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OFFICE OF THE SECRETARIAT  
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March 1, 2010

**SENT VIA E-MAIL**

Mr. David Stawick  
Secretary of the Commission  
Commodity Futures Trading Commission  
Three Lafayette Centre  
1155 21st Street, N.W.  
Washington, D.C. 20581

**Re: Submission pursuant to Commission Regulation Section 40.6(a)**

Dear Mr. Stawick:

- I. **Certification.** The Kansas City Board of Trade ("KCBT") hereby gives notification to the Commission pursuant to Commission Regulation Section 40.6(a), of its intention to add new Rules 2100.01 and 2100.02 to its petition dated May 26, 2009 titled, "Petition for an Exemption Pursuant to Sections 4(c) and 4d of the Commodity Exchange Act ("CEA") and Commission Regulation 35.2 Permitting the Clearing of OTC Agricultural Swaps and Comingling of Swap Customer Funds with Customer Segregated Funds." The Board of Directors, in a special meeting held on this date, acting pursuant to authority granted them under Rule 233.01(o), approved the aforementioned rules. KCBT certifies to the Commission that Rules 2100.01 and 2100.02 would not be in conflict with any Commission order granting approval of KCBT's May 26, 2009 petition.
- II. **Date of Implementation.** Rules 2100.01 and 2100.02 shall become effective upon Commission order granting approval of KCBT's May 26, 2009 petition.
- III. **Substantive Opposing Views.** To the knowledge of the Board of Directors and staff, no substantive opposing views were expressed by members or others regarding Rules 2100.01 and 2100.02.
- IV. **Text of Rules.** The text of the Rules 2100.01 through 2100.05 is shown as follows, with additions underlined and deletions lined out (relative to the May 26, 2009 petition):

**2100.01 Participation Requirements – Futures Commission Merchants.** Any Futures Commission Merchant ("FCM") registered with the CFTC that carries the account of a customer desiring to enter into Wheat Calendar Swaps transactions must execute a Participation Agreement with KCBT, in the form prescribed by KCBT, prior to the execution of any such swaps transactions, regardless of whether such FCM is a member of KCBT.

**2100.02 Participation Requirements – Eligible Swap Participant.** Each customer of an FCM desiring to enter into Wheat Calendar Swaps transactions must be an Eligible Swap Participant, as defined by CFTC Regulation Section 35.1(b)(2), and must execute a Certification of Eligibility in the form prescribed by KCBT, prior to the execution of any such swaps transactions. The executed Certification shall be retained by the FCM with the customer's account documents.

Mr. David Stawick  
March 1, 2010  
Page 2 of 2

**2100.045 Additional Rules.** The Board of Directors may adopt additional rules or modify existing rules of this Chapter, subject to CFTC approval, if required.

V. **Rationale for Action Taken.** KCBT has developed forms for FCMs and Eligible Swap Participant customers to sign prior to entering into any Cleared-Only Wheat Swaps transactions pursuant to Chapter 21 of KCBT rules (said rules contained in KCBT's May 26, 2009 petition request). Rules 2100.01 and 2100.02 are being submitted to the Commission for inclusion in KCBT's May 26, 2009 petition request in order to provide the regulatory basis for requiring the execution of the FCM and Eligible Swap Participant forms referred to in the rules.

Any questions regarding this submission should be directed to the undersigned at 816-753-7500.

Sincerely,



Jeff C. Borchardt  
President

Cc: Phyllis Dietz – CFTC Washington  
Eileen Donovan – CFTC Washington  
Tom Bloom – CFTC Kansas City