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To whom it may concern,

First, I would like to commend the CFTC for facilitating this roundtable discussion.

I am a long time participant and registrant in the futures industry. One of the things I proudly point out to interested investors is the fact that I operate in a highly regulated market and am a member of the NFA.

Overall, the CFTC and the NFA have done an excellent job as regulators. While no one likes an audit, the principles-based structure has served the industry well, and there are clear guidelines as to how to operate. Admittedly there are grey areas too, and prior guidance such as the "fully-funded subset methodology for calculating rate of returns" were problematic. But setting specific concerns aside, the CFTC and the NFA on the whole have served the industry very well.

Recently, however, there have been financial innovations involving the commodity markets which for various reasons have developed outside the direct oversight of the CFTC. This has been disconcerting because I believe such developments have served to undermine the integrity and authority of the CFTC to oversee the commodity markets.

Below is a list of questions that I would like to raise to the CFTC as I believe they relate directly to the matter at hand:

1) Acknowledging that securities are specifically excluded from the jurisdiction of the Commodity Exchange Act (CEA), but noting recent rules imposed on the innovation of single stock futures hybrid, why is it that Series 7 reps can now sell commodity-linked products without a Series 3 license? Is this not a violation of the CEA and CFTC regulations?

2) Why are commodity-linked ETFs technically not considered commodity pool operators, and why are they not subject to the same regulations as commodity pool operators? Similarly, how can it be that so many hedge funds have now exploited loopholes in the CEA as to participate directly in the commodity markets vis-a-vis OTC derivatives without being registrants? The Modernization Act of 2000 "exemptions" have now served to undermine the authority of the CFTC and put the industry at risk.

3) Our research reveals that commodity-linked ETFs are materially different from futures contracts. Most importantly, they do not serve an economic purpose in providing a means for bona fide hedgers to hedge. Specifically, shorting a commodity-linked ETF does not result in the ETF reducing its underlying commodity exposure, therefore its bias to the long-side is systemic.

4) Why are securities firms allowed to market commodity related securities products without the same constraints as imposed on futures industry registrants? For example, many promoters of commodity-linked ETFs state as fact the theory of the 'roll return' or 'roll yield,' when in fact such idea is academically debated and is based on past performance. In other words, it is a hypothetical concept, but securities professionals have been allowed to market this idea without providing required hypothetical disclosure.

5) Why are securities professionals allowed to hold themselves out as commodity professionals? The debasing of this core rule has led to confusion in the publics mind and threatens the futures industry profession.

Thank you for considering the above questions. We believe the concerns they raise are directly related to the matter at hand.

We plan on submitting comments written statements for the official record by May 7th. However, we would like to make the following comments beforehand.

We believe that the securitization of commodities, a difficult topic in itself to analyze given the proliferation of different types of securitized commodity instruments, has led to an undermining of the prime economic purpose of the commodity futures market.

The primary benefit provided by these markets is that it allows commercial producers, distributors and consumers of an underlying cash commodity to hedge. Hedging is indispensable to our financial system. Securitized commodity products are not structured to serve that purpose however. Rather, this innovation has allowed money flows to distort price discovery, while at the same time undermine any hedging utility. Further, they are sold as investments, when in fact these products are speculative.

A major point of confusion which has led to an exploitation by promoters of securitized commodity products is the Commitment of Traders Report (COTR). Bona fide hedgers need to be categorized apart from other large users so that a clearer understanding of which participants are benefit from price rises can be determine. This is of national and international economic concern.

Finally, I would like to state that the career of commodity futures speculation is an honorable trade if plied honorably. I fear, however, that our industry has been overrun by the securities industry, and in turn I fear for our economic well-being.

Very truly yours, Mack