

[ATTACHMENT]

PROPOSED RULES

SECTION P POSITION REPORTING, ACCOUNTABILITY AND LIMITS

P.1 DEFINITIONS

For purposes of this Section P, the following terms shall have the meanings set out opposite each:

“Accountability Limit”	shall mean a threshold for positions held set by the Exchange which if exceeded may trigger enhanced reporting requirements.
“Futures Equivalent Contract”	shall mean an option that has been converted to a futures equivalent contract in accordance with the procedures specified in Rule P.9;
“Omnibus Account”	shall mean an account containing the positions of more than one Person;
“Person”	shall mean either an individual or an entity.
“Position Limit”	shall mean the maximum permitted holding in a designated contract or contract month either by a single account or across multiple accounts controlled by the same entity.

P.2 REPORTING OF LARGE POSITIONS

- (a) Each Member that owns, controls, or carries for another Person an account with reportable positions, as specified by the Exchange, in a single contract month of a Futures contract or a single contract month for a put or call option (regardless of strike price), shall submit to the Exchange:
- (i) an account identification form as specified by the Exchange for each account; and
 - (ii) a daily report with respect to such positions, in a form acceptable to the Exchange, containing the account numbers and the number of open contracts in each such Futures contract and each such option contract month that equals or exceeds the applicable reporting level specified in paragraph (b), and such other information as the Exchange may require.

In addition, with respect to any Person that owns, controls or carries positions that meet or exceed All Month or Any One Month Accountability Limits of any Futures contract or Option contract, the Member shall report to the Exchange the positions carried by such Person in all contract months of that Futures contract and Option contract, regardless of size. Without limiting any provision of the Rules, Members shall provide such additional information with respect to positions, and the ownership of such positions, as may be requested by the Exchange.

- (b) The reportable levels for all Futures and Options contracts will be as notified by the Exchange to Members from time to time.

P.3 POSITION LIMITS AND EXEMPTIONS

- (a) The Exchange may impose position limits on the following contracts by the notification to Members of such limits and the contracts affected.:
- (i) ICE Futures West Texas Intermediate Light Sweet Crude Oil Futures;
 - (ii) ICE Futures West Texas Intermediate Light Sweet Crude Oil Options;
 - (iii) ICE Futures New York Harbour Heating Oil Futures Contract;
 - (iv) ICE Futures New York Harbour Unleaded Gasoline futures Contract.

A Member shall not carry a position that exceeds the position limits on behalf of any Person unless the Member has confirmed that such Person has received an exemption from the Exchange.

- (b) A Member acting on behalf of a Person seeking an exemption from position limits shall file a written request in the form required by the Exchange, which shall include:
- (i) a description of the size and nature of the exemption sought;
 - (ii) an explanation of the nature and extent of the applicant's business and such other information as may demonstrate that the granting of the exemption is consistent with the Rules;
 - (iii) a statement indicating whether the Person on whose behalf the request is made:
 - (aa) maintains positions in the contract for which the exemption is sought with any other Member; or
 - (bb) has made a previous or contemporaneous request pursuant to the Rules through another Member and if so, the relationship between the information set forth in such requests;
 - (iv) a statement that the intended positions will be either:
 - (aa) bona fide hedges that are economically appropriate and necessary or advisable as an integral part of the applicant's business and comply with all Exchange requirements relating to hedging;
 - (bb) risk management positions as described in Rule P.5;
 - (cc) arbitrage or spread positions;
 - (v) a statement that the applicant will comply with any limitations imposed by the Exchange with regard to such positions; and
 - (vi) a statement that the applicant will immediately supply the Exchange with a supplemental statement whenever there is a material change to the information provided in the applicant's most recent application.
- (c) Within five Business Days of the submission of the written request and any supplemental information requested, the Exchange shall notify the Member whether

the exemption has been granted and the limitations placed thereon. The Exchange may impose such limitations on the approval as are commensurate with the applicant's business needs, financial ability and personal integrity, as well as the liquidity, depth and volume of the market for which the exemption is sought. An exemption will remain in full force and effect until the Member requests a withdrawal or the Exchange revokes, modifies or places further limitations thereon.

