


ICE FUTURES U.S.
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Submission No. 08-36

June 11, 2008

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

**Re: Amendments to Rules 28.07, 28.12, 28.14, Appendix IV and Robusta Resolution No. 1 -
Submission Pursuant to Section 5c(c)(1) of the Act and Regulation 40.6**

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, amendments to Rules 28.07, 28.12, 28.14, Appendix IV and Robusta Resolution No. 1, attached as Exhibit A.

In addition, the Exchange is notifying the Commission that, as of the close of trading June 11, 2008, the Exchange will only be listing twelve (12) Robusta futures and options months at any one time. The Robusta futures and options months of July '09 through May '10 will be delisted from trading. There is no open interest in any of these futures or options contracts.

Rules 28.07 and 28.12 – The amendments delete provisions making the deliverer responsible for Free on Truck (or "FOT") loadout in Exchange deliveries. With the deletion of these provisions, the delivery terms of the Robusta contract become the same as those of the Coffee "C" contract facilitating the delivery process.

Rule 28.14 and Robusta Coffee Resolution No. 1 – Currently, only coffee that has been shipped in bags from the country of origin is eligible for delivery. However, Robusta coffee is often shipped and stored in bulk, and, if necessary repackaged. The amendments allow for the repackaging of such coffee so that it may become eligible for delivery under the Exchange's rules.

Appendix IV – The amendment deletes provisions for a 125 point discount for deliveries in the ports of Antwerp, Barcelona, Bremen, Hamburg and Trieste, with the result that all ports will be deliverable at par.

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

The amendments and the resolution to list only twelve (12) delivery months were adopted by the Exchange's Board of Directors on June 11, 2008. No substantive opposing views were expressed by members or others with respect to the amendments. The amendments will become effective on June 13, 2008 for all delivery months currently listed by the Exchange and all subsequent months that will be listed. It should be noted that there is no open interest for any of the Robusta delivery months. On the date of this letter, the Exchange will announce to the public that the amendments will become effective on Friday, and that anyone who trades the Robusta futures contract between the time of the announcement and Friday will be deemed by the Exchange to have traded the futures or options contract(s) under its new terms.

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

Sincerely,

Jill S. Fassler
Vice President
Associate General Counsel

cc: Division of Market Oversight
New York Regional Office

(In the text of the amendment below, additions are underlined and deletions are bracketed and lined out.)

Rule 28.07. [~~Loadout Charges~~] Reserved

~~[The Receiver in an Exchange delivery shall not be responsible for any warehouse charges for loadout F. O. T. ("free on truck"), which shall be the responsibility of the original owner who submitted the product for Exchange grading. Loadout shall take place in accordance with normal commercial practice at the delivery point, unless otherwise specifically provided in these Rules.]~~

Rule 28.12. Delivery and Payment

* * *

(f) The Exchange Invoice shall be calculated so that the Receiver is charged for any remaining prepaid storage ~~[and so that the Deliverer is charged for loadout using the loadout rate posted on the Exchange's web site which is in effect at the Licensed Warehouse at the time of Delivery].~~

* * *

[REMAINDER OF RULE UNCHANGED]

Rule 28.14. Storage and Packaging

(a) In addition to other applicable terms and conditions set forth in the Rules, each Lot of coffee shall, in order to be deliverable under a Robusta Coffee Futures Contract, satisfy the following requirements at the time of delivery:

* * *

(5) it shall be packaged in bags which have been marked, prior to exportation from the country of origin, with the growth, except that repackaged coffee may be delivered if (i) properly marked bags were soiled or damaged and such repackaging was effected by a licensed warehouse or weighmaster while the coffee was in a Licensed Store, and (ii) the new bags contain the markings which appeared on the original bags; provided, however, that, if the coffee is stored in bulk, the coffee must be repackaged in the manner provided for in this Rule and properly marked with the growth prior to the submission of a Sampling Order for such coffee;

[REMAINDER OF RULE UNCHANGED]

APPENDIX IV

Robusta Coffee Differentials

The differentials for coffees delivered under the Robusta Coffee Futures Contract are as follows:

* * *

~~[(3) The differences in value between Delivery Ports shall be as follows:~~

- ~~a. New York, New Orleans, Miami and Houston at Basis;~~
- ~~b. Antwerp, Barcelona, Bremen, Hamburg, and Trieste at minus 125 points.]~~

EXHIBIT A

ROBUSTA COFFEE RESOLUTIONS

No. 1. Warehouse Procedures and Recordkeeping Requirements for the Storage of Exchange Coffee

RESOLVED, THAT the following are the minimum acceptable standards and procedures to be followed by Exchange licensed coffee warehouses in connection with the storage of Exchange-certified Coffee.

* * *

8. It shall be the responsibility of the warehouse to ensure that coffee stored in bulk, which is repackaged at the owner's request, is packed in bags having a minimum weight of 500 grams, with each bag containing coffee from only one country of origin, and to maintain and keep appropriate documents evidencing the country of origin.