



December 16, 2013

Via Electronic Mail

Ms. Melissa Jurgens  
Secretary  
Commodity Futures Trading Commission  
Three Lafayette Centre  
1155 21st Street, N.W.  
Washington, D.C. 20581

Re: CBOE Futures Exchange, LLC Rule Certification  
Submission Number CFE-2013-43

Dear Ms. Jurgens:

Pursuant to Section 5c(c)(1) of the Commodity Exchange Act, as amended ("Act"), and §40.6(a) of the regulations promulgated by the Commodity Futures Trading Commission under the Act, CBOE Futures Exchange, LLC ("CFE" or "Exchange") hereby submits an amendment ("Amendment") to CFE Policy and Procedure IX, which sets forth CFE's Volatility Index Security Futures Lead Market Maker Program ("LMM Program"). The Amendment also deletes an expired incentive program set forth in CFE Policy and Procedure XI. The Amendment will become effective on December 31, 2013.

The Amendment extends the LMM Program and the LMM appointments under the LMM Program for an additional year until December 31, 2014 and also extends the time period during which CFE will maintain a revenue pool as a benefit to LMMs under the LMM Program until December 31, 2014. As was the case previously, CFE may subsequently determine to extend the term of the LMM Program and lead market maker appointments under the LMM Program, allow the LMM Program and lead market maker appointments under the LMM Program to expire, terminate the LMM Program and all lead market maker appointment under the LMM Program at any time, or replace the LMM Program with a different lead market maker program at any time. Additionally the Amendment changes the accrual period for the revenue pool and payout timing under the LMM Program from being on a monthly basis to being on a quarterly basis.

Finally, the Amendment deletes the 25-Metropolitan Statistical Area RPX Composite Futures DPM Incentive Program from CFE Policy and Procedure IX, as this Program expired by its own terms in June 2013.

CFE believes that the Amendment is consistent with DCM Core Principle 7 (Availability of General Information) under Section 5 of the Act because the Amendment sets forth in a clear and transparent manner the provisions of its LMM Program.

CFE believes that the impact of the Amendment will be beneficial to the public and market participants. CFE is not aware of any substantive opposing views to the Amendment. CFE hereby certifies that the Amendment complies with the Act and the regulations thereunder. CFE further certifies that it has posted a notice of pending certification with the Commission and a copy of this submission on CFE's Web site (<http://cfe.cboe.com/aboutcfe/rules.aspx>) concurrent with the filing of this submission with the Commission.

The Amendment is attached and is marked to show additions in underlined text and deletions in [bracketed] text.

Questions regarding this submission may be directed to Arthur Reinstein at (312) 786-7570 or Jenny Golding at (312) 786-7466. Please reference our submission number CFE-2013-43 in any related correspondence.

CBOE Futures Exchange, LLC

A handwritten signature in black ink, appearing to read "James F. Lubin". The signature is fluid and cursive, with a large initial "J" and "L".

By: James F. Lubin  
Managing Director

cc: Nancy Markowitz (CFTC)  
National Futures Association  
The Options Clearing Corporation

## **CBOE Futures Exchange, LLC Policies and Procedures**

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### **IX. Volatility Index Security Futures Lead Market Maker Program**

Trading Privilege Holders (“TPHs”) may apply to the Exchange for appointment as a lead market maker in a Volatility Index security futures contract. The specific Volatility Indexes on which the Exchange may list security futures are identified in CFE Rule 1601. This Volatility Index Lead Market Maker Program is in addition to the Security Futures Market Maker Program under CFE Policy and Procedure VII, and any lead market maker under the Volatility Index Lead Market Maker Program must also be a market maker under the Security Futures Market Maker Program.

The Exchange may approve one or more TPHs as lead market makers in the Volatility Index Lead Market Maker Program for one or more Volatility Index security futures contracts. Any TPH that desires to apply for lead market maker status in a Volatility Index security futures contract should submit an application in the form of a letter outlining the organization's qualifications and commitments. TPHs shall be selected by the Exchange based on the Exchange's judgment as to which applicants are most qualified to perform the functions of a lead market maker under the Program. Factors to be considered in making this selection may include, but are not limited to, satisfaction of the qualifications listed below as well as any one or more of the factors listed in CFE Rule 515(b), as applied to lead market maker applicants instead of with respect to DPM applicants.

The following describes the qualifications, market performance benchmarks, benefits, and appointment term under the Volatility Index Security Futures Lead Market Maker Program unless otherwise specified.

#### **Qualifications**

- Experience in trading futures and/or options on volatility indexes.
- Ability to automatically and systemically provide quotations.

#### **Market Performance Benchmark**

- Throughout the trading day between 8:30 a.m. and 3:00 p.m. (or 3:15 p.m., as applicable), the TPH shall provide at least 95% of the time a 2-sided quote for a minimum of 50 contracts within a maximum width of \$0.20 in all contract months in the applicable Volatility Index security futures contract.
- The above market performance benchmark shall be subject to relief in the event of a fast market in the applicable Volatility Index security futures contract or the component options of the Volatility Index traded on CBOE or other extenuating circumstances or unusual market conditions to be determined solely by the Exchange. Under conditions as specified in the foregoing sentence, the TPH shall use commercially reasonable efforts to provide a continuous quote and to respond to requests for a quote.

The Exchange may terminate, place conditions upon, or otherwise limit a TPH's appointment as a lead market maker under the Program if the TPH fails to satisfy the market performance benchmarks under the Program. However, failure of a TPH to satisfy the market performance benchmarks under the Program shall not be