



April 4, 2008

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Via Electronic Mail

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

Re: CBOE Futures Exchange, LLC Rule Certification
Submission Number CFE-2008-03

Dear Mr. Stawick:

Pursuant to Section 5c(c)(1) of the Commodity Exchange Act, as amended ("Act"), and §40.6(a) of the regulations promulgated by the Commodity Futures Trading Commission ("Commission") under the Act, CBOE Futures Exchange, LLC ("CFE" or "Exchange") hereby submits this rule change ("Amendment") to amend CFE Rule 420 to (i) provide that the Exchange may allow transfers of positions if the Exchange determines that allowing the transfer would be in the interest of preserving an orderly market, the protection of market participants, or the best interest of the Exchange or is otherwise warranted due to unusual or extenuating circumstances, and (ii) make explicit that Clearing Members may transfer positions pursuant to Rule 420 using the mark-to-market prices of the positions on the day of the transfer.

The Amendment will become effective on April 8, 2008.

CFE is not aware of any substantive opposing views to the Amendment. CFE hereby certifies that the Amendment complies with the Act and the regulations thereunder.

The Amendment, marked to show additions in underlined text and deletions in [bracketed] text, consists of the following:

* * * * *

Rule 420. Transfers of Positions

- (a) A Clearing Member may transfer a position on its books to:
 - (i) correct errors in an existing Contract, provided that the original trade documentation confirms the error;
 - (ii) transfer an existing Contract from one account to another within the same Trading Privilege Holder where no change in ownership is involved;

(iii) transfer an existing Contract from one Clearing Member to another Clearing Member where no change in ownership occurs; or

(iv) transfer an existing Contract through operation of law from death or bankruptcy.

(b) Upon written request, the Exchange may, in its sole discretion, allow the transfer of a position:

(i) as a result of a merger, asset purchase, consolidation, or similar non-recurring transaction for a Person; or

(ii) if the President or his designee determines that allowing the transfer would be in the interest of preserving an orderly market, the protection of market participants, or the best interest of the Exchange or is otherwise warranted due to unusual or extenuating circumstances.

(c) Clearing Members must transfer positions pursuant to this Rule either at the:

(i) [same] original trade prices of the positions that appear on the books of the transferring Clearing Member, [and] in which case the records of the transfer must indicate the [date when the] original trade [was made] dates for the positions; or

(ii) mark-to-market prices of the positions on the day of the transfer.

Each Clearing Member that is a party to a transfer of positions must make and retain records stating the nature of the transaction, the name of the counter-party Clearing Member, and any other information required by the Clearing Corporation.

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Questions regarding this submission may be directed to Arthur Reinstein at (312) 786-7570 or Jennifer Yeadon at (312) 786-7466. Please reference our submission number CFE-2008-03 in any related correspondence.

CBOE Futures Exchange, LLC

By: 

Andrew Lowenthal
Managing Director

cc: Riva Adriance (CFTC)
Edward Dasso (NFA)
The Options Clearing Corporation