- (d) A Person approved to exceed position limits must initiate and liquidate such positions in an orderly manner consistent with sound commercial practices, and must not initiate or liquidate such positions in a manner calculated to cause unreasonable or unwarranted price changes or fluctuations, breach or circumvent Exchange rules, or otherwise impair the good name of the Exchange.
- (e) In the event a Person exceeds its position limit due to sudden unforeseen increases in its bona fide hedging needs, such Person shall not be considered in breach of the Rules provided that the Member on behalf of such Person requests a hedge exemption to carry such increased position within two Business Days following the day on which the Person's position limit was exceeded, provided however that no such request shall be granted during the last three days of trading in an expiring futures contract.

P. 4 BONA FIDE HEDGING POSITIONS

The Exchange may grant exemptions from the position limits for positions qualifying as bona fide hedge positions.

Bona fide hedging transactions and positions shall mean transactions or positions in an Exchange Futures contract or Option contract, where such transactions or positions normally represent a substitute for transactions to be made or positions to be taken at a later time in a physical market, and where they are economically appropriate to the reduction of risk in the conduct and management of a commercial enterprise, and where they arise from:

- (i) the potential change in the value of assets which a Person owns, produces, manufactures, processes, or merchandises or anticipates owning, producing, manufacturing, processing, or merchandising;
- (ii) the potential change in the value of liabilities which a Person owes or anticipates incurring; or
- (iii) the potential change in the value of services which a Person provides, purchases or anticipates providing or purchasing.

Notwithstanding the foregoing, no transactions or positions shall be classified as bona fide hedging for purposes of the Rules unless their purpose is to offset price risks incidental to commercial cash or spot operations and such positions are established and liquidated in an orderly manner in accordance with sound commercial practices

P.5 RISK MANAGEMENT POSITIONS

- (a) For the purposes of the Rules contained in this Section P, risk management positions are defined as Futures and Options positions which are held by or on behalf of a commercial entity or an affiliate of a commercial entity, which typically buys, sells or holds positions in the underlying physical or forward market, a related cash market, or a related over-the-counter market and for which the underlying market has a high degree of demonstrated liquidity relative to the size of the positions and where there exist opportunities for arbitrage which provide a close linkage between the futures or options market and the underlying market in question.

- (b) The Exchange may grant exemptions from the position limits in commodity index-based futures and options for risk management positions as described in this Rule. Exemptions related to indexed positions in the over-the-counter market may include corresponding commodity index-based futures and options and/or individual futures and options used as components in replicating an index.

P.6 ARBITRAGE AND SPREAD POSITIONS

The Exchange may grant exemptions from the position limits for arbitrage, intra-commodity spread, inter-commodity spread, and eligible Option/Option or Option/Futures spread positions.

P.7 AGGREGATION OF POSITIONS

In determining whether a position is a reportable position or any Person has exceeded the position limits published by the Exchange or limits determined pursuant to an exemption granted by the Exchange pursuant to the Rules, the following shall apply:

- (i) all positions in accounts for which such Person by power of attorney or otherwise directly or indirectly holds positions or controls trading, shall be included with the positions held by such Person;
- (ii) the limits upon positions shall apply to positions held by two or more Persons acting pursuant to an expressed or implied agreement or understanding, the same as if all the positions were held, or the trading of the positions was conducted, by a single person;
- (iii) the positions of Persons in the same household shall be aggregated;
- (iv) if a Person can demonstrate to the satisfaction of the Exchange that a Position is independently controlled, then that position will not be considered as contributing to any Position or Accountability Limit.

P.8 POSITION ACCOUNTABILITY

A Member who holds or controls, or carries for another person, aggregate positions in excess of those Accountability Limits specified by the Exchange from time to time in respect of those contracts designated in Rule P.3 shall

- (i) provide, in a timely manner upon request by the Exchange, information regarding the nature of the Person's related cash, Futures and Options positions, trading strategy, and hedging information, if applicable; and
- (ii) shall not, when so directed by the Exchange, further increase positions which exceed the levels published by the Exchange. All such positions must be initiated and liquidated in an orderly manner.

