

September 13, 2013

VIA E-MAIL

Ms. Melissa Jurgens
Office of the Secretariat
Commodity Futures Trading Commission
Three Lafayette Centre
1155 21st Street, N.W.
Washington, D.C. 20581

**Re: CFTC Regulation 40.2(a) Certification: REVISED – Notification of New Product Listing of Eight (8) Western Electricity Futures Contracts on CME Globex and the NYMEX Trading Floor and for Clearing Through CME ClearPort
NYMEX Submission No. 13-393R**

Dear Ms. Jurgens:

The New York Mercantile Exchange, Inc. (“NYMEX” or “Exchange”) is notifying the Commodity Futures Trading Commission (“CFTC” or “Commission”) that it is self-certifying the listing of eight (8) western electricity futures contracts for trading on the NYMEX trading floor and CME Globex and for submission for clearing through CME ClearPort beginning at 6:00 p.m. on Sunday September 29, 2013, for trade date Monday, September 30, 2013. Specifically, the contracts to be launched are the Mid-Columbia Day-Ahead Peak Calendar-Month 5 MW Futures, Mid-Columbia Day-Ahead Peak Calendar-Day 5 MW Futures, Mid-Columbia Day-Ahead Off-Peak Calendar-Month 5 MW Futures, Mid-Columbia Day-Ahead Off-Peak Calendar-Day 5 MW Futures, Palo Verde Day-Ahead Peak Calendar-Month 5 MW Futures, Palo Verde Day-Ahead Peak Calendar-Day 5 MW Futures, Palo Verde Day-Ahead Off-Peak Calendar-Month 5 MW Futures, and Palo Verde Day-Ahead Off-Peak Calendar-Day 5 MW Futures.

Please note that the Exchange is submitting NYMEX Submission No. 13-393R to provide an updated Position Accountability and Reportable Level Table of Chapter 5 of the NYMEX Rulebook. Changes to this document are reflected in Appendix B with additions underlined and deletions ~~stricken through~~. Please note that no other portion of NYMEX Submission No. 13-393 has been revised.

Pursuant to Commission Regulation 40.6(a), NYMEX is separately self-certifying block trading minimum thresholds for the subject futures contracts in NYMEX/COMEX Submission No. 13-382. Block transactions are governed by Rule 526.

The contract specifications are as follows:

Contract Name	Mid-Columbia Day-Ahead Peak Calendar-Month 5 MW Futures
Commodity Code	MDC
Chapter	935
Contract Size	80 MWh
Last Trading Day	Trading shall cease on the last business day of the contract month.
Minimum Price Fluctuation	The minimum fluctuation shall be \$0.01 per MWh.
First Listed Month	October 2013
Listing Schedule	<u>CME Globex</u> : 36 consecutive calendar months.

	CME ClearPort and Open Outcry: All months in the current calendar year and the subsequent five calendar years.
Trading Hours	Open Outcry: Monday – Friday 9:00 a.m. – 2:30 p.m. (8:00 a.m. – 1:30 p.m. Central Time/CT) CME Globex and CME ClearPort: Sunday – Friday 6:00 p.m. – 5:15 p.m. (5:00 p.m. – 4:15 p.m. CT) with a 45-minute break each day beginning at 5:15 p.m. (4:15 p.m. CT).

Contract Name	Mid-Columbia Day-Ahead Peak Calendar-Day 5 MW Futures
Commodity Code	MDA
Chapter	936
Contract Size	80 MWh
Last Trading Day	Trading shall cease on the last business day prior to the contract day.
Minimum Price Fluctuation	The minimum fluctuation shall be \$0.01 per MWh.
First Listed Day	October 1, 2013
Listing Schedule	CME Globex, CME ClearPort, and Open Outcry: All peak calendar days in the current month and the subsequent calendar month.
Trading Hours	Open Outcry: Monday – Friday 9:00 a.m. – 2:30 p.m. (8:00 a.m. – 1:30 p.m. Central Time/CT) CME Globex and CME ClearPort: Sunday – Friday 6:00 p.m. – 5:15 p.m. (5:00 p.m. – 4:15 p.m. CT) with a 45-minute break each day beginning at 5:15 p.m. (4:15 p.m. CT).

