U.S. COMMODITY FUTURES TRADING COMMISSION
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Division of
Market Oversight

January 31, 2006

Mr. Mark Woodward
Regulation and Compliance Policy Manager
ICE Futures
International House
1 St. Katherine's Way
London E1W 1UY, UK

Re: Foreign Terminal No-Action Relief and the Proposed Launch of the ICE Futures West Texas Intermediate Light Sweet Crude Oil Futures Contract

Dear Mr. Woodward:

On November 12, 1999, the Division of Trading and Markets (T&M) of the Commodity Futures Trading Commission (Commission) issued a no-action letter to the International Petroleum Exchange Limited (IPE), predecessor to ICE Futures, with respect to its proposal to make its electronic trading and order matching system available to IPE members in the U.S. In that no-action letter, T&M stated that it would not recommend that the Commission institute enforcement action against the IPE or its members solely based upon IPE's failure to obtain contract market designation under Sections 5 and 5a of the Commodity Exchange Act if IPE members trade for their own accounts or, with certain registrant status, accept and/or submit U.S. customer orders to IPE's electronic trading and order matching system. That no-action letter was subsequently amended by the Division of Market Oversight (Division), T&M's successor division, on July 26, 2002, February 24, 2003, March 10, 2003, and April 14, 2003.

On January 17, 2006, ICE Futures notified the Division of its intent to launch a West Texas Intermediate Light Sweet Crude Oil Futures Contract (WTI Contract) on February 3, 2006. The notification was provided pursuant to the Commission's Statement of Policy[1] regarding the listing of new futures and option contracts by foreign exchanges that are operating electronic trading devices in the U.S. pursuant to a foreign terminal no-action letter, indicating that ICE Futures intends to make the WTI Contract available for trading in the U.S.

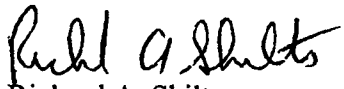
The Division's November 12, 1999, letter remains valid at this time. Please be advised, though, that the Commission will be evaluating the use of the no-action process in light of significant issues raised by the factual circumstances underlying the subject notice. The

[1] Notice of Statement of Commission Policy Regarding the Listing of New Futures and Option Contracts by Foreign Boards of Trade that Have Received Staff No-Action Relief to Place Electronic Trading Devices in the United States 65 Fed. Reg. 41641 (July 6, 2000).

Commission's final determination may impact whether ICE Futures will be able to continue to rely on the Division's no-action letter in making its WTI contract available for trading through electronic trading devices in the U.S.

If you have any questions regarding this correspondence, please contact myself, David P. Van Wagner, Chief Counsel, at (202) 418-5481, or Duane C. Andresen, Special Counsel, at (202) 418-5492.

Very truly yours,



Richard A. Shilts
Director

cc: Ted Morris, Manager Derivatives Team, Markets Division, FSA
Gregory C. Prusik, Vice-President Compliance and Registration, NFA
Branch Chief, Audit and Financial Review Unit, Division of Clearing and Intermediary Oversight, Chicago Regional Office