



World Financial Center
One North End Avenue
New York, New York 10282

BY ELECTRONIC TRANSMISSION

Submission No. 11-74

October 12, 2011

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: New Trading Floor Access and Use Fee

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 a new Exchange policy establishing a trading floor access and use fee for admission to, and use of, the Exchange's trading floor at One North End Avenue. The fee will be charged commencing January 1, 2012, to each person with floor trading privileges who wishes to use the trading floor – including brokers and locals who are members, permit holders and lessees. Any person who does not actually use his or her floor trading privileges to come to the trading floor will not have to pay the fee.

Over the past several years the trading floor population has declined significantly with the growth of electronic trading and the end of floor trading of Exchange futures contracts. Currently less than half of the individuals holding floor trading privileges elect to come to the floor on a regular basis, although once on the trading floor they can also trade electronically. As electronic trading of Exchange options contracts continues to increase in both absolute terms and as a share of total options volume we anticipate a further decline in the number of brokers and locals on the trading floor.

The trading floor access and use fee will be charged on a semi-annual basis, and contains provisions allowing each trader to earn a full or partial rebate based upon his or her traded volume in the period

covered by the fee. Specifically, each individual with floor trading privileges who elects to use those privileges for the first six months of 2012 will be charged a fee of \$3,000 for that period; an individual who trades at least 6,000 contracts during that six-month period will receive a rebate of \$1,500 upon reaching that volume threshold; an individual trader who trades at least 12,000 contracts during that period will receive a second \$1,500 rebate upon reaching that volume threshold. For purposes of calculating volume against these thresholds, all volume executed by the trader on the floor and on the Exchange's electronic trading platform will be counted, including Block Trades, EFP, EFS and EOO trades. The fee for the following six month period will be determined and announced at least sixty days prior to the start of the new six month period. The Exchange believes the access fee is appropriate to the needs of the Exchange and is not unreasonable from the perspective of floor-based locals and brokers.

The management proposal to establish an access and use fee was taken up at a meeting of the Executive Floor Committee where different rates and rebate calculations were discussed prior to the final fee proposal that was made to the Board of Directors. A minority of members of the Executive Floor Committee were of the view that they should not be charged for using the Exchange's trading floor facilities. The Board of Directors unanimously adopted the fee at a meeting held on September 23, 2011, and as noted above, the fee will become effective January 1, 2012.

The Exchange certifies that the foregoing policy complies with the requirements of the Commodity Exchange Act and the rules and regulations promulgated thereunder. The Exchange further certifies that, concurrent with this filing, a notice of pending certification was posted on the Exchange's website as well as a copy of this submission, which may be accessed at (<https://www.theice.com/notices/RegulatoryFilings.shtml>).

If you have any questions or need further information, please contact me at 212-748-4083 or audrey.hirschfeld@theice.com.

Sincerely,



Senior Vice President and
General Counsel

cc: Division of Market Oversight
New York Regional Office