

**Questions on the Eris Exchange, LLC (“ErisX”) RSBIX NFL Futures Contracts for
Public Comment**

With regards to the ErisX RSBIX NFL futures contracts:

1. Do any of these contracts involve, relate to, or reference gaming as described in Commission regulation 40.11(a)(1)?
2. Do any of these contracts involve, relate to, or reference “an activity that is unlawful under any State or Federal law” as described in Commission regulation 40.11(a)(1)?
3. ErisX has proposed to restrict participation in the futures contracts. If such contracts are determined to involve, relate to, or reference gaming or an activity that is unlawful under any State or Federal law, are ErisX’s proposed participation restrictions relevant to the Commission’s determination of whether one or more of the contracts serve an economic purpose and thus may impact the Commission’s determination on whether such contracts are contrary to the public interest? If so, how should such restrictions impact the Commission’s determination of whether one or more of the contracts serve an economic interest and thus may impact the Commission’s determination on whether such contracts are contrary to the public interest?
4. In determining whether any of these contracts falls under the prohibition pursuant to Commission regulation 40.11(a)(1) as an activity that is unlawful under any State or Federal law, to what extent should the Commission be influenced by whether all states’ laws permit gaming (including sports gaming), and/or by the prohibition of interstate betting under Federal law?
5. Could the trading of these contracts that involve sports gaming create incentives to influence the outcome of a sporting event or other outcomes related to sporting events? What mechanisms would be available to the Commission or to the DCM to surveil for, and guard against, manipulation of these contracts through manipulation of sporting events or other outcomes related to sporting events?
6. What factors should the Commission consider in determining whether these contracts are “contrary to the public interest”?