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New York, NY 10055

BY ELECTRONIC TRANSMISSION

Submission No. 23-134
October 10, 2023

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

Re: Amendments to Exchange Rule 6.20(c) - Submission Pursuant to Section 5c(c)(1) of the Act and Regulation 40.6(a)

Dear Mr. Kirkpatrick:

Pursuant to Commodity Futures Trading Commission (“CFTC” or “Commission”) Regulation 40.6(a), ICE Futures U.S., Inc. (“Exchange”) hereby certifies amendments to Exchange Rule 6.20(c), “Position Limits, Conditional Limits and Position Accountability for Energy Contracts and Oil Contracts,” of the Exchange’s Rulebook, as set forth in Exhibit A.

As background, a market participant may request a Conditional Limit, which allows such participant to hold a position in excess of the spot month position limit in the Henry LD1 Fixed Price Future (“H”). A Conditional Limit-holder currently agrees:

- (i) not to establish, hold, or control a position in the corresponding CME/NYMEX (NG) contract during the last three days of trading of a contract month while holding a position in H in excess of the contract’s spot month position limit;
- (ii) upon request of the Exchange, to provide information on all positions related to Henry Hub Contracts, and such other information as may be requested by the Exchange; and
- (iii) to report to the Exchange any positions established, whether by trading or otherwise, in the spot month CME/NYMEX NG contract during the last three days of trading of a contract month.

The amendments to Exchange Rule 6.20(c) provide clarity regarding the terms of the Exchange's Conditional Limit. The amendments make clear that a market participant need only self-report to the Exchange when a position in the applicable spot month CME/NYMEX Henry Hub Natural Gas Futures ("NG") contract has been established, held, or controlled if the Conditional Limit-holder concurrently holds a position *in excess of* the spot month position limit of the ICE Henry LD1 Fixed Price Future ("H") contract. All other aspects of Rule 6.20(c) remain unchanged.

The Exchange will apply the amendments to Exchange Rule 6.20(c) beginning November 1, 2023.

Certifications

The Exchange certifies that the amendments to Exchange Rule 6.20(c) comply with the requirements of the Act and the rules and regulations promulgated thereunder. The Exchange is not aware of any opposing views with respect to the amendments. The Exchange has reviewed the designated contract market core principles ("Core Principles") as set forth in the Act and has determined that the amendments comply with the following relevant Core Principles:

COMPLIANCE WITH RULES

The amendments are set forth in the Exchange Rulebook and will be enforced by the Exchange. In addition, trading of the applicable contracts is subject to all relevant Exchange rules which are enforced by the Market Regulation Department.

CONTRACTS NOT READILY SUBJECT TO MANIPULATION

The Exchange's futures and option on futures contracts are not readily subject to manipulation as they are based on established and liquid underlying cash markets and/or derivative contracts traded at other designated contract markets. In addition, trading of the contracts will be monitored by the Market Regulation Department.

POSITION LIMITS OR ACCOUNTABILITY

Positions in the Exchange's futures and option on futures contracts will continue to be subject to position limits and accountability levels set by the Exchange. Such position limits are based upon the deliverable supply in the cash market, the position limit at another designated contract market, and/or have been deemed appropriate by the Commission in its rulemakings. All positions held in options on futures contracts are aggregated with the relevant futures contracts underlying the option on futures for purposes of spot month position limits and single and all-months-combined accountability.

FINANCIAL INTEGRITY OF CONTRACTS

The Exchange's energy futures and option on futures contracts will continue to be cleared by ICE Clear Europe, a registered derivatives clearing organization subject to Commission regulation, and carried by registered futures commission merchants qualified to handle customer business.

The Exchange further certifies that, concurrent with this filing, a copy of this submission was posted on the Exchange's website. It may be accessed at: <https://www.theice.com/futures->

[us/regulation](#). If you have any questions or need further information, please contact the undersigned at 312-836-6745 or at patrick.swartz@ice.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick Swartz".

Patrick Swartz
Director
Market Regulation

Enc.
cc: Division of Market Oversight
New York Regional Office

EXHIBIT A

(In the text of the amendments below, additions are shown underscored and deletions are lined through.)

