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Submission No. 08-62
November 13, 2008

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: Amendment to Rule 9.18(c)(1) -
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, an amendment to Rule 9.18(c)(1), attached as Exhibit A.

The amendment to Rule 9.18(c)(1) expands the timeframe during which samples of cocoa can be graded for delivery against a futures contract month. The current rule limits the grading window to the period beginning on the 20th business day before the first delivery day of the futures contract and the last delivery day of that contract; under the current Rule, grading is effectively prohibited for the entire calendar months of January and October. The amendment allows grading to take place on any Exchange business day beginning on the first business day following the last delivery day of the prior futures contract month and ending on the last delivery day of the current futures contract month. The amendment does not conflict with the current provision that, once issued, a Grading Certificate is valid only for the delivery period for which it was issued and the following delivery period. By expanding the grading window, the availability of financing for cocoa during the periods when grading is presently not permitted will also expand which will benefit commercial market participants.

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 November 12, 2008. No substantive opposing views were expressed by members or others with respect to the amendments. The amendment to Rule 9.18(c)(1) will become effective on November 17, 2008.

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

EXHIBIT A

(In the text of the amendments below, additions are underlined and deletions are bracketed and lined out.)

Rule 9.18. Grading Cocoa for Exchange Delivery

* * *

(c) The Growth, Description, Condition, Count and Grade of Cocoa to be delivered on an Exchange Futures Contract must be established by duly licensed graders in accordance with the following:

(i) All Cocoa to be delivered during the delivery period of [en] an Exchange Futures Contract must be graded between the [~~twentieth (20th) Business Day prior to the first (1st) Business Day~~] first Business Day after the last delivery day of the prior [of a] delivery period and the last delivery day of [such] the current delivery period inclusive, as evidenced by the Certificate of Grade except as otherwise provided on redeliveries. If the Cocoa which is to be delivered has been graded previously, but no valid Certificate of Grade is in effect with respect to the grade of cocoa, the Deliverer may elect to have the cocoa completely regraded or partially regraded.

[REMAINDER OF RULE UNCHANGED]