Contract Name	Mid-Columbia Day-Ahead Off-Peak Calendar-Month 5 MW Futures
Commodity Code	OMC
Chapter	937
Contract Size	5 MWh
Last Trading Day	Trading shall cease on the last business day of the contract month.
Minimum Price Fluctuation	The minimum fluctuation shall be \$0.01 per MWh.
First Listed Month	October 2013
Listing Schedule	CME Globex: 36 consecutive calendar months. CME ClearPort and Open Outcry: All months in the current calendar year and the subsequent five calendar years.
Trading Hours	Open Outcry: Monday – Friday 9:00 a.m. – 2:30 p.m. (8:00 a.m. – 1:30 p.m. Central Time/CT) CME Globex and CME ClearPort: Sunday – Friday 6:00 p.m. – 5:15 p.m. (5:00 p.m. – 4:15 p.m. CT) with a 45-minute break each day beginning at 5:15 p.m. (4:15 p.m. CT).

Contract Name	Mid-Columbia Day-Ahead Off-Peak Calendar-Day 5 MW Futures
Commodity Code	MXO
Chapter	938
Contract Size	5 MWh
Last Trading Day	Trading shall cease on the last business day prior to the contract day.
Minimum Price Fluctuation	The minimum fluctuation shall be \$0.01 per MWh.
First Listed Day	October 1, 2013
Listing Schedule	<u>CME Globex, CME ClearPort, and Open Outcry</u> : All days in the current month and the subsequent calendar month.
Trading Hours	Open Outcry: Monday – Friday 9:00 a.m. – 2:30 p.m. (8:00 a.m. – 1:30 p.m. Central Time/CT) CME Globex and CME ClearPort: Sunday – Friday 6:00 p.m. – 5:15 p.m. (5:00 p.m. – 4:15 p.m. CT) with a 45-minute break each day beginning at 5:15 p.m. (4:15 p.m. CT).

Contract Name	Palo Verde Day-Ahead Peak Calendar-Month 5 MW Futures
Commodity Code	PVD
Chapter	939
Contract Size	80 MWh
Last Trading Day	Trading shall cease on the last business day of the contract month.
Minimum Price Fluctuation	The minimum fluctuation shall be \$0.01 per MWh.
First Listed Month	October 2013
Listing Schedule	<u>CME Globex</u> : 36 consecutive calendar months. <u>CME ClearPort and Open Outcry</u> : All months in the current calendar year and the subsequent five calendar years.
Trading Hours	Open Outcry: Monday – Friday 9:00 a.m. – 2:30 p.m. (8:00 a.m. – 1:30 p.m. Central Time/CT) CME Globex and CME ClearPort: Sunday – Friday 6:00 p.m. – 5:15 p.m. (5:00 p.m. – 4:15 p.m. CT) with a 45-minute break each day beginning at 5:15 p.m. (4:15 p.m. CT).

Contract Name	Palo Verde Day-Ahead Peak Calendar-Day 5 MW Futures
Commodity Code	VDP
Chapter	940
Contract Size	80 MWh
Last Trading Day	Trading shall cease on the last business day prior to the contract day.
Minimum Price Fluctuation	The minimum fluctuation shall be \$0.01 per MWh.

First Listed Day	October 1, 2013
Listing Schedule	<u>CME Globex, CME ClearPort, and Open Outcry</u> : All peak calendar days in the current month and the subsequent calendar month.
Trading Hours	Open Outcry: Monday – Friday 9:00 a.m. – 2:30 p.m. (8:00 a.m. – 1:30 p.m. Central Time/CT) CME Globex and CME ClearPort: Sunday – Friday 6:00 p.m. – 5:15 p.m. (5:00 p.m. – 4:15 p.m. CT) with a 45-minute break each day beginning at 5:15 p.m. (4:15 p.m. CT).

