



BY ELECTRONIC TRANSMISSION

05-37
September 15, 2005

Ms. Jean A. Webb
Secretary of the Commission
Office of the Secretariat
Commodity Futures Trading Commission
Three Lafayette Centre
1155 21st Street, NW
Washington, DC 20581

Re: **Amendment to Rule 13.08 -**
Submission Pursuant to Section 5c(c)(2) of the Act and Regulation 40.4

Dear Ms. Webb:

Pursuant to Section 5c(c)(2) of the Commodity Exchange Act, as amended, and Commission Regulation 40.4, the Board of Trade of the City of New York, Inc. (“Exchange”) is requesting approval for an amendment to Rule 13.08, attached as Exhibit A.

The amendment will apply the expanded 10-cent price limit to the second listed futures contract month (the “Next Current Month”) at all times. Currently, the Rule provides that the expanded 10-cent price limit applies to the second listed futures contract month only on and after the first notice day of the spot contract month.

The Exchange believes that extending the application of the 10-cent limit will be beneficial to market participants by allowing them to execute chosen strategies under the expanded limit rather than having to trade the related option contract or a futures spread.

The Exchange certifies that the amendments comply with the requirements of the Commodity Exchange Act and the rules and regulations promulgated thereunder.

The amendments were adopted by the Exchange’s Board of Governors on September 14, 2005. They will become effective on a date set by the President after approval by the Commission. Opposing views voiced the opinion that chaotic conditions on the trading floor during a sharp price move could result in trading errors if the expanded price limit is applied to a second contract month.

If you have any questions or need further information, please contact me at jfassler@nybot.com or 212-748-4084.

Sincerely,

Jill S. Fassler
Vice President
Associate General Counsel

cc: Riva Adriance
Thomas Leahy
CFTC, Division of Market Oversight
Allen Cooper
CFTC, New York Regional Office

(In the text of the amendments below, deletions are bracketed and lined out.)

Rule 13.08. Price Limits

(a) For purposes of this Rule the following terms shall have the following meanings:

(i) *The Current Month*. The maturing futures month measured from the close of business on the Last Trading Day of the futures month immediately preceding it through the close of business on the Last Trading Day of the futures month so considered;

(ii) *Next Current Month*. The futures month following the Current Month [~~beginning on the first (1st) Business Day of the month in which the Current Month matures~~];

(iii) *Nearby Month(s)*. Collectively, the months referred to in (i) and (ii) above; and

(iv) *Back Months*. All other futures months.

(b) Back Months - Trades for any Back Month shall not, during any one (1) day, be made at prices varying more than five cents (5¢) per pound above or below the Settlement Price of such month of the preceding session of the Exchange, except when three (3) or more Back Months close at the limit in the same direction for three (3) successive Business Days, then the limit would be raised to eight cents (8¢) per pound above or below the Settlement Price of such month of the preceding session of the Exchange. The limit will remain at eight cents (8¢) per pound until less than three (3) Back Months close at the limit in the same direction, then on the next day the limit will revert to the original level of five cents (5¢) per pound.

(c) Nearby Months

(i) *10¢ Move*

(A) The price limit for any Nearby Month shall be ten cents (10¢) per pound above and below the Settlement Price for such month of the preceding trading session. If the price for any Nearby Month reaches said ten cents (10¢) per pound limit, trading in all Exchange Futures and Options Months shall automatically be suspended for a period of fifteen (15) minutes, during the last five (5) minutes of which, a stopped contract shall be held in the manner provided under Rule 4.08, provided however, that, the Floor Committee may determine to extend such five (5) minute period during which a stopped contract shall be held, for an additional period of time not to exceed two (2) minutes. At the end of such suspension, trading shall resume with an opening call in futures.

[REMAINDER OF RULE UNCHANGED]

EXHIBIT A