



January 9, 2023

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

**RE: Freedom of Information Act (“FOIA”) Confidential Treatment Request –
Section 5c(c)(1) of the Commodity Exchange Act (“CEA”) and Commission
Regulation 40.6(a) self-certification submissions on January 9, 2023**

Dear Secretary,

In conjunction with the self-certification submitted today via the Commodity Futures Trading Commission (“CFTC”) Portal by the Minneapolis Grain Exchange, LLC (“MGEX”), pursuant to Section 5c(c)(1) of the Commodity Exchange Act (“CEA”) and Commission Regulation 40.6(a), MGEX respectfully requests confidential treatment for the self-certification (collectively, the “Confidential Material”) until further notice.

The Confidential Material relates to the operations of MGEX and concerns or may concern customarily non-public, confidential and privileged business and commercial information concerning MGEX. The Confidential Material is also exempt from mandatory disclosure under the following provision of the Freedom of Information Act (“FOIA”): 5 U.S.C. § 552(b)(8) (which protects information contained in or related to examination, operating, or condition reports about financial institutions that a governmental agency regulates or supervises).

In accordance with CFTC Regulation 145.9, MGEX hereby requests that the Commission afford confidential treatment under FOIA for the Confidential Material. MGEX requests that confidential treatment be maintained until further notice for such documents in accordance with CFTC Regulation 145.9(d)(5).

Additionally, MGEX requests that the Commission notify MGEX immediately after receiving any FOIA request for such documents or any other court order, subpoena, or summons for the same. MGEX also requests that the Commission notify MGEX if it

intends to disclose such documents to any governmental agency or unit pursuant to Section 8 of the Commodity Exchange Act. Finally, MGEX requests that you forward a copy of this letter to any such agency with the Confidential Material. MGEX does not waive its notification rights under Section 8(f) of the Commodity Exchange Act with respect to any subpoena or summons for such documents.

The request set forth in the preceding paragraphs also applies to any memoranda, notes, transcripts or other writings of any sort whatsoever that are made by, or at the request of, the Commission or the Staff (or any other government agency) and which (1) incorporate, include or relate to any of the Confidential Material or (2) refer to any conference, meeting or telephone conversation between the officers, directors, employees, shareholders, agents, current or former representatives or counsel of the Company on the one hand and the Commission or the Staff (or any other government agency) on the other, relating to the Confidential Material.

Provision of the Confidential Material is not intended to, and does not, waive any applicable privilege or other legal basis under which information may not be subject to production. If it were found that any of the enclosed Confidential Material constitutes disclosure of otherwise privileged matters, such disclosure would be inadvertent.

The basis on which confidential treatment is being requested is that disclosure of the Confidential Material would reveal trade secrets or confidential commercial or financial information of MGEX, a financial institution that falls under the protection of FOIA. Should you have any questions regarding this letter, please feel free to contact me at (612) 321-7176 or jkrause@mgex.com. Thank you for your attention in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Krause', with a stylized flourish at the end.

James D. Krause
Associate Counsel, MGEX Clearing

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