Contract Name	Palo Verde Day-Ahead Off-Peak Calendar-Month 5 MW Futures
Commodity Code	OVD
Chapter	941
Contract Size	5 MWh
Last Trading Day	Trading shall cease on the last business day of the contract month.
Minimum Price Fluctuation	The minimum fluctuation shall be \$0.01 per MWh.
First Listed Month	October 2013
Listing Schedule	<u>CME Globex</u> : 36 consecutive calendar months. <u>CME ClearPort and Open Outcry</u> : All months in the current calendar year and the subsequent five calendar years.
Trading Hours	Open Outcry: Monday – Friday 9:00 a.m. – 2:30 p.m. (8:00 a.m. – 1:30 p.m. Central Time/CT) CME Globex and CME ClearPort: Sunday – Friday 6:00 p.m. – 5:15 p.m. (5:00 p.m. – 4:15 p.m. CT) with a 45-minute break each day beginning at 5:15 p.m. (4:15 p.m. CT).

Contract Name	Palo Verde Day-Ahead Off-Peak Calendar-Day 5 MW Futures
Commodity Code	QVD
Chapter	942
Contract Size	5 MWh
Last Trading Day	Trading shall cease on the last business day prior to the contract day.
Minimum Price Fluctuation	The minimum fluctuation shall be \$0.01 per MWh.
First Listed Day	October 1, 2013
Listing Schedule	<u>CME Globex, CME ClearPort, and Open Outcry</u> : All days in the current month and the subsequent calendar month.
Trading Hours	Open Outcry: Monday – Friday 9:00 a.m. – 2:30 p.m. (8:00 a.m. – 1:30 p.m. Central Time/CT) CME Globex and CME ClearPort: Sunday – Friday 6:00 p.m. – 5:15 p.m. (5:00 p.m. – 4:15 p.m. CT) with a 45-minute break each day

	beginning at 5:15 p.m. (4:15 p.m. CT).
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Trading and Clearing Fees:

Peak and Off-Peak Monthly Western Power Futures

Exchange Fees					
	Member Day	Member	Cross Division	Non-Member	IIP
Pit	0.35	0.35	0.37	0.40	
Globex	0.35	0.35	0.37	0.40	0.37
ClearPort		0.35		0.40	

Other Processing Fees		
	Member	Non-Member
Cash Settlement	0.105	0.12

Additional Fees and Surcharges	
EFS Surcharge	0.00
Block Surcharge	0.00
Facilitation Desk Fee	0.02

Peak and Off-Peak Daily Western Power Futures

Exchange Fees					
	Member Day	Member	Cross Division	Non-Member	IIP
Pit	0.0263	0.0263	0.0281	0.03	
Globex	0.0263	0.0263	0.0281	0.03	0.0281
ClearPort		0.0263		0.03	

Other Processing Fees		
	Member	Non-Member
Cash Settlement	0.0079	0.0090

Additional Fees and Surcharges	
EFS Surcharge	0.00

Block Surcharge	0.00
Facilitation Desk Fee	0.0015

The Exchange is also notifying the CFTC that it is self-certifying the insertion of the terms and conditions for the contracts into the Position Limit, Position Accountability and Reportable Level Table of Chapter 5 of the NYMEX Rulebook in relation to the listing of the new contracts, as set forth in Appendix B. The terms and conditions establish the all month/any one month accountability levels, diminishing balances, expiration month position limits, reportable levels and aggregation allocations for the new contracts. In addition, the Exchange is self-certifying the insertion of the non-reviewable ranges (“NRR”) for the futures contracts into Rule 588.H, as set forth in Appendix C.

Exchange business staff responsible for the new products and the Exchange Legal Department collectively reviewed the designated contract market core principles (“Core Principles”) as set forth in the Commodity Exchange Act (the “Act” or “CEA”). During the review, Exchange staff identified that the new products may have some bearing on the following Core Principles:

Compliance with Rules: Trading in the contracts will be subject to the rules in Rulebook Chapter 4 which includes prohibitions against fraudulent, noncompetitive, unfair and abusive practices. Additionally, trading in these futures contracts will also be subject to the full panoply of trade practice rules, the majority of which are contained in Chapter 5 and Chapter 8 of the Rulebook. As with all products listed for trading on one of CME Group’s designated contract markets, activity in the new products will be subject to extensive monitoring and surveillance by CME Group’s Market Regulation Department. The Market Regulation Department has the authority to exercise its investigatory and enforcement power where potential rule violations are identified.

