



World Financial Center
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BY ELECTRONIC TRANSMISSION

Submission No. 09-32
July 9, 2009

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O.F.T.O.
OFFICE OF THE SECRETARIAT

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 Exchange Fee Program -
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, a notice to the Commission of amendments to the Exchange Fee Program.

In Submission Nos. 07-43, 07-47, 08-30, 08-33, 08-48 and 09-14 and Supplemental Submission No. 08-48, the Exchange submitted the "Exchange Fee Program" and its amendments which were designed to attract CME, CBOE CBOT, NYMEX and ISE members and member firms who traded the Russell Indexes when the Russell Indexes were listed at the CME as well as at the Exchange (the "Fee Program") and when the Russell Indexes were solely listed at the Exchange. CME, CBOE, CBOT, NYMEX and ISE traders accepted into the Exchange Fee Program are being charged an Exchange fee of 30¢ instead of the customer rate of 94¢.

The Exchange Fee Program has been further amended so that:

- (1) as of July 13, 2009, no new participants will be accepted into the Fee Program;
- (2) beginning July 1, 2009, in addition to receiving the reduced Exchange fee for proprietary trades in the Russell Indexes, Fee Program participants will also receive a reduced Exchange fee of 30¢, instead of the customer rate of \$1.35, for proprietary trades executed electronically in the U.S. Dollar Index[®] futures and options contracts ("USD[®]"); and

¹ It should be noted that U.S. Dollar Index options contracts currently do not trade electronically, but it is planned to list them on the electronic platform in the near future.

(3) the reduced Exchange fee for both the Russell Indexes and the USDX will end when the Fee Program is scheduled to expire on December 31, 2009.

The Exchange Fee Program was successful in attracting the members and member firms of the various exchanges to trade the Russell Indexes on the ICE Platform. The participants in the Exchange Fee Program are also the firms and individuals who trade other financial derivatives including interest rates and currencies. The Exchange would like to use the final six (6) months of the Exchange Fee Program to encourage said participants to use the USDX as another financial tool.

The Exchange Fee Program has been in place since August 1, 2007. It is apparent to the Exchange that all of the members and member firms of the various exchanges that had been willing to trade the Russell Indexes have applied for, and been accepted into, the Exchange Fee Program. In addition, it is the current participants that the Exchange is seeking to encourage to trade the USDX. Therefore, no new participants will be accepted into the Exchange Fee Program as of July 13, 2009.

Lastly, the Exchange has determined that Exchange Fee Program with respect to the Russell Indexes and the USDX will expire on December 31, 2009, as previously submitted to the Commission (see Submission No. 09-14).

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

The amendments were adopted by the Exchange's Board of Directors on July 8, 2009. The reduced fee of 30¢ for proprietary trades in the USDX on the electronic platform will be rebated to the participants beginning with the billing period of July 1, 2009. New participants will no longer be accepted into the Exchange Fee Program as of July 13, 2009. No substantive opposing views were expressed by members or others with respect to the amendments to the Exchange Fee Program.

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