For purposes of this Rule, all positions in accounts for which a Person, by power of attorney or otherwise, directly or indirectly controls trading shall be included with the positions held by such Person. The provisions of this Rule shall apply to positions held by two or more Persons acting pursuant to an expressed or implied agreement or understanding, the same as if the positions were held by a single Person.

P.9 ENFORCEMENT OF POSITION LIMITS AND POSITION ACCOUNTABILITY LEVELS

- (a) No Member may for itself or any other Person maintain a combination of Futures contracts and Futures Equivalent Contracts which is, or which when aggregated in accordance with Rule P.7 is, in excess of the limits established by the Exchange. For the purpose of the Rules contained in this Section P:
- (i) the Futures equivalent of each Option contract is the delta ratio published daily by the Exchange; and
 - (ii) a long Futures contract, a long call option and a short put option are on the same side of the market; similarly, a short Futures contract, a short call option and a long put option are on the same side of the market.

Members are responsible for maintaining their position and their customers' positions within the limits established or specified by the Exchange pursuant to these Rules. If, however, a Member's or customer's position exceeds position limits on any Trading Day due to changes in the deltas of the options, the Member or customer shall have one Trading Day to bring the position within the limits.

- (b) In the event the Exchange learns that a Member or customer maintains positions in accounts with more than one Member such that the aggregate position in all such accounts exceeds the position limits established by the Exchange, the Exchange may notify all Members maintaining or carrying such accounts that the aggregate position held across all members is in excess of the position limits. Such notice may also instruct each such Member to reduce the positions in such accounts twenty-four hours after receipt of the notice, proportionately or otherwise so that the aggregate positions of such accounts at all such Members does not exceed the position limits established by the Exchange, unless as provided by paragraph (c) below, a request for an exemption is made and granted by the Exchange pursuant to these Rules. Any Member receiving such notice shall immediately take such steps as may be necessary to liquidate such number of Futures and Options contracts as shall be determined by the Exchange in order to cause the aggregate positions of such accounts at such Members to comply with the position limits established by the Exchange. Notwithstanding the foregoing, the Members may reduce the positions of such accounts by a different number of Futures and Options contracts so long as after all reductions have been accomplished at all Members carrying such accounts, the aggregate positions at all such Members complies with the position limits established by the Exchange.
- (c) Subject to the foregoing provisions of this Rule, in the event that a Member's position (whether for his own account or for the account of a customer) exceeds the position limits established by, or ordered by the Exchange, such Member shall liquidate such number of Contracts as the Exchange shall direct in order to eliminate the excess within such time as the Exchange may prescribe and shall report to the Exchange when such liquidations have been completed.
- If a Member fails to liquidate such Contracts within the time prescribed by the Exchange, then, in addition to any other actions the Exchange may take, the Exchange may take such steps as it may deem necessary or appropriate to liquidate such Contracts on behalf and at the expense of such Member to the extent necessary to eliminate such excess.

P.10 EXCHANGE ACCESS TO POSITION INFORMATION

Without limiting any provision of these Rules, the Exchange shall have the authority to obtain from any Member information with respect to positions of such Member or any customer of such Member. This authority shall include the authority to obtain information concerning positions maintained in omnibus accounts and positions held at other firms, and it shall be the obligation of a Member receiving such an inquiry to obtain such information from its customer. In the event a Member fails to provide the requested information the

Exchange, in addition to any other remedy provided in these Rules, may order that the Member liquidate the positions which are related to the inquiry.

P.11 EMERGENCY POWERS NOT LIMITED

Nothing contained in this Section P shall in any way be construed to limit the Emergency powers enumerated elsewhere in the Regulations, and, unless the Exchange in taking an Emergency action shall state otherwise, any such Emergency action shall be effective with respect to all Members, regardless of whether an exemption from the position limits has previously been granted pursuant to these Rules.