

## EXCHANGE NOTICE

SEPTEMBER 29, 2015

### COMPLIANCE DATE FOR OWNERSHIP AND CONTROL REPORTING (OCR) AND EFFECTIVE DATE OF AMENDMENTS TO RULE 6.15 DELAYED TO APRIL 28, 2016

ICE Futures U.S. ("IFUS" or "Exchange") is extending the effective date of its recently announced amendments to Exchange Rule 6.15 to require OCR reporting ([Exchange Notice dated September 14, 2015](#)). The new effective date for compliance with Rule 6.15 (d) is **April 28, 2016**. This date corresponds with the new effective date announced by the Commodity Futures Trading Commission's ("CFTC" or "Commission") in its no action letter dated September 28, 2016. ([CFTC Letter No. 15-52](#))

However, beginning on September 30, 2015, IFUS will begin accepting OCR data using the new automated CFTC Forms 102A - *Identification of Special Accounts* and 102B - *Identification of Volume Threshold Accounts* ***on a voluntary basis*** from any firm that is prepared to submit them to the Exchange via SFTP to MFT or manually via the Exchange's OCR portal. Firms may also continue to submit the current legacy hardcopy Form 102 - *Identification of Special Accounts* via traditional methods, such as email.

Firms do not need to resubmit a 102A for special accounts that have already been identified to the Exchange, unless there is a material change to the information previously provided, in which case a new 102A must be filed with the updated information.

Firms that choose to submit the new automated 102A must submit all the information that is currently required on the legacy hard copy Form 102.

#### **Submission of the new automated OCR Forms 102A & 102B**

The Exchange will accept the new Forms 102A and 102B via automated XML submission via SFTP or via manual entry via its web-based OCR Portal.

#### **Production OCR Files**

Production-level file submissions must be made to the Production MFT folder and processed on the Production OCR environment.

Firms that currently submit large trader position files to the Production MFT server already have the access required to submit production OCR files. The specific directory for OCR submissions is: /LGTR/OCR.

Below is the suggested naming convention for OCR files submitted to Production MFT:

OCRFORM\_102\_[IDENTIFIER]\_[YYYYMMDD]\_E\_[OPTIONALUNIQUIFIER].formxml.[zip]



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### OCR Test Files

Firms that are not ready to submit production level OCR data, may continue to submit test files to the Exchange through the UAT (User Acceptance Testing) MFT environment. The Exchange will continue to provide automated validation feedback messages regarding potential errors via email.

Firms that wish to submit test files or additional test files to the Exchange prior to the April 28, 2016 effective date must submit them to the UAT MFT environment.

Below is the suggested naming convention for OCR test files submitted to UAT MFT:

OCRFORM\_102\_[IDENTIFIER]\_[YYYYMMDD]\_E\_[TEST][OPTIONALUNIQUIFIER].formxml.[zip]

Any firm that does not currently have access to either the Production or UAT MFT server, and needs access for OCR reporting or testing purposes, should send an email to [Compliance-OCR-Reporting@theice.com](mailto:Compliance-OCR-Reporting@theice.com) to request access.

### OCR Portal

As an alternative to automated SFTP submission of OCR information to the Exchange, firms may utilize the Exchange's OCR Portal for manual submission of the required OCR data. The OCR portal is currently available for the manual submission of Production Forms 102A and 102B.

Firms interested in testing manual submissions or updates via the OCR Portal can make those test submissions to the UAT OCR Portal.

Firms needing access to either the Production or UAT OCR Portal should send an email request for access to: [Compliance-OCR-Reporting@theice.com](mailto:Compliance-OCR-Reporting@theice.com).

Once access is granted, the Production OCR Portal is accessible by going to <https://www.theice.com>, selecting the "Login" link, and selecting "OCR" from the drop-down. The UAT OCR Portal is accessible in the same fashion at <https://uat1.theice.com>.

As mentioned above, the amendment to Exchange Rule 6.15 below which adds paragraph (d) requiring OCR submissions to the Exchange will become effective on **April 28, 2016**.

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### Rule 6.15. Reportable Positions and Daily Reports

(a) Clearing Members, Carrying Members and foreign brokers which hold, control, or carry for any Customer a reportable position, as such term is defined by the Act and the Regulations thereunder, shall submit to the Exchange daily reports with respect to such positions containing the information that is required to be reported to the Commission in the same form as prescribed by the Commission, unless otherwise specified by the Exchange.

(b) Without limiting any provisions of the Rules, Clearing Members, Carrying Members and foreign brokers shall provide such additional information with respect to positions in Futures and Option Contracts and the ownership of such positions as may be requested by the Exchange.

(c) In the case where a long and short position in the same delivery month is carried for a Customer by a Firm that is not a Clearing Member, it shall be the responsibility of the Carrying Member to advise the Clearing Member that the long and short position is for the account of the same customer.

