



ICE Swap Trade, LLC  
55 East 52<sup>nd</sup> Street, 40<sup>th</sup> Floor  
New York, NY 10055

October 1, 2014  
Submission No. E-14-27

Submitted via email

Ms. Melissa Jurgens  
Assistant Secretary  
U.S. Commodity Futures Trading Commission  
Three Lafayette Centre  
1155 21<sup>st</sup> Street, N.W.  
Washington, D.C. 20581  
via [email: submissions@cftc.gov](mailto:submissions@cftc.gov); [dmosubmissions@cftc.gov](mailto:dmosubmissions@cftc.gov)

Re: ICE Swap Trade, LLC Emergency Rule Certification pursuant to CFTC Rule 40.6(a)

Ladies and Gentlemen:

Pursuant to Section 5c(c) of the Commodity Exchange Act (the "Act") and Section 40.6(a) of the regulations of the Commodity Futures Trading Commission (the "Commission"), ICE Swap Trade, LLC ("IST" or "SEF") hereby submits notification to the Commission that IST has taken emergency action in response to Commission Letter No. 14-121 and such action will be effective as of October 1, 2014.

In reliance on Commission Letter No. 14-121, IST is reinstating Rule 1002(e) until February 16, 2015, which provides that in the event a "package transaction" has been rejected for clearing, the SEF may permit a new trade with the terms and conditions that match the terms and conditions of the original trade to be submitted for clearing. For clarity, the reason IST proposed removing Rule 1002(e) in the first instance was due to the fact that the relief provided by Commission Letter No. 14-62, as relates to the resubmission to clearing of package transactions, was set to expire on September 30, 2014. However, Commission Letter No. 14-121 has now extended such relief to February 16, 2015. In order for IST to remain competitive and to avoid disrupting its markets, IST requires the immediate reinstatement of Rule 1002(e). A copy of the amended IST Rule 1002 marked to show changes against the IST Rulebook submitted to the Commission with an effective date of October 1, 2014, is attached hereto as Exhibit A, and a clean copy of the amended IST Rule 1002 is attached hereto as Exhibit B.

The above action was taken pursuant to IST Rule 208, which provides that the President may take emergency actions in circumstances which involve either (i) limiting participant access to the SEF, or (ii) in order to comply with such other actions as may be directed by the Commission (in this case, the provision of certain regulatory relief provided by the Commission pursuant to the aforementioned Commission letters). IST's conflict of interest rules were not invoked because no person with a position in a contract

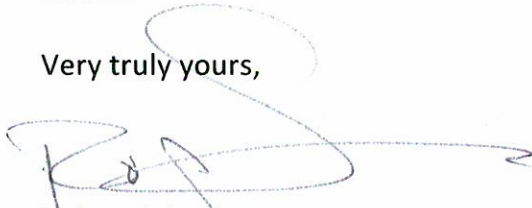
listed by the SEF was involved in the decision making process. A meeting of the Board of Managers will be convened as soon as practicable in order to ratify the emergency action adopted by the President.

IST certifies that the amendments comply with the requirements of the Commodity Exchange Act and the rules and regulations promulgated thereunder. IST is not aware of any substantive opposing views expressed with respect to this filing and certifies that, concurrent with this filing, a copy of this submission was posted on the IST's website and may be accessed at:

<https://www.theice.com/notices/RegulatoryFilings.shtml>

Please contact the undersigned at (212) 323-8543 with any questions regarding this matter.

Very truly yours,



Robert J. Laorno  
General Counsel

Enclosures

**Rule 1002. Cleared Swaps.**

- (a) Each Cleared Swap (including any Required Transaction) shall be cleared through a Clearing House indicated in the applicable Contract Specifications that is a derivatives clearing organization registered under the CEA or a derivatives clearing organization that is exempt from registration under the CEA.
- (b) For each Cleared Swap a Participant (or, if applicable, its Customer) expects to enter into on the SEF or subject to the Rules, the Participant (or, if applicable, its Customer) must be a Clearing Member of the applicable Clearing House or have established a clearing relationship with a Clearing Member of the applicable Clearing House.
- (c) Acceptance of Orders or RFQs for a Cleared Swap will be subject to Rule 516. Following execution of a Transaction in a Cleared Swap, the SEF shall submit such Transaction to the applicable Clearing House for each Participant (or, if applicable, its Customer) party thereto, as applicable.
- (d) If a Cleared Swap is affirmatively rejected by the relevant Clearing House, such Transaction shall be deemed *void ab initio*.
- {d}(e) With respect to a Package Transaction, in the event that a component leg of a Package Transaction executed on or subject to the Rules of the SEF is affirmatively rejected by the relevant Clearing House, such rejected component leg shall be deemed void ab initio; provided that if the component leg that was not accepted for clearing was rejected solely due to the sequencing of the submission of the respective legs of a Package Transaction, such earlier rejected component leg may be re-submitted to the relevant Clearing House by the SEF, in a manner that complies with Applicable Law or subject to CFTC No-Action Relief therefrom, as a new Transaction in a Cleared Swap with terms and conditions that match the terms and conditions of the Transaction which was deemed void ab initio in the first instance, except that the time of execution of the re-submitted component leg shall be updated to reflect the new execution time. However, if such new Transaction (i.e. the re-submitted component leg) is also rejected, it shall be deemed void ab initio without the possibility for resubmission.
- {e}(f) The SEF shall have the right to suspend Trading Privileges of the Participant or Participants that executed the Transaction or the account of the Customer on whose behalf the Participant executed the Transaction that was rejected or take any other action permitted by the Rules. The SEF will report the cancellation of the Transaction as required by Part 43 and Part 45 of the CFTC Regulations.

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