Contracts not Readily Susceptible to Manipulation: ICE adheres to a published methodology that is intended maintain the integrity of its price indexes. Furthermore, ICE’s policies, practices, and controls to ensure the quality, consistency, and availability of its indexes are outlined in an annual report that is the result of an independent audit. Lastly, the Federal Energy Regulatory Commission (FERC) has indicated that ICE’s indexes comply with FERC’s guidelines for how electricity price indexes and may be used in jurisdictional tariffs.

Prevention of Market Disruption: Trading in these contracts will be subject to the Rules of NYMEX which include prohibitions on manipulation, price distortion and disruptions of the delivery or cash-settlement process. As with all products listed for trading on one of CME Group’s designated contract markets, activity in the new product will be subject to extensive monitoring and surveillance by CME Group’s Market Regulation Department.

Position Limitations or Accountability: The spot-month speculative position limits for the contracts are set at less than the threshold of 25% of the deliverable supply in the respective underlying market.

Availability of General Information: The Exchange will publish information on the contracts’ specifications on its website, together with daily trading volume, open interest, and price information.

Daily Publication of Trading Information: Trading volume, open interest, and price information will be published daily on the Exchange’s website and via quote vendors.

Financial Integrity of Contracts: These contracts will be cleared by the CME Clearing House which is a registered derivatives clearing organization with the Commission and is subject to all Commission regulations related thereto.

Execution of Transactions: The new contracts will be listed for trading on CME Globex and the NYMEX trading floor and for clearing through the CME ClearPort platform. The CME ClearPort platform provides a competitive, open and efficient mechanism for novating transactions that are competitively executed by brokers. The CME Globex electronic trading platform provides for a competitive and open execution of transactions due to its advanced functionality, high reliability and global connectivity. Establishing non-reviewable trading ranges for Globex trades in the products facilitate price discovery in the products by encouraging narrow bid/ask spreads. In addition, the NYMEX trading floor continues to be available as a trading venue and provide for competitive and open execution of transactions.

Trade Information: All required trade information is included in the audit trail and is sufficient for the Market Regulation Department to monitor for market abuse.

Protection of Market Participants: Rulebook Chapters 4 and 5 contain multiple prohibitions precluding intermediaries from disadvantaging their customers. These rules apply to trading on all of the Exchange's competitive trading venues and will be applicable to transactions in the subject contracts.

Disciplinary Procedures: Chapter 4 of the Rulebook contains provisions that allow the Exchange to discipline, suspend or expel members or market participants that violate the Rulebook. Trading in the subject contracts will be subject to Chapter 4, and the Market Regulation Department has the authority to exercise its enforcement power in the event rule violations in this contract are identified.

Dispute Resolution: Disputes with respect to trading in the subject contracts will be subject to the arbitration provisions set forth in Chapter 6 of the Rulebook. Chapter 6 allows all nonmembers to submit a claim for financial losses resulting from transactions on the Exchange to arbitration. A member named as a respondent in a claim submitted by a nonmember is required to participate in the arbitration pursuant to Chapter 6. Additionally, the Exchange requires that members resolve all disputes concerning transactions on the Exchange via arbitration.

Pursuant to Section 5c(c) of the Act and CFTC Regulation 40.2, the Exchange hereby certifies that the subject contracts comply with the Act, including regulations under the Act. There were no substantive opposing views to this proposal. A description of the underlying cash markets and deliverable supply analysis for the new products is attached hereto as Appendix D.

The exchange certifies that this submission has been concurrently posted on the Exchange's website at <http://www.cmegroup.com/market-regulation/rule-filings.html>.

Should you have any questions concerning the above, please contact the undersigned at (212) 299-2200 or Christopher.Bowen@cmegroup.com.

Sincerely,

/s/Christopher Bowen
Managing Director and Chief Regulatory Counsel

Attachments: REVISED: Appendix B – Position Limit, Position Accountability, and Reportable Level Table in Chapter 5 of the NYMEX Rulebook (attached under separate cover)

APPENDIX B

Position Limit, Position Accountability, and Reportable Level Table in
Chapter 5 of the NYMEX Rulebook
(attached under separate cover)

