

April 26, 2023

SUBMITTED VIA CFTC PORTAL

Secretary of the Commission
Office of the Secretariat
U.S. Commodity Futures Trading Commission
Three Lafayette Center
1155 21st Street, N.W.
Washington, D.C. 20581

Re: KalshiEX LLC – CFTC Regulation 40.6 Notification Regarding the Amendment of the “What will the high temperature be in New York City?” Contract

Dear Sir or Madam,

Pursuant to Section 5c(c) of the Commodity Exchange Act and Section 40.6 of the regulations of the Commodity Futures Trading Commission, KalshiEX LLC (Kalshi) hereby notifies the Commission that it is amending the “What will the high temperature be in New York City?” contract (Contract).

This filing is a straightforward modification of Kalshi’s previous “What will the high temperature be in New York City?” contract. The changes are as follows:

- The Contract’s Expiration time was changed from 10:00 AM ET to the first 7:00 AM ET or 8:00 AM ET following the release of data for <date>
- The Contract’s Expiration Date was also changed to reflect this.

Along with this letter, Kalshi submits the following documents:

- A clean copy of the amended Contract; and
- A redline showing the changes to Appendix A, the product rules and terms and conditions of the contract.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Elie Mishory
Chief Regulatory Officer
KalshiEX LLC
emishory@kalshi.com

KalshiEX LLC

Official Product Name: What will the high temperature be in New York City?

Ticker: NHIGH

Kalshi Contract Category: Weather/Climate

New York City High Temperature

April 26, 2023

CONCISE EXPLANATION AND ANALYSIS OF THE PRODUCT AND ITS COMPLIANCE WITH APPLICABLE PROVISIONS OF THE ACT, INCLUDING CORE PRINCIPLES AND THE COMMISSION'S REGULATIONS THEREUNDER

Pursuant to Commission Rule 40.2(a)(3)(v), the following is a concise explanation and analysis of the product and its compliance with the Act, including the relevant Core Principles, and the Commission's regulations thereunder.

I. Introduction

The “What will the high temperature be in New York City” Contract is a contract relating to the high temperature in New York City. The contract is designed to enable market participants whose businesses or operations are affected by changes in daily temperature to mitigate the commercial risks associated with unexpected changes in the daily high temperature, such as a lower than expected high temperature due to cold weather or a higher than expected high temperature due to a heat wave. After careful analysis, Kalshi (hereafter referred to as “Exchange”) has determined that the Contract complies with its vetting framework, which has been reviewed by the CFTC and formed part of the Exchange’s application for designation as a Contract Market (“DCM”) that was approved by the Commission.

Further information about the Contract, including an analysis of its risk mitigation and price basing utility, as well as additional considerations related to the Contract, is included in Confidential Appendices B, C, and D.

Pursuant to Section 5c(c) of the Act and CFTC Regulations 40.2(a), the Exchange hereby certifies that the listing of the Contract complies with the Act and Commission regulations under the Act.

General Contract Terms and Conditions: The Contract operates similar to other binary contracts that the Exchange lists for trading. The minimum price fluctuation is \$0.01 (one cent). Price bands will apply so that Contracts may only be listed at values of at least \$0.01 and at most \$0.99. Further, the Contract is sized with a one-dollar notional value and has a minimum price fluctuation of \$0.01 to enable Members to match the size of the

contracts purchased to their economic risks. The Exchange has further imposed position limits (defined as maximum loss exposure) of \$25,000 USD on the Contract. As outlined in Rule 5.12 of the Rulebook, trading shall be available at all times outside of any maintenance windows, which will be announced in advance by the Exchange. Members will be charged fees in accordance with Rule 3.6 of the Rulebook. Fees are charged in such amounts as may be revised from time to time to be reflected on the Exchange's Website. Additionally, as outlined in Rule 7.2 of the Rulebook, if any event or any circumstance which may have a material impact on the reliability or transparency of a Contract's Source Agency or the Underlying related to the Contract arises, Kalshi retains the authority to designate a new Source Agency and Underlying for that Contract and to change any associated Contract specifications after the first day of trading. That new Source Agency and Underlying would be objective and verifiable. Kalshi would announce any such decision on its website. All instructions on how to access the Underlying are non-binding and are provided for convenience only and are not part of the binding Terms and Conditions of the Contract. They may be clarified at any time. Furthermore, the Contract's payout structure is characterized by the payment of an absolute amount to the holder of one side of the option and no payment to the counterparty. During the time that trading on the Contract is open, Members are able to adjust their positions and trade freely. After trading on the Contract has closed, the Expiration Value and Market Outcome are determined. The market is then settled by the Exchange, and the long position holders and short position holders are paid according to the Market Outcome. In this case, "long position holders" refers to Members who purchased the "Yes" side of the Contract and "short position holders" refers to Members who purchased the "No" side of the Contract. If the Market Outcome is "Yes," meaning that the high temperature in Central Park, New York for <date> is <greater than/less than/between> <degrees> (please see Appendix A for the legally binding terms and conditions), then the long position holders are paid an absolute amount proportional to the size of their position and the short position holders receive no payment. If the Market Outcome is "No," then the short position holders are paid an absolute amount proportional to the size of their position and the long position holders receive no payment. Specification of the circumstances that would trigger a Market Outcome of "Yes" are included below in the section titled "Payout Criterion" in Appendix A.

