

October 26, 2023

VIA ELECTRONIC PORTAL

Assistant Secretary of the Commission for
FOI, Privacy and Sunshine Acts Compliance
Commodity Futures Trading Commission
Three Lafayette Centre
1155 21st Street, N.W.
Washington, DC 20581

Re: FOIA Confidential Treatment Request

To Whom It May Concern:

By electronic portal dated today, October 26, 2023, NEX SEF Limited (“NEX SEF”) submitted a supplemental rule certification filing (Submission No. 23-338S) to the Commodity Futures Trading Commission (“CFTC” or “Commission”) pursuant to Commission Regulation 40.6(a) to certify modifications to NEX SEF’s Fee Schedule for a new fee structure for Tailored Order Book participants and related initial discount program. This supplemental filing includes an Appendix A – Fee Schedule (blacklined).

NEX SEF requests confidential treatment of Appendix A (“Confidential Information”), on the grounds that Appendix A contains confidential commercial information of the submitter (NEX SEF). NEX SEF requests that confidential treatment be maintained for Appendix A until further notice from NEX SEF. We also request that the Commission notify the undersigned immediately after receiving any FOIA request for said Appendix A or any other court order, subpoena, or summons for same. Finally, we request that we be notified in the event the Commission intends to disclose such Appendix A to Congress or to any other governmental agency or unit pursuant to Section 8 of the CEA. NEX SEF does not waive its notification rights under Section 8(f) of the CEA with respect to any subpoena or summons for such Appendix A.

Please contact the undersigned at (312) 466-7478 should you have any questions concerning this matter.

Sincerely,

/s/ Timothy Elliott
Managing Director and Chief Regulatory Counsel