Contract Name	Rule Chapter	Commodity Code	Contract Size	Contract Units	Type
Mid-Columbia Day-Ahead Peak Calendar-Month 5 MW Futures	935	MDC	80	MWh	Futures
Mid-Columbia Day-Ahead Peak Calendar-Day 5 MW Futures	936	MDA	80	MWh	Futures
Mid-Columbia Day-Ahead Off-Peak Calendar-Month 5 MW Futures	937	OMC	5	MWh	Futures
Mid-Columbia Day-Ahead Off-Peak Calendar-Day 5 MW Futures	938	MXO	5	MWh	Futures
Palo Verde Day-Ahead Peak Calendar-Month 5 MW Futures	939	PVD	80	MWh	Futures
Palo Verde Day-Ahead Peak Calendar-Day 5 MW Futures	940	VDP	80	MWh	Futures
Palo Verde Day-Ahead Off-Peak Calendar-Month 5 MW Futures	941	OVD	5	MWh	Futures
Palo Verde Day-Ahead Off-Peak Calendar-Day 5 MW Futures	942	QVD	5	MWh	Futures

Settlement	Group	Diminishing Balance Contract	Reporting Level	Spot-Month position comprised of futures and deliveries	Spot-Month	Spot-Month	
					Aggregate Into Futures Equivalent Leg (1)	Aggregate Into Futures Equivalent Leg (2)	Spot-Month Aggregate Into Ratio Leg (1)
Financially Settled Futures	Power		25		MDC		
Financially Settled Futures	Power		25		MDC		1 MDA : 1 MDC
Financially Settled Futures	Power		25		OMC		
Financially Settled Futures	Power		25		OMC		1 MXO : 1 OMC
Financially Settled Futures	Power		25		PVD		
Financially Settled Futures	Power		25		PVD		1 VDP : 1 PVD
Financially Settled Futures	Power		25		OVD		
Financially Settled Futures	Power		25		OVD		1 QVD : 1 OVD

Spot-Month Aggregate Into Ratio Leg (2)	Spot-Month Accountability Level	Initial Spot- Month Limit (In Net Futures Equivalents) Leg (1) / Leg (2)
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3,050
3,050
35,600
35,600
4,800
4,800
55,700
55,700

Spot-Month

Initial Spot-Month Limit Effective Date

Effective as of the opening of trading on the first business day when a contract month becomes the first nearby month

For MDC: Effective as of the opening of trading on the first business day when a contract month becomes the first nearby month

Effective as of the opening of trading on the first business day when a contract month becomes the first nearby month

For OMC: Effective as of the opening of trading on the first business day when a contract month becomes the first nearby month

Effective as of the opening of trading on the first business day when a contract month becomes the first nearby month

For PVD: Effective as of the opening of trading on the first business day when a contract month becomes the first nearby month

Effective as of the opening of trading on the first business day when a contract month becomes the first nearby month

For OVD: Effective as of the opening of trading on the first business day when a contract month becomes the first nearby month

Single Month								
Spot-Month Limit (In Contract Units) Leg (1) / Leg (2)	Single Month Aggregate Into		Single Month Aggregate Into		Single Month Accountability Level Leg (1) / Leg (2)	Single Month Limit (In Net Futures Equivalents) Leg (1) / Leg (2)	All Month Aggregate Into	
	Futures Equivalent Leg (1)	Futures Equivalent Leg (2)	Single Month Aggregate Into Ratio Leg (1)	Single Month Aggregate Into Ratio Leg (2)			Futures Equivalent Leg (1)	Futures Equivalent Leg (2)
244,000	MDC				6,000		MDC	
244,000	MDC		1 MDA : 1 MDC		6,000		MDC	
178,000	OMC				75,000		OMC	
178,000	OMC		1 MXO : 1 OMC		75,000		OMC	
384,000	PVD				10,000		PVD	
384,000	PVD		1 VDP : 1 PVD		10,000		PVD	
278,500	OVD				100,000		OVD	
278,500	OVD		1 QVD : 1 OVD		100,000		OVD	

All Month

All Month Aggregate Into Ratio Leg (1)	All Month Aggregate Into Ratio Leg (2)	All Month Accountability Level Leg (1) / Leg (2)	All Month Limit (In Net Futures Equivalents) Leg (1) / Leg (2)
		12,000	
1 MDA : 1 MDC		12,000	
		150,000	
1 MXO : 1 OMC		150,000	
		20,000	
1 VDP : 1 PVD		20,000	
		200,000	
1 QVD : 1 OVD		200,000	