(d) Submission of account Ownership and Control Reporting (“OCR”) information to the Exchange

- (1) Clearing Members, Carrying Members and foreign brokers which hold, control, or carry for any Customer a special account as such term is defined by the Commission must submit to the Exchange either by electronic submission via secure FTP or by manual entry through the Exchange OCR Portal, information identifying the ownership and control of each special account and all trading accounts related to each such special account, using CFTC Form 102A - Identification of a Special Account after the account reaches or exceeds the applicable reportable position level prescribed by the Commission, *provided, however,* that if the reportable position level prescribed by the Exchange is lower than the corresponding CFTC reportable level for a product, such Form 102A must be filed with the Exchange when the position in a special account reaches or exceeds the Exchange prescribed reporting level. Such submission shall be made in accordance with the timing and other requirements specified in subparagraph (3) hereof.
- (2) A Clearing Member which holds or carries for itself or any Customer a reportable volume threshold account, as such term is defined by the Commission, must submit to the Exchange either by electronic submission via secure FTP or by manual entry through the Exchange OCR Portal, information identifying the ownership and control of the volume threshold account using CFTC Form 102B - Identification of a Volume Threshold Account, after an account reaches the reportable volume trading level as prescribed by the Commission. Such submission shall be made in accordance with the timing and other requirements specified in subparagraph (3) hereof.

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(3) At a minimum, information regarding the names and addresses of the owner(s) and controller(s), account number and account type for each special account and each volume threshold account shall be submitted to the Exchange by the close of business on the Business Day following the date on which the special account or volume threshold account, as applicable, reached or exceeded the applicable reportable level, and all supplemental information shall be submitted no later than the close of business on the third Business Day following the date on which the account reached or exceeded the applicable reportable level. All information shall be submitted to the Exchange in the same format as prescribed by the Commission.

(4) Clearing Members, Carrying Members and foreign brokers shall update any information submitted by them via Forms 102A and 102B whenever such information changes or becomes inaccurate, by submission of updated, accurate information by electronic submission via secure FTP or by manual entry through the Exchange OCR Portal, within the time frames specified in subparagraph (3) of this paragraph.

### **Form 102A - Identification of Special Account**

Starting April 28, 2016, Reporting Firms must submit to the Exchange the new electronic CFTC Form 102A which identifies the owners and controllers of special accounts, accounts controlled and all other information required on the form for each account that becomes reportable for the first time.

At a minimum, information regarding the names and addresses of the owner(s) and controller(s), the CFTC reporting number, account number and account type for each special account shall be submitted to the Exchange by the close of business on the Business Day following the date on which the special account becomes reportable. All additional Form 102A information required must be submitted no later than the close of business on the third (3<sup>rd</sup>) Business Day following the date on which the account became reportable.

The Exchange recognizes that in some instances there are differences between the Exchange's large trader reporting levels and the CFTC's large trader reporting thresholds. For products where the Exchange's large trader reportable levels are lower than the CFTC levels, Reporting Firms will be required to submit 102A information to the Exchange earlier than the CFTC would require. For products where the Exchange's large trader reportable levels are higher than the CFTC levels, the Exchange will accept over-reporting of accounts and will not reject files on the basis that the position reported is below the Exchange's reporting level.



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### **Form 102B - Identification of Volume Threshold Account**

Beginning on April 28, 2016, Clearing Members will also be required to submit a CFTC Form 102B for any trading account that meets the volume threshold of 50 contracts in a single trading day as defined by CFTC Regulation 15.04.

At a minimum, information regarding the names and addresses of the owner(s) and controller(s), account number and account type and related special account reporting number for each volume threshold account shall be submitted to the Exchange by the close of business on the Business Day following the date on which the trading account becomes reportable. All additional Form 102B information required must be submitted no later than the close of business on the third (3<sup>rd</sup>) Business Day following the date on which the account became reportable.

Clearing Members, Carrying Members and foreign brokers are required to update any information submitted to the Exchange via Forms 102A and 102B whenever there is a material change to information previously submitted or such information becomes inaccurate. Such updates shall be submitted by electronic submission via secure FTP or by manual entry through the Exchange OCR Portal within the time frames specified in Rule 6.15 (d)(3). The Exchange may also request that firms provide updated OCR information on an as-needed basis for any account as it deems necessary.

When a Reporting Firm has notified the CFTC that a special account or volume threshold account no longer exists or has been closed, a similar notification must be provided to the Exchange's Market Regulation department at [compliance-OCR-reporting@theice.com](mailto:compliance-OCR-reporting@theice.com).



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### FOR MORE INFORMATION:

Technical questions with respect to file submissions and testing should be directed to:

[Compliance-OCR-Reporting@theice.com](mailto:Compliance-OCR-Reporting@theice.com)

Questions pertaining to the Rule amendments or effective date may be directed to:

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Further information about the CFTC reporting infrastructure can be found on the [CFTC's OCR Portal](#).

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