

FORM FBOT—EXHIBIT H

Request: Attach the following:

(1) A description of the arrangements among the Commission, the foreign board of trade, the clearing organization, and the relevant foreign regulatory authorities that govern the sharing of information regarding the transactions that will be executed pursuant to the foreign board of trade's registration with the Commission and the clearing and settlement of those transactions. This description should address or identify whether and how the foreign board of trade, clearing organization, and the regulatory authorities governing the activities of the foreign board of trade and clearing organization agree to provide directly to the Commission information and documentation requested by Commission staff that Commission staff determines is needed:

- (i) To evaluate the continued eligibility of the foreign board of trade for registration.
- (ii) To enforce compliance with the specified conditions of the registration.
- (iii) To enable the CFTC to carry out its duties under the Act and Commission regulations and to provide adequate protection to the public or registered entities.
- (iv) To respond to potential market abuse associated with trading by direct access on the registered foreign board of trade.
- (v) To enable Commission staff to effectively accomplish its surveillance responsibilities with respect to a registered entity where Commission staff, in its discretion, determines that a contract traded on a registered foreign board of trade may affect such ability.

(2) A statement as to whether and how the foreign board of trade has executed the International Information Sharing Memorandum of Understanding and Agreement.

(3) A statement as to whether the regulatory authorities governing the activities of the foreign board of trade and clearing organization are signatories to the International Organization of Securities Commissions Multilateral Memorandum of Understanding. If not, describe any substitute information-sharing arrangements that are in place.

(4) A statement as to whether the regulatory authorities governing the activities of the foreign board of trade and clearing organization are signatories to the Declaration on Cooperation and Supervision of International Futures Exchanges and Clearing Organizations. If not, a statement as to whether and how they have committed to share the types of information contemplated by the International Information Sharing Memorandum of Understanding and Agreement with the Commission, whether pursuant to an existing memorandum of understanding or some other arrangement.

Response:

As noted above, NGX is a U.S. registered entity (by virtue of it being a registered U.S. DCO). Although NGX's execution facility is a foreign board of trade, the CFTC is a direct

regulator of NGX as a DCO. Accordingly, the Commission need not rely on any information sharing agreement to obtain books and records or any other information from NGX. The CFTC would request information from NGX as it would any other registered entity without recourse to or reliance upon an information-sharing agreement. We know of no Canadian or Alberta blocking statute which would hinder NGX from complying with any request for information from the CFTC.

Insofar as NGX has entered into a services arrangement with ICE, each has in place agreements for the sharing of information to meet regulatory requirements in the conduct of their respective offerings.

The Canadian provincial authorities have in place information sharing arrangements, so that coordination of surveillance and enforcement issues is possible throughout Canada.

NGX believes that the arrangements that are in place, including, in particular, its status as a U.S. registered entity, provide Alberta, Canadian and U.S. regulators access to the information necessary for the performance of market surveillance of trading activity in contracts which are the subject of this registration application.

The Alberta Securities Commission is a signatory to the International Organization of Securities Commissions Multilateral Memorandum of Understanding. It became effective in June 2010.

With the CFTC, the ASC has entered into a bilateral Memorandum of Understanding Concerning Cooperation and the Exchange of Information Related to the Supervision of Cross-Border Clearing Organizations.¹

¹ See <http://www.cftc.gov/ucm/groups/public/@internationalaffairs/documents/file/cftcascclearingmou2010.pdf>.