



September 23, 2026

**VIA ELECTRONIC MAIL**

Assistant Secretary of the Commission for FOI  
Privacy and Sunshine Acts Compliance  
U.S. Commodity Futures Trading Commission  
Three Lafayette Centre  
1155 21st Street, N.W.  
Washington, D.C. 20581  
[FOIAsubmissions@cftc.gov](mailto:FOIAsubmissions@cftc.gov)

**Re: FOIA Confidential Treatment Request**

Dear Sir or Madam:

We write to inform you that Railbird Exchange, LLC d/b/a DKeX (the “Exchange”) submitted on September 23, 2026, to the Commodity Futures Trading Commission (“CFTC”) the documents described in Appendix A to this letter (the “Confidential Submission”), via electronic mail to the Division of Market Oversight (“DMO”).

Pursuant to CFTC Regulation 145.9, 17 C.F.R. § 145.9, we hereby request that the CFTC afford confidential treatment to the Confidential Submission and any copies thereof. Furthermore, we request confidential treatment of any memoranda, notes, transcripts or other writings of any sort that are made by, or at the request of, any employee of the CFTC (or of any government employee, agent, or agency) and that: (1) incorporate or relate to any aspect of the Confidential Submission; or (2) refer to any conference, meeting, or telephone conversation between the Exchange, its current or former employees, representatives, agents, auditors, or counsel on the one hand and employees of the CFTC (or of any other government agency) on the other hand, relating to the Confidential Submission (“Derivative Materials”).

We request confidential treatment on the grounds that, pursuant to 17 C.F.R. § 145.9(d)(1)(ii), the Confidential Submission and any Derivative Materials contain and constitute the Exchange’s “trade secrets or confidential commercial or financial information” and other competitively sensitive information. Disclosure of the Confidential Submission or any Derivative Materials would place the Exchange at a competitive disadvantage with competitors who do not publicly reveal such information. Therefore, the Confidential Submission and any Derivative Materials are subject to, at a minimum, the exemption from mandatory disclosure

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Exemption Number 4 of the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”). We also request confidential treatment pursuant to 17 C.F.R. § 145.9(d)(1)(iii) on the basis that disclosure of the Confidential Submission or any Derivative Materials would constitute a clearly unwarranted invasion of the Exchange’s personal privacy and its employees’ personal privacy.

If any person (including any government employee who is not an employee of the CFTC) requests an opportunity to inspect or copy any of the Confidential Submission (or any Derivative Materials) or the CFTC receives any FOIA request or any other court order, subpoena or summons for the Confidential Submission (or any Derivative Materials), we request that we be immediately notified of any such request, be promptly furnished with all written materials pertaining to such request, and be given a reasonable opportunity to respond, as required by 17 C.F.R. § 145.9(e).

If the CFTC or its Staff tentatively concludes that the Confidential Submission or any Derivative Materials are not exempt from disclosure pursuant to FOIA or applicable CFTC regulations, we request, pursuant to 17 C.F.R. § 145.9(f), a nonpublic hearing on these claims of exemption and that we be given at least ten business days’ notice prior to any intended release so that we may pursue any available remedies if deemed appropriate. At the conclusion of the DMO’s inquiry, we request that all documents submitted by the Exchange and all copies thereof be returned to me at the above address. Pursuant to 17 C.F.R. § 145.9(d)(2), a copy of this letter is being provided to the CFTC Staff member who received the Confidential Submission. Additionally, we request that a copy of this letter accompany the Confidential Submission and related materials at all times.

In accordance with 17 C.F.R. §145.9(d)(5), we request that the Confidential Submission and any Derivative Materials be afforded confidential treatment in perpetuity. Thank you for your anticipated cooperation.

If you have any questions or require further information, please contact me at the address and telephone number below.

Sincerely yours,

A handwritten signature in black ink, reading "Miles Saffran", written over a horizontal line.

Miles Saffran

Email: [m.saffran@draftkings.com](mailto:m.saffran@draftkings.com)

**Appendix A**

The Exchange requests confidential treatment of the following information pursuant to § 145.9 of the CFTC's regulations:

1. Market Maker Agreement