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OFFICE OF THE SECRETARIAT  
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October 30, 2009

Mr. David Stawick  
Office of the Secretariat  
Commodity Futures Trading Commission  
Three Lafayette Centre  
1155 21st Street, N.W.  
Washington, D.C. 20581

**RE: Rule 817. ("Liquidity Facility")  
CBOT Submission No. 09-264**

Dear Mr. Stawick:

Chicago Board of Trade, Inc. ("CBOT") hereby notifies the Commodity Futures Trading Commission ("Commission") of an amendment to CBOT Rule 817. ("Liquidity Facility") that harmonizes the rule with the corresponding CME and NYMEX Rule. The rule amendment allows CME to sign certain security documents related to the CME Credit Agreement on behalf of CBOT clearing members.

The rule changes are attached with additions underscored and deletions lined-out. The rule amendment will be made effective on November 4, 2009. CBOT certifies that this change complies with the Commodity Exchange Act and regulations thereunder.

If you have any questions regarding the above, please contact me at 312.648.4522. Please reference CBOT Submission No. 09-264 in any related correspondence.

Sincerely,

/s/ Stephen M. Szarmack  
Director and Associate General Counsel

## CBOT Rule

### 817. LIQUIDITY FACILITY

Assets deposited by a clearing member in satisfaction of security deposit and performance bond requirements may also be used to directly secure the ~~Exchange's~~CME's obligations to its lenders under any liquidity facility entered into by the ~~Exchange~~CME for the purpose of providing liquidity to the ~~Exchange~~CME. By delivering assets to the ~~Clearing House~~Exchange in satisfaction of security deposit and performance bond requirements, each clearing member is hereby deemed: (i) to agree that its Assets may directly secure the ~~Exchange's~~Clearing House's obligations to the ~~Exchange's~~Clearing House's liquidity lenders and that its Assets may become subject to a lien in favor of the ~~Exchange's~~Clearing House's liquidity lenders or otherwise guarantee the ~~Exchange's~~Clearing House's obligations and; (ii) to authorize ~~CME~~the Exchange, and appoint ~~CME~~the Exchange (such appointment being coupled with an interest) as such clearing member's attorney-in-fact, to enter into agreements on its behalf in connection with its Assets serving as security for the ~~Exchange's~~Clearing House's obligations to the ~~Clearing House's~~Exchange's liquidity lenders; and (iii) to acknowledge that the obligations of the ~~Clearing House~~Exchange to its liquidity lenders may be greater, and extend for periods of time longer, than the obligations, if any, of such clearing member to the ~~Clearing House~~Exchange. ~~CME~~The Exchange, as each clearing member's attorney-in-fact, will have authority to enter into agreements on behalf of each clearing member and in each clearing member's name for the purpose of causing the clearing member's Assets to directly secure the ~~Clearing House's~~Exchange's obligations to the ~~Clearing House's~~Exchange's liquidity lenders. Any agreement entered into by the ~~Exchange~~CME on behalf of clearing members pursuant to this Rule 817 shall bind each clearing member and will contain provisions, including representations, warranties and covenants, required by lenders under any liquidity facility. If there is a default under any such liquidity facility, the Assets of the clearing members pledged to secure such liquidity facility may be foreclosed upon by the ~~Exchange's~~Clearing House's liquidity lenders and applied against the obligations of the ~~Exchange~~Clearing House under the related liquidity facility. The clearing members shall take no action, including but not limited to attempting to obtain a court order, that would interfere with the ability of such liquidity lenders to receive the benefit of their contractual remedies in connection with any such foreclosure or that would controvert or assert the invalidity of any provision of these rules. Each clearing member agrees to sign any document or agreement requested by ~~CME~~the Exchange to further document the power of attorney set forth and established by these rules.