

UNITED STATES OF AMERICA

Before the

COMMODITY FUTURES TRADING COMMISSION

**Order of the Commodity Futures
Trading Commission Concerning the
Transfer of Energy Contracts from
ICE US OTC Commodity Markets, LLC
to ICE Futures U.S., Inc.**

By letter dated September 7, 2012, the IntercontinentalExchange, Inc. (hereinafter “Petitioner”) requested that the Commission permit the transfer to ICE Futures U.S., Inc. (“IFUS”) of the open interest associated with the the cleared financial gas, financial power and physical environmental swaps and options (such contracts are collectively referred to as the “Energy Contracts”) currently listed on ICE US OTC (“ICE OTC”), a market operating in reliance upon the Second Amended July 14 Order, 77 FR 41260 (Jul. 13, 2012). Per the September 7, 2012 letter, on October 15, 2012 (the “Transition Date”), the open interest associated with the Energy Contracts will be transferred from ICE OTC to IFUS, where they will be listed for trading as futures contracts.

WHEREAS, the Commission has reviewed the request and the supplementary material submitted by the Petitioner and has determined to approve the request to transfer the open interest associated with the Energy Contracts from ICE OTC to IFUS;

Therefore:

IT IS HEREBY ORDERED that the request of Petitioner to transfer the open interest associated with the Energy Contracts from ICE OTC to IFUS is approved;

IT IS FURTHER ORDERED that this approval of Petitioner's request to transfer the open interest associated with the Energy Contracts from ICE OTC to IFUS shall be subject to Petitioner's compliance with representations it made to the Commission in its request, including, but not limited to, the following specific representations:

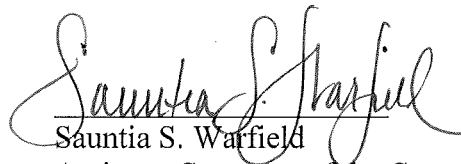
- A. IFUS is subject to the core principles applicable to designated contract markets ("DCM") under the Commodity Exchange Act and will be responsible for compliance with the provisions of the Act and the Commission's regulations applicable to DCMs.
- B. All contract terms and conditions and related rule amendments associated with the transfer of the open interest associated with the Energy Contracts have previously been or will be submitted to the Commission prior to the Transition Date.
- C. Market participants will be notified of all rule amendments and contract terms and conditions.
- D. IFUS will promptly notify the Commission upon completion of the transfer of the open interest associated with the Energy Contracts from ICE OTC to IFUS on the Transition Date.
- E. Market participants have been notified of the intention to transfer the open interest associated with the Energy Contracts from ICE OTC to IFUS on the Transition Date.
- F. The rights and obligations of participants under the terms and conditions of the Energy Contracts will not be affected by the transfer of the open interest associated with the

Energy Contracts from ICE OTC to IFUS, except as communicated to the Commission in writing.

IT IS FURTHER ORDERED that the transfer of the open interest associated with the Energy Contracts from ICE OTC to IFUS shall not affect any action taken, or to be taken by the Commission based upon actions, activities, or events occurring prior to this transfer of contracts and open interest.

Issued in Washington, D.C. this 9th day of October , 2012.

By the Commission


Sauntia S. Warfield
Assistant Secretary of the Commission