#### **RULE SELF-CERTIFICATION**

July 20, 2010

Office of the Secretary Commodity Futures Trading Commission Three Lafayette Center 1155 21<sup>st</sup> St., N.W. Washington, D.C. 20581

Re:

International Derivatives Clearinghouse, LLC

Reference File: SR-IDCH-2010-06

OFFICE OF THE SECRETARIAL

#### Ladies and Gentlemen:

Pursuant to Sections 40.6 of the regulations promulgated by the Commodity Futures Trading Commission (the "CFTC Rules") under the Commodity Exchange Act, as amended (the "Act"), International Derivatives Clearinghouse, LLC ("IDCH"), a derivatives clearing organization registered under the Act, hereby submits this self-certification to amend Rule 415 and Rule 514. The intended date of implementation of the amendments to Rule 415 and Rule 514 is July 26, 2010 (the "Effective Date").

1. Currently, Rule 415 provides that the Clearinghouse may, in its discretion, permit a Clearing Member to transfer a Contract as a result of a merger or other business combination.

Beginning on the Effective Date, Rule 415 will provide that a Clearing Member may transfer a Contract from one account carried by the Clearing Member to another account carried by the Clearing Member or to an account carried by another Clearing Member, upon written notice to the Clearinghouse in a form acceptable to the Clearinghouse, provided: (i) the underlying beneficial ownership in each such account remains the same; (ii) an error has been made in the clearing of a Contract and the error is discovered and the transfer is completed within two Business Days of the date the Contract was submitted to the Clearinghouse for clearing; (iii) the Clearinghouse, in its sole discretion, allows such transfer as a result of a merger or other business combination; or (iv) the Clearinghouse, in its sole discretion, determines that such transfer is in the best interest of the Clearinghouse. Any such transferred Contract shall be held open or offset in accordance with Rule 405.

2. Currently, Rule 514 provides that a Clearing Member must permit its Customers to deposit Performance Bond in any form that the Clearinghouse permits the Clearing Member to deposit as Performance Bond with the Clearinghouse.

Beginning on the Effective Date, Rule 514 will provide that a Clearing Member is permitted to accept, in addition to the forms of Performance Bond deposit currently accepted, Performance Bond deposits from its Customers in any of the following forms, subject to applicable regulatory haircuts and certain other restrictions: G7 cash currencies, readily marketable securities and money market mutual funds allowable under CFTC Regulation 1.25.

The text of the proposed amendments (showing deletions and additions) to Rule 415 and Rule 514 are attached hereto. There were no opposing views among IDCH's Board of Directors, Clearing Members or market participants. IDCH hereby certifies that these amendments to Rule 415 and 514 comply with the Act and the CFTC Rules.

Regards,

Michael Dundon Chief Risk Officer

Attachment

# International Derivatives Clearinghouse, LLC Reference File: SR-IDCH-2010-06

#### **Amendments to Rule 415**

### Rule 415. Transfers of Contracts

- (a) A Clearing Member may transfer a Contract from one account carried by the Clearing Member to another account carried by the Clearing Member or to an account carried by another Clearing Member, upon written notice to the Clearinghouse in a form acceptable to the Clearinghouse, provided:
  - (i) the underlying beneficial ownership in each such account remains the same;
  - (ii) an error has been made in the clearing of a Contract and the error is discovered and the transfer is completed within two Business Days of the date the Contract was submitted to the Clearinghouse for clearing;
  - (iii) Upon written request, the Clearinghouse-may, in its sole discretion, allow a Clearing Member to allows such transfer a Contract as a result of a merger or other business combination; or
  - (iv) the Clearinghouse, in its sole discretion, determines that such transfer is in the best interest of the Clearinghouse.
- (b) Any such transferred Contract shall be:
  - (i) carried by the receiving Clearing Member as of the date the Contract was submitted to the Clearinghouse for clearing; and
  - (ii) held open, or offset, as the case may be, in accordance with Rule 405,
- (c) Each Clearing Member must maintain a full and complete record of all such transactions.

### **Amendments to Rule 514**

# Rule 514. Customer Performance Bond Requirements

Clearing Members shall call for and maintain Performance Bond from their Customers as follows:

(a) An Initial Performance Bond deposit shall be required of all Customers. In no case shall a Customer's Initial Performance Bond be less than a specified amount per

Contract, or a specified percentage of the market value at which any Contract is bought or sold, such Customer's Performance Bond to be determined and announced by the Risk Committee or its designee.

- (b) Once the required Initial Performance Bond has been deposited for each individual transaction, such Contract and such Initial Performance Bond shall, for the purposes of this Rule, lose their individual identity and be commingled with all other Contracts and Performance Bond deposits in the same Contract for the same Customer Account.
- (c) When the Performance Bond in a Customer Account declines below the maintenance Initial Performance Bond requirement applicable to the open positions carried in such Customer Account, the Clearing Member carrying the Customer Account is required to collect from the Customer such funds which, when deposited, will restore it to the then-prevailing Initial Performance Bond requirement.
- (d) A Clearing Member shall not accept orders for new Contracts on behalf of Customer Account with a Performance Bond deficiency, other than those which reduce its initial Performance Bond requirement unless such Clearing Member has been given assurances by such Customer that funds sufficient to restore the account to its then prevailing initial Performance Bond requirement are forthcoming and will be received in a reasonable amount of time not to exceed one Business Day.
- (e) A Clearing Member must accept deposits from its Customers in forms set forth in Rules 507 and 508 as Performance Bond to cover Contract positions, provided that the Clearing Member mustalso may permit its Customers to deposit Performance Bond in any form that the Clearinghouse permits the Clearing Member to deposit as Performance Bond with the Clearinghouse, as set forth in Rule 509 the following forms:

## (i) G7 cash currencies;

- (ii) readily marketable securities (as defined by SEC Rule 15c3-1(c)(11) and applicable SEC interpretations), provided that a Customer may not deposit securities issued by the Customer or any of its affiliates without the prior written consent of the Clearinghouse;
- (iii) money market mutual funds allowable under CFTC Regulation 1.25;

All assets deposited by Customers to meet Performance Bond requirements must be and remain unencumbered by third party claims against the Customer.

Except to the extent that Clearinghouse staff shall prescribe otherwise, cash currency performance bond deposits shall be valued at market value. All other performance bond deposits shall be valued at an amount not to exceed market value less applicable haircuts as set forth in SEC Rule 240.15c3-1.

(f) Withdrawals of Performance Bond from a Customer's account may only be permitted by a Clearing Member carrying such account if the remaining funds in such

account are equal to or in excess of the then-prevailing initial Performance Bond required of the applicable open positions at the time of such withdrawal request.

- (g) The Customer's response to a Performance Bond call issued by a Clearing Member must be timely and complete. A Clearing Member may call, at any time, for Performance Bonds above and beyond the minimums required by the Clearinghouse. A Clearing Member may liquidate any or all positions maintained by a Customer for failure to meet a Performance Bond call. The Customer will be liable for any loss or deficiency resulting therefrom.
- (h) The Performance Bond requirements established by the Board or its designee may vary for different Contracts and may be changed from time to time by the Board or its designee, and in the discretion of the Board or its designee, may be made applicable to all open Contracts as well as new Contracts.