Rule 6.20. Position Limits, Conditional Limits and Position Accountability for Energy Contracts and Oil Contracts

(a) Position limit and position accountability levels for Energy Contracts and for Oil Contracts are specified in the Tables contained in Resolutions 2 contained in Chapters 18 and 19 (the “Position Limit Tables”). A Person holding or controlling Exchange Futures Contracts and Futures Equivalent Contracts, net long or net short (calculated as specified in the Position Limit Table), in an amount equal to or greater than the accountability levels specified in such Table, (i) automatically consents not to increase further and automatically consents to decrease those positions when so ordered by the Exchange acting in its own discretion and (ii) shall provide, in a timely manner, information on the nature of that Person’s related cash position, Exchange Futures and Options position, trading strategy and/or hedging strategy and such other relevant information as the Exchange may require. Nothing in this Rule shall limit the authority of the Exchange to take action under Rules 6.11, 6.12 and 6.13 or to request and collect information regarding such Person’s related cash and Exchange Futures and Options positions.

(b) No Person may exceed the position limits specified in the Position Limit Tables for any Oil Contract or any Energy Contract unless an exemption has been granted by the Exchange in accordance with these Rules.

(c) A Conditional Limit in the Henry Hub LD1 Fixed Price Future of up to 40,000 contracts net long or short may be granted for the period that spot month position limits are in effect. To be eligible for a Conditional Limit under this Rule, a Person must submit an application, in the form specified by the Exchange, in which the applicant agrees:

(i) not to establish, hold or control a position in the corresponding CME/NYMEX Natural Gas Futures contract (CME/NYMEX contract code NG) during the last three days of trading of a contract month while holding a position in the Henry LD1 Fixed Price Future in excess of the contract’s spot month position limit;

(ii) upon request of the Exchange, to provide information on all positions related to Henry Hub Contracts, and such other information as the Exchange may request; and

(iii) to report to the Exchange any position established, whether by trading or otherwise, in the spot month CME/NYMEX Henry Hub Natural Gas Futures contract during the last three days of trading of a contract month, while holding a position in the Henry LD1 Fixed Price Future in excess of such contract’s spot month position limit.

An application for a Conditional Limit shall be effective upon receipt by the Exchange. A Conditional Limit will be effective each spot month until the expiration date specified in the application for such limit, which shall be no later than one year following the submission date. Nothing in this Rule shall in any way limit the Exchange from altering or revoking a Conditional Limit.

(d) The spot month position limits for the Henry LD1 Fixed Price Futures Contract shall be effective on the Last Trading Day and the two Business Days preceding the Last Trading Day of the Contract Period, as such term is defined in Chapter 18 of the Rules, or as otherwise determined by the Exchange to account for holidays.

(e) The spot month position limits for Natural Gas contracts (excluding the Henry LD1 Fixed Price Future and the EIA Index Futures) shall be effective during the last five Business Days of the calendar month that precedes the Contract Period, as such term is defined in Chapter 18 of the Rules, or as otherwise determined by the Exchange to account for holidays.

(f) The spot month position limit for the EIA Index Futures shall be effective on the Last Trading Day and the four Business Days preceding the Last Trading Day of the Contract Period, as such term is defined in Chapter 18 of the Rules, or as otherwise determined by the Exchange to account for holidays.

(g) The spot month position limits for Power and Physical Environmental contracts shall be effective on the first Business Day of the Contract Period (as such term is defined in Chapter 18 of the Rules) through the Last Trading Day.

(h) The spot month position limits for LNG contracts shall be effective at the close of business on the Business Day preceding the Last Trading Day of the Contract Period, as such term is defined in Chapter 18 of the Rules.

(i) The spot month position limits for Oil Contracts shall be effective on the Last Trading Day and the two Business Days preceding the Last Trading Day of the expiring contract, or as otherwise determined by the Exchange to account for holidays. Any Clearing Member which holds, controls or carries for any Customer a 'reportable position' (as such term is used in Rule 6.15) in any Oil Contract shall submit a report to the Exchange upon request, identifying positions which such Clearing Member or its Customer holds or controls in the corresponding contract month of any physically delivered futures contract to which the Exchange contract is linked, as of the open of trading and the close of trading on such Last Trading Day, and shall provide such other information as may be requested by the Exchange regarding transactions effected on such day by such Person in the linked contract, in such form and manner as may be specified by the Exchange.

[REMAINDER OF RULEBOOK UNCHANGED]