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**BY ELECTRONIC TRANSMISSION**

**Submission No. 12-29**

May 4, 2012

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

**Re:   Amendment to ICE Clear U.S., Inc. Rule 502(a)  
      Submission Pursuant to Section 5c(c)(1) of the Act and Regulation 40.6(a)**

Dear Mr. Stawick:

Pursuant to Section 5c(c)(1) of the Commodity Exchange Act, as amended (the "Act") and CFTC Regulation 40.6(a), ICE Clear US., Inc. ("ICUS" or "Clearing House") hereby notifies the Commission that it has adopted an amendment to Rule 502 (attached as Exhibit A) that it proposes to make effective on May 21, 2012. The Clearing House has separately issued a Notice to Members pursuant to existing rules, regarding the collection of margin from customers for non-hedge positions (attached as Exhibit B).

CFTC Regulation 39.13(g)(8)(ii) provides that a derivatives clearing organization ("DCO") must require its clearing members to collect customer initial margin for non-hedge positions at a level greater than 100 percent of the DCO's initial margin requirements for each product. All ICE Clear U.S. clearing members currently are required to collect 110% of the Clearing House original margin requirement for non-hedge positions, except for customers who are members of ICE Futures U.S.<sup>1</sup> The Clearing House has determined to codify in its Rules the duty to collect a higher level of margin for non-hedge positions, and to that end has amended Rule 502(a). In the future, notices to members will be issued pursuant to this provision.

A number of market participants have contacted the Exchange concerning the potential negative impact that Regulation 39.13(g)(8)(ii) would have on market professionals and clearing members' operations, absent the 90 day relief granted by the Commission delaying implementation of the regulation to the extent it relates to IFUS members and omnibus accounts. We look forward to working with the Commission to address these concerns during this period.

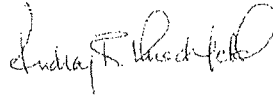
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<sup>1</sup> ICE Futures US sets its hedge margin rate at the same level as the Clearing House original margin rate, and requires the collection of initial margin at that rate for all hedge and members positions; non-hedge positions of all other customers must be collected at 110% of the hedge rate. (see ICE Futures US Rule 5.03 ).

No substantive opposing views regarding the Clearing House rule amendment were expressed to ICUS. The Clearing House certifies that the amendment complies with the requirements of the Act and the rules and regulations promulgated thereunder. ICUS further certifies that this submission has been concurrently posted on the ICUS website at (<https://www.theice.com/notices/RegulatoryFilings.shtml>).

If you have any questions or need further information, please contact me at 212-748-4083 or [audrey.hirschfeld@theice.com](mailto:audrey.hirschfeld@theice.com).

Sincerely,

A handwritten signature in cursive script, appearing to read "Audrey R. Hirschfeld".

Audrey R. Hirschfeld  
Senior Vice President & General Counsel  
ICE Futures U.S., Inc.

cc: Division of Clearing and Risk  
New York Regional Office

## EXHIBIT A

In the text of the amendments below additions are underscored and deletions bracketed and struck out.

### Rule 502. Margin and Premium Requirement; Additional Margin

- (a) Each Clearing Member shall deposit with or pay to the Corporation original margin, variation margin and option premiums for each cleared Contract in such amounts, in such forms, at such times and in accordance with such systems as may be prescribed by or pursuant to these Rules or by the Board pursuant to Section 7.2 of the By-Laws. Original margin requirements shall be as determined by the staff of the Corporation from time to time. Clearing Members shall collect original margin from their customers, for non-hedge positions, at a level that exceeds the original margin rate determined by the Corporation by such amount as the Corporation shall specify from time to time. Unless otherwise determined by the Board at any time, original margin shall be determined in accordance with the Standard Portfolio Analysis of Risk System as implemented from time to time by the Corporation.

REMAINDER OF RULE UNCHANGED

EXHIBIT B



NOTICE

NOTICE  
12-045

May 4, 2012

**Summary of content**

**Compliance with  
CFTC Regulation  
39.13(g)(8)(ii)**

**For more information  
please contact:**

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**Commodity Futures Trading Commission Regulation  
39.13(g)(8)(ii)**

CFTC Regulation 39.13(g)(8)(ii), which becomes effective on May 7, 2012, requires ICE Clear U.S. ("ICUS") clearing members to collect original margin from their customers, for non-hedge positions, at a level that exceeds the ICUS original margin rate. Consistent with current ICUS and ICE Futures U.S. ("IFUS" or the "Exchange") requirements, ICUS clearing members currently are required to collect original margin from their customers who are not members of the Exchange, for non-hedge positions, at a rate that is 10 percent greater than the ICUS original margin rate. The CFTC has granted ICUS an extension of 90 days with respect to the implementation of Regulation 39.13(g)(8)(ii) to the extent it relates to IFUS members and omnibus accounts. Therefore, at this time, the current requirements will not change as a result of CFTC Regulation 39.13(g)(8)(ii) going into effect.

During this extension period, ICUS will work with the CFTC regarding concerns expressed by market participants, and will coordinate implementation of the regulation with ICUS clearing members and IFUS members.