**CERTIFICATIONS PURSUANT TO SECTION 5c OF THE COMMODITY
EXCHANGE ACT, 7 U.S.C. § 7A-2 AND COMMODITY FUTURES TRADING
COMMISSION RULE 40.2, 17 C.F.R. § 40.2**

Based on the above analysis, the Exchange certifies that:

- The Contract complies with the Act and Commission regulations thereunder.
- This submission (other than those appendices for which confidential treatment has been requested) has been concurrently posted on the Exchange's website at <https://kalshi.com/regulatory/filings>.

Should you have any questions concerning the above, please contact the exchange at ProductFilings@kalshi.com.

Eliezer Mishory

By: Eliezer Mishory

Title: Chief Regulatory Officer

Date: April 26, 2023

Attachments:

Appendix A - Contract Terms and Conditions

Appendix B (Confidential) - Further Considerations

Appendix C (Confidential) - Source Agency

Appendix D (Confidential) - Compliance with Core Principles

APPENDIX A – CONTRACT TERMS AND CONDITIONS

TERMS OF CONTRACTS TRADED ON KALSHI

Official Product Name: What will the high temperature be in New York City?

Ticker and Rulebook: NHIGH

NHIGH

Scope: These rules shall apply to the contract referred to as NHIGH.

Underlying: The Underlying for this Contract is the maximum temperature recorded for the specified <date> published in the National Weather Service's ("NWS") Daily Climate Report for Central Park, New York. Revisions made to the Underlying made after Expiration will not be taken into account.

Instructions: The Daily Climate Report for Central Park, New York can be accessed here: <https://www.weather.gov/wrh/climate?wfo=okx> Click on "Observed Weather". Under "Choose a Location", select "Central Park NY". The Underlying is in the section labeled "Temperature" and "Yesterday" in a column titled "Observed Value" and row titled "Maximum". Temperatures are reported in degrees Fahrenheit. As stated on the NWS website, "These data are preliminary" and "are subject to revision." Data that is revised past the Expiration Date and Expiration time of the contract will not be used to determine the Expiration Value of the Contract. Revisions made during the statistical period or the period between the Last Trading Date and Time and Expiration Date and Expiration time may be taken into account in settling the contract. These instructions are provided for convenience only and may be modified or clarified at any time.

Source Agency: The Source Agency is the National Weather Service ("NWS").

Type: The type of Contract is a Binary Contract.

Issuance: The Contract is based on the outcome of a recurrent data release which is issued on a daily basis. Thus, Contract iterations will be issued on a recurring basis, and future Contract iterations will generally correspond to the next day

Degrees: Kalshi may list NHIGH contracts with <degrees> levels that fall within an inclusive range between a maximum value of 130 degrees Fahrenheit and a minimum value of -30 degrees Fahrenheit at consecutive increments of 1 degree. Due to the potential for variability in the Underlying, the Exchange may modify <degrees> levels in response to suggestions by Members.

Date: <date> refers to a date specified by Kalshi. Kalshi may list contracts corresponding to different statistical periods of <date>.

Payout Criterion: The Payout Criterion encompasses the Expiration Values that are <greater than/less than/between> <degrees>. If the value of <greater than/less than/between> is "between", then <degrees> shall be a pair of degrees, and an Expiration Value that is greater

than or equal to the lower value of the degree pair and less than or equal to the greater value of the degree pair are encompassed in the Payout Criterion. If the value of <greater than/less than/between> is “greater than”, then the Payout Criterion only encompasses Expiration Values that are strictly greater than <degrees> (e.g. if the strike variable values are “greater than” and “56 degrees”, then an Expiration Value of 56 degrees is not encompassed in the Payout Criterion). If the value of <greater than/less than/between> is “less than”, then the Payout Criterion only encompasses Expiration Values that are strictly less than <degrees>.

Minimum Tick: The Minimum Tick size for the referred Contract shall be \$0.01.

Position Limit: The Position Limit for the \$1 referred Contract shall be \$25,000 per Member.

Last Trading Date: The Last Trading Date shall be <date> and the Last Trading Time will be 11:59pm ET.

Settlement Date: The Settlement Date of the Contract shall be no later than the day after the Expiration Date unless Market Outcome is under review pursuant to Rule 7.1.

Expiration Date: The Expiration Date of the Contract shall be the sooner of the first 7:00 or 8:00 AM ET following the release of the data for <date>, or one week after <date>.

