

 **ICE** FUTURES U.S.  
World Financial Center  
One North End Avenue  
New York, New York 10282

**BY ELECTRONIC TRANSMISSION**

Submission No. 08-24  
March 27, 2008

Mr. David A. Stawick  
Secretary of the Commission  
Office of the Secretariat  
Commodity Futures Trading Commission  
Three Lafayette Centre  
1155 21<sup>st</sup> Street, NW  
Washington, DC 20581

Re: **Notification of Procedure to Cure Improperly Packaged Coffee -  
Submission Pursuant to Section 5c(c)(1) of the Act and Regulation 40.6**

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C.F.T.C.

Dear Mr. Stawick:

Pursuant to Section 5c(c)(1) of the Commodity Exchange Act, as amended, and Commission Regulation 40.6, ICE Futures U.S., Inc. ("Exchange") submits, by written certification, a procedure being implemented solely with respect to identified coffee bags which were packaged in bags not meeting the requirements of Rule 8.14(a)(7).

The Exchange has determined that 26,283 bags of certified Coffee "C"<sup>®</sup>, currently being stored in the ports of Houston, Miami, Hamburg/Bremen and Antwerp, do not satisfy the contract specifications set forth in Rule 8.14(a)(7) because the coffee is packaged in bags weighing less than the minimum required weight of seven hundred (700) grams.

While the coffee remains certificated, the bags have been flagged in the Exchange's electronic delivery system, eCOPS<sup>®</sup>, and no delivery notices relating to these bags may be issued. To bring the coffee into compliance with the contract specifications, the Exchange has adopted a procedure to be implemented solely for the 26,283 bags in order to allow the owners of the coffee to bring the bags into compliance with the contract specifications and to be able to deliver the coffee on the Exchange. The procedure will give the owners of the coffee until July 31, 2008 to double bag the 26,283 bags. If the coffee is not double bagged by that time, the coffee will lose its Certificate of Grade. It should be noted that this procedure was used in March 2000 when the Exchange required that all coffee be packaged in seven hundred (700) gram bags in order to address the significant problem of bursting bags.

In addition, eCOPS was modified so that a bag weighing less than 700 grams will not be accepted by the system as Exchange coffee.

The procedure was adopted by the Exchange's Board of Directors by written unanimous consent in accordance with Bylaw Section 4.7 on March 26, 2008. The procedure will go into effect on March 31, 2008. No substantive opposing views were expressed by members or others with respect to the amendments.

The Exchange certifies that the amendments comply with the requirements of the Commodity Exchange Act and the rules and regulations promulgated thereunder.

If you have any questions or need further information, please contact me at 212-748-4084 or at [jill.fassler@theice.com](mailto:jill.fassler@theice.com).

Sincerely,

Jill S. Fassler  
Vice President  
Associate General Counsel

cc: Division of Market Oversight  
New York Regional Office