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

OFFICE OF THE SECRETARIAT

**BY ELECTRONIC TRANSMISSION**

Submission No. 08-35  
June 24, 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: **Temporary Change in Trading Hours and Settlement Periods Due to  
Power Outage -  
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. (the "Exchange") submits, by written certification, notification to the Commission that on May 15, 2008, the Exchange implemented temporary changes to its rules in response to an emergency shutdown of power in the Chicago data center where the servers that operate the Exchange's electronic trading platform (the "Platform") are located.

As a result, trading of all products that are listed for electronic trading on the Platform ceased at 10:21 am New York time and resumed at 14:00 New York time. In addition, at approximately 10:45 am New York time, floor trading was suspended in New York and did not resume on that day except for the following instruments: U.S. Dollar Index options contracts, those of the Russell Complex futures and options contracts that trade exclusively on the floor, the NYSE Composite Index futures and options contracts and Cotton No. 2 options contracts. The U.S. Dollar Index options contracts resumed trading on the floor at 14:00 and ended at their usual time of 15:00; and the Russell Complex futures and options contracts and the NYSE Composite futures and options contracts resumed trading on the floor at 14:00 and ended at their usual time of 16:15.

Rule 6.04(a)(iii) provides that a market may not re-open if less than fifteen (15) minutes of free trading remain. The trading platform was expected to become operational at 14:00, which would have left fourteen (14) minutes of free trading. The Cotton No. 2 options floor brokers had

been waiting on the trading floor for more than three (3) hours in the hopes that trading would resume and they would have the chance to settle up open positions from the morning. For that reason, and in light of the fact that 14:00 was right on the cusp of the fifteen (15) minute window, a senior officer had announced to the floor prior to 14:00 that floor trading in Cotton No. 2 options would resume when the trading platform became operational at 14:00. When that was brought to the attention of other senior officers, it was decided to allow Cotton No. 2 options contracts to immediately begin trading. By that time, it was 14:05.

Pursuant to Exchange Rule 6.02(b), the determinations with respect to the suspension of floor trading and the subsequent resumption of floor and electronic trading were made by senior officers of the Exchange because the President was unavailable. In addition, senior officers determined to change the time the settlement period would occur for Coffee "C", Cotton No. 2, FCOJ and Sugar No. 11 futures and options contracts. The settlement prices for those products were based on either the last minute or the last two (2) minutes of electronic trading (15:13-15:15), depending on the product's settlement convention, and were determined in the usual manner. The determination to change the time of the settlement period was made in light of the long period of time since trading had halted and the large number of pending orders, and was viewed as a means of ensuring that the settlement prices would be determined using trades that accurately reflected the market after it had had a sufficient period of time to trade.

For Cocoa futures and options contracts, which close earlier than all other contracts, senior officers determined that the settlement prices would be based on the midpoint between the high and the low that traded on the Platform during the one (1) minute prior to the Platform shut down. That decision was made at a time when it was not yet known whether trading on the Platform would be resumed.

For all other products, settlement prices were determined at the usual times in the usual manner.

The Exchange's conflict of interest procedures were not invoked in light of the fact that the procedures do not apply to staff.

The Exchange certifies that the temporary changes described herein in response to the physical emergency experienced by the Exchange 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