Expiration time: The Expiration time of the Contract shall be the sooner of the first 7:00 or 8:00 AM ET following the release of data for <date>.

Settlement Value: The Settlement Value for this Contract is \$1.00.

Expiration Value: The Expiration Value is the value of the Underlying as documented by the Source Agency on the Expiration Date at the Expiration time

Contingencies: Before Settlement, Kalshi may, at its sole discretion, initiate the Market Outcome Review Process pursuant to Rule 6.3(c) of the Rulebook. Additionally, as outlined in Rule 7.2 of the Rulebook, if any event or any circumstance which may have a material impact on the reliability or transparency of a Contract’s Source Agency or the Underlying related to the Contract arises, Kalshi retains the authority to designate a new Source Agency and Underlying for that Contract and to change any associated Contract specifications after the first day of trading.

NHIGH

Scope: These rules shall apply to the contract referred to as NHIGH.

Underlying: The Underlying for this Contract is the maximum temperature recorded for the specified <date> published in the National Weather Service's ("NWS") Daily Climate Report for Central Park, New York. Revisions made to the Underlying made after Expiration will not be taken into account.

Instructions: The Daily Climate Report for Central Park, New York can be accessed here: <https://www.weather.gov/wrh/climate?wfo=okx> Click on "Observed Weather". Under "Choose a Location", select "Central Park NY". The Underlying is in the section labeled "Temperature" and "Yesterday" in a column titled "Observed Value" and row titled "Maximum". Temperatures are reported in degrees Fahrenheit. As stated on the NWS website, "These data are preliminary" and "are subject to revision." Data that is revised past the Expiration Date and Expiration time of the contract will not be used to determine the Expiration Value of the Contract. Revisions made during the statistical period or the period between the Last Trading Date and Time and Expiration Date and Expiration time may be taken into account in settling the contract. These instructions are provided for convenience only and may be modified or clarified at any time.

Source Agency: The Source Agency is the National Weather Service ("NWS").

Type: The type of Contract is a Binary Contract.

Issuance: The Contract is based on the outcome of a recurrent data release which is issued on a daily basis. Thus, Contract iterations will be issued on a recurring basis, and future Contract iterations will generally correspond to the next day

Degrees: Kalshi may list NHIGH contracts with <degrees> levels that fall within an inclusive range between a maximum value of 130 degrees Fahrenheit and a minimum value of -30 degrees Fahrenheit at consecutive increments of 1 degree. Due to the potential for variability in the Underlying, the Exchange may modify <degrees> levels in response to suggestions by Members.

Date: <date> refers to a date specified by Kalshi. Kalshi may list contracts corresponding to different statistical periods of <date>.

Payout Criterion: The Payout Criterion encompasses the Expiration Values that are <greater than/less than/between> <degrees>. If the value of <greater than/less than/between> is "between", then <degrees> shall be a pair of degrees, and an Expiration Value that is greater than

or equal to the lower value of the degree pair and less than or equal to the greater value of the degree pair are encompassed in the Payout Criterion. If the value of <greater than/less than/between> is “greater than”, then the Payout Criterion only encompasses Expiration Values that are strictly greater than <degrees> (e.g. if the strike variable values are “greater than” and “56 degrees”, then an Expiration Value of 56 degrees is not encompassed in the Payout Criterion). If the value of <greater than/less than/between> is “less than”, then the Payout Criterion only encompasses Expiration Values that are strictly less than <degrees>.

Minimum Tick: The Minimum Tick size for the referred Contract shall be \$0.01.

Position Limit: The Position Limit for the \$1 referred Contract shall be \$25,000 per Member.

Last Trading Date: The Last Trading Date shall be <date> and the Last Trading Time will be 11:59pm ET.

Expiration Date: The Expiration Date of the Contract shall be the sooner of the first ~~10:00 AM ET~~ **7:00 or 8:00 AM ET** following the release of the data for <date>, or one week after <date>.

Expiration time: The Expiration time of the Contract shall be ~~10:00 AM ET~~ **the sooner of the first 7:00 or 8:00 AM ET following the release of data for <date>.**

Expiration time: The Expiration time of the Contract shall be ~~10~~**8:00 AM ET.**

Settlement Value: The Settlement Value for this Contract is \$1.00.

Expiration Value: The Expiration Value is the value of the Underlying as documented by the Source Agency on the Expiration Date at the Expiration time

Contingencies: Before Settlement, Kalshi may, at its sole discretion, initiate the Market Outcome Review Process pursuant to Rule 6.3(c) of the Rulebook. Additionally, as outlined in Rule 7.2 of the Rulebook, if any event or any circumstance which may have a material impact on the reliability or transparency of a Contract’s Source Agency or the Underlying related to the Contract arises, Kalshi retains the authority to designate a new Source Agency and Underlying for that Contract and to change any associated Contract specifications after the first day of trading.