliance hours for each NYBOT Futures Contract. User's who enter less than 3,000 messages during the VR compliance hours are not required to comply with the 20:1 VR. Notwithstanding the foregoing, the President has been delegated the authority to change the VR for any product.

Volume Ratio

The VR is defined as the total number of messages sent to the ICE platform divided by the total number of lots traded. The result is a ratio of the number of messages per executed contract. For the purposes of the VR calculation, each submission, revision, hold, withdrawal and/or consummation of an order constitutes one message.

The Exchange will levy charges on the basis of those Registered Operators whose system usage as configured on the ICE ETS exceeds a VR of 20:1 in any of the NYBOT contract or spread markets during the VR compliance hours for that market. The term "Registered Operator" has the same meaning as provided in the NYBOT Rules.

Surcharges

Registered Operators who exceed both the MCT and VR in any NYBOT contract or spread market during VR compliance hours will receive an automated notification. After two sessions of non-compliance within a calendar month, the Person who executed the Electronic User Agreement authorizing the Registered Operator(s) will be billed a surcharge in accordance with the attached schedule for each subsequent session a Registered Operator authorized by that Person exceeds the required messaging limits. Please note that the Exchange will waive charges in respect of the first and second Trading Days during each calendar month for each contract or spread market in which any eBadge exceeds the MCT and VR.

Registered Operators and Responsible Individuals may obtain information regarding their messaging at the ICE website, www.theice.com.

Termination

In addition to the introduction of the charges, the Exchange retains the right to restrict or suspend access to NYBOT markets listed on the ICE platform should the Exchange determine that the message usage associated with any Registered Operator or User becomes capable of impairing the orderly conduct of Exchange business.

Volume Ratio Charge Structure

Market	Maximum VR per Registered Operator	VR Compliance Hours (New York Time)	Charge for exceeding maximum VR
Cocoa Coffee "C" ® Sugar No. 11sm Cotton No. 2sm FCOJ Sugar No. 14, Pulp, Ethanol, Currencies, USDX®, Equity Indexes and Commodity Indexes.	20:1	10:00AM – 2:30PM	\$1,000 per Registered Operator per day that the VR is exceeded, plus an additional \$1,000 if the VR exceeds a ratio of 30:1