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Laura Klimpel
Chief Compliance Officer and
Counsel

55 Water Street
New York, NY 10041
T +1 212-855-5230
F +1 212-855-5225
lklimpel@nypclear.com

December 16, 2011

By E-Mail (submissions@cftc.gov)

Office of the Secretary
Commodity Futures Trading Commission
Three Lafayette Centre
Washington, D.C. 20581

Re: New York Portfolio Clearing, LLC
Rule Certification – NYPC Rule 410

Ladies and Gentlemen:

New York Portfolio Clearing, LLC (“NYPC”) hereby submits amendments to NYPC Rule 410 pursuant to the self-certification provisions of Commodity Futures Trading Commission (“Commission”) Regulation 40.6.

NYPC Rule 410 (Customer Accounts) is being amended to give effect to CFTC Regulation 39.15(d). The amended Rule would require NYPC to transfer a customer’s positions if: (1) the customer delivers a request to its clearing broker (the “transferor”), which the transferor would be required to promptly re-transmit to NYPC; (2) the transferor does not give notice to NYPC within two business days that the transfer would cause the customer’s account to be undermargined (as could happen if the customer was not transferring all of its positions at NYPC and other DCOs); (3) the clearing member to which the positions are to be transferred (the “transferee”) consents to the transfer and confirms that the transfer will not result in the customer account being undermargined on the books of the transferee; and (4) neither clearing member is in default or has been suspended by NYPC.

NYPC hereby certifies that the amended Rule complies with the Commodity Exchange Act and Commission Regulations thereunder. There were no substantive opposing views expressed by any member of the Board of Directors of NYPC, any Committee of the Board, any clearing member or market participant in respect of the proposed Rule amendment. The amended Rule will become effective January 4, 2012.

NYPC hereby certifies that a notice of pending certification with the Commission of the proposed Rule amendment and a copy of this submission have been posted on NYPC’s website at <http://www.nypclear.com/rule-amendments>.

The text of the proposed Rule amendment, marked to show all deletions and additions, is enclosed, together with the submission cover sheet required by Commission Regulation 40.6(b)(7)(i).

Any questions should be directed to the attention of the undersigned at 212-855-5230 or laura.klimpel@nypclear.com.

Very truly yours,

Laura C. Klimpel
Chief Compliance Officer & Counsel

Encl.



Rule 410 Segregated Customer Accounts

(a) A Clearing Member required by law to segregate Customer transactions with the Clearinghouse shall maintain a segregated Customer Account for that purpose and shall comply with CFTC Regulations 1.20 through 1.30, 1.32, 1.36 and 1.49, as applicable. When so designated by the Clearing Member, the Customer Account shall be treated as to Margin and all other operations separately from the proprietary accounts of the Clearing Member, except that (i) excess funds in the proprietary accounts of the Clearing Member may be allocated by the Clearinghouse to the Customer Account to the extent necessary to meet applicable Margin requirements, and (ii) if the Clearing Member is in Default under Rule 503 or for any reason ceases to be a Clearing Member, the balance in the proprietary accounts of the Clearing Member may be applied against any deficit in the Customer Account. The Clearinghouse shall maintain all funds held in Customer Accounts in accordance with the CEA and CFTC regulations.

(b) The Clearinghouse will, upon request by a Customer, promptly transfer, from the Customer Account of one Clearing Member (the "Transferor Clearing Member") to the Customer Account of another Clearing Member (the "Transferee Clearing Member"), all or a portion of such Customer's Contracts if:

(1) The Customer delivers to the Transferor Clearing Member a request, in form and substance satisfactory to the Clearinghouse, to effect the transfer of all or a specified portion of such Customer's Contracts and the Margin associated therewith to the Transferee Clearing Member ("Customer Request");

(2) The Transferor Clearing Member does not, within two Business Days following its receipt of the Customer Request, provide written notice to the Clearinghouse to the effect that the Customer's account on the books of the Transferor Clearing Member is not, or after giving effect to the Customer Request would not be, in compliance with applicable margin, performance bond or other collateral requirements;

(3) The Transferee Clearing Member provides written confirmation to the Clearinghouse that it consents to the transfers contemplated by the Customer Request and that giving effect thereto will not, to the knowledge of the Transferee Clearing Member, result in such Customer being undermargined on the books of the Transferee Clearing Member; and

(4) Neither the Transferee Clearing Member nor the Transferor Clearing Member is in Default or has been suspended pursuant to Rule 601.

Without prejudice to its right to provide notice pursuant to paragraph (2), the Transferor Clearing Member shall transmit the Customer Request to the Clearinghouse promptly upon receipt thereof by the Transferor Clearing Member. If the Customer Request relates to all of the Customer's Contracts on the books of the Transferee Clearing Member, the Clearinghouse will transfer any Margin associated therewith to the Transferee Clearing Member. If the Customer Request relates to fewer than all of the Contracts carried on the books of the Transferor Clearing Member for such Customer, the Clearinghouse will determine the Margin required for those Contracts that will remain in the Customer Account of the Transferor Clearing Member (the "Residual Margin Requirement") and transfer to the Transferee Clearing Member any Margin held by the Clearinghouse for all such Contracts being transferred, less the Residual Margin Requirement.