



November 15, 2012

The Honorable Gary Gensler
U.S. Commodity Futures Trading Commission
Three Lafayette Centre
1155 21st Street, NW
Washington, DC 20581

Re: Response to Depository Trust and Clearing Corporation

Dear Chairman Gensler:

ICE Trade Vault, LLC, (“ICE Trade Vault”), a wholly-owned subsidiary of the IntercontinentalExchange, Inc. (“ICE”) submits this letter to the Commodity Futures Trading Commission (“Commission”) in response to Depository Trust and Clearing Corporation’s (“DTCC”) letter dated November 14, 2012. Many of the legal theories advanced in DTCC’s letter are the subject of a lawsuit pending in the United States District Court for the District of Columbia, and we think it prudent to await resolution of those issues before the Court. DTCC purports to represent our customers’ views; this is misleading. DTCC is not an industry association or mouthpiece for the industry, but a commercially-motivated competitor. Thus, the other points in the letter are the jeremiad of a competitor and we believe that the Commission should remain neutral in competitive disputes. However, we do believe the Commission should understand why ICE is in the Swap Data Repository (“SDR”) business.

Our customers¹ asked us to build ICE Trade Vault in order to give them the tools necessary to satisfy regulatory reporting obligations in the most cost-effective manner with the fewest changes to their existing trading and confirmations platforms. ICE Trade Vault uses ICE eConfirm and ICE Link connectivity solutions as the front-end applications for the SDR. ICE eConfirm and ICE Link have wide adoption and connectivity with over the counter swaps customers and ICE naturally made it as convenient as possible for customers to use their existing connections to ICE to reach our SDR. Using ICE eConfirm and ICE Link connectivity enables customers to report their swap transactions with minimal changes to their existing operations. The Commission should note, contrary to the DTCC’s letter, ICE provides customers with the choice to use ancillary services provided by other market participants.²

¹ Many of the large banks that control DTCC are also customers of ICE Trade Vault.

<http://www.dtcc.com/about/governance/board.php>

² Customers of ICE eConfirm may report swap transaction data to other registered SDRs by simply submitting their choice of “First Reported SDR” on their legal confirmation. Customers of ICE Trade Vault need not legally confirm their swap transactions via ICE eConfirm in order to send swap data to ICE Trade Vault. Similarly, for clearing of credit default swaps, DTCC’s MarkitSERV has the same access to ICE Clear Credit and ICE Clear Europe as all



In their letter, DTCC references the need for a “fair and competitive marketplace”, however it is apparent that DTCC’s version of “fair and competitive” contemplates a world where there is a single SDR operated by DTCC. ICE Trade Vault understands DTCC’s competitive frustrations. However, by permitting the registration of multiple SDRs, the Dodd-Frank Act contemplates a competitive landscape for SDR services, rather than a single SDR. In that vein, ICE believes that competition and customer service, rather than regulatory fiat should drive business to SDRs.

As conceded by DTCC, ICE Trade Vault is in fact compliant with the Dodd/Frank Act and the Commission’s rules. Should the Commission believe that these rules should be changed, ICE, along with all other market participants, will look forward to the opportunity to comment on revised rules in a formal rulemaking after appropriate notice to the industry.

Thank you for your attention.

Sincerely,

A handwritten signature in blue ink that reads "Trabue Bland".

R. Trabue Bland
VP, Regulation

cc: The Honorable Jill Sommers
The Honorable Scott O’Malia
The Honorable Bart Chilton
The Honorable Mark Wetjen
Richard Shilts

other platforms and customers have the ability to submit trades through the execution venue or affirmation platform of their choice.