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September 23, 2014

VIA ELECTRONIC PORTAL

Christopher J. Kirkpatrick Office of the Secretariat Commodity Futures Trading Commission Three Lafayette Centre 1155 21st Street, N.W. Washington, DC 20581

RE: CFTC Regulation 40.6(a) Certification. Collateral Limit Exemption for Qualifying Non-Financial Customers CME Submission No. 14-393R

Dear Mr. Kirkpatrick:

Chicago Mercantile Exchange Inc. ("CME") hereby notifies the Commodity Futures Trading Commission ("CFTC" or "Commission") that it will introduce a limited exemption from CME limits on the value of letters of credit clearing members are eligible to deposit on behalf of qualifying customers¹ in satisfaction of the clearing members' core performance bond requirements (the "Exemption"), effective October 8, 2014.

The revisions herein reflect discussions with staff of the CFTC Division of Clearing and Risk and include the addition of an Exhibit A to the original submission. Exhibit A consists of two collateral acceptance policy tables that are posted on CME Group's website and which will be modified to include descriptions of the Exemption. Proposed modifications to these tables are marked in Exhibit A. This revised submission also references the Exhibit A modifications in its analysis of compliance with Core Principle L – *Public information*. No other substantive changes have been made to CME Submission No. 14-393.

The Exemption is narrowly tailored to mitigate adverse impacts to certain non-financial customers and their clearing members resulting from recent changes to CME limits on letters of credit eligible to be posted as performance bond collateral. Under the recent changes, a clearing member is permitted to post letters of credit up to the lesser of (a) 25% of a total clearing member's collateral on deposit for its core performance bond requirement ("core requirement") or (b) US\$500 million ("Non-exempt Limit"). The Exemption increases the value of letters of credit a clearing member may post in satisfaction of the clearing member's core requirement to two times the lesser of: (a) 25% of a total clearing member's collateral on deposit for its core requirement; or (b) US\$500 million ("Exemption Limit"); provided that, any letter of credit deposits above the Non-exempt Limit may only be used to margin qualifying customers. By way of example, a clearing member with a US\$600 million core requirement would normally be able to deposit up to US\$150 million in letters of credit as performance bond. Under the Exemption, the clearing member would be able to use up to US\$300 million in letters of credit to meet its core requirement so long as all amounts above US\$150 million were deposited on behalf of qualifying customers or affiliates of qualifying customers that meet the Exemption requirements. A clearing member with greater than US\$2 billion in performance bond on deposit for its core requirement would be limited to two times the US\$500 million limit, or US\$1 billion under the Exemption.

¹ A "qualifying customer" is a customer of a clearing member or an affiliate of such customer that certifies to CME Clearing and the clearing member that it is not a "financial entity," as defined in §2(h)(7)(C) of the Commodity Exchange Act.

The allocation of the excess letter of credit capacity to qualifying customers under the Exemption will be at the sole discretion of the clearing member and the Exemption Limit is capped at two times the clearing member's CME Clearing-designated letter of credit limit, no matter how many qualifying customers utilize the Exemption. CME Clearing, at its sole discretion, may terminate the Exemption upon reasonable notice to the clearing member and its qualifying customer(s).

CME reviewed the derivatives clearing organization ("DCO") core principles ("Core Principles") as set forth in the Commodity Exchange Act ("CEA" or "Act"). During the review, staff identified that the exemption may have some bearing on the following Core Principles:

<u>Risk Management</u>: The Exemption will not impact CME's ability to manage risk in regard to its qualifying customers and their clearing members. CME determined the amount of letters of credit eligible to be posted under the Exemption reflect an appropriate limitation on the concentration of assets posted as initial margin. Further, limiting the Exemption's availability to non-financial entities minimizes the potential for wrong-way risk that could result from financial entities posting additional letters of credit.

<u>Public Information</u>: This CME Submission No. 14-393 will be posted on CME's website and CME will include the description of the Exemption set forth in Exhibit A on the collateral page of its website in satisfaction of this Core Principle.

<u>Participant and product eligibility</u>: The criteria for Exemption eligibility are objective, publiclydisclosed and risk-based.

CME certifies that its adoption of the Exemption complies with the Act and regulations thereunder. There were no opposing views to this proposal.

CME certifies that this submission has been concurrently posted on the CME Group website at http://www.cmegroup.com/market-regulation/rule-filings.html.

If you have any questions regarding this submission, please contact Suzanne Sprague, Executive Director of Collateral and Risk at 312-930-3260 or via e-mail at <u>Suzanne.Sprague@cmegroup.com</u>. Alternatively, you may contact me at 312-930-8167 or via e-mail at <u>Sean.Downey@cmegroup.com</u>. Please reference CME Submission No. 14-393 in any related correspondence.

Sincerely,

/s/ Sean Downey Senior Director & Associate General Counsel

Attachment: Exhibit A – Amendments to CME Website Describing Acceptable Collateral Types

Exhibit A

Amendments to Collateral Types accepted for Futures, Options, Forwards, OTC FX & Commodity Swaps (available at <u>http://www.cmegroup.com/clearing/financial-and-collateral-management/</u>)

(additions underlined)

New		Category 3 & 4 Capped a	
<u>Category 1</u> Cash U.S. Treasuries	Category 2 IEF5 (Interest Bearing Cash) Letters of Credit* *LOCs are capped at the lesser of 25% of core requirement per currency requirement or \$500M per firm. Clearing members that wish to post additional LOCs on behalf of qualifying commercial end users may be eligible for a limited exemption from this cap. [#] LOCs are not permitted to meet house performance bond requirements for financial affiliated clearing members.	Category 3* U.S. Government Agencies Strips TIPS (capped at \$1bn per firm) Select MBS *Capped at 40% of core requirement per currency requirement per firm	<u>Category 4**</u> IEF2 [†] (Money Market Mutual Funds Gold (capped at \$500mm per firm) Stocks (capped at \$1bn per firm) IEF4 (corporate bonds) Foreign Sovereign Debt (capped at \$1bn per firm) ** Capped at 40% of core requirement per currency requirement per firm or \$5 billion per firm, the lesser of the two [†] Not included in the 40% requirement

<u># Please contact the clearing house at CreditRisk@cmegroup.com if you would like to learn more about this exemption.</u>

CME Group Acceptable Performance Bond Collateral for Futures, Options, Forwards, OTC FX, and Commodity Swaps (available at <u>http://www.cmegroup.com/clearing/files/acceptable-collateral-futures-options-select-forwards.pdf</u>)

Class Type I (C Concer	ement Description ligibility ore, ration or y Fund)	Haircut Schedule	Eligible for Cleared Swaps Customer Requirements	Eligible for Customer Segregated Requirements	Eligible for House (Proprietary) Requirements	Notes
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c	etters of Credit	Core 25% Concentration 100% Guaranty Fund 0%	Letters of Credit for Performan ce Bond	0%	No	Yes	Yes	 Letters of Credit are not accepted for Forwards and Commodity Swaps. Capped at the lesser of 25% of core requirement or \$500 million per clearing member.[#]
								 Category 2 Asset**.

Clearing members that wish to post additional LOCs on behalf of qualifying commercial end users may be eligible for a limited exemption from this cap. Please contact the clearing house at CreditRisk@cmegroup.com if you would like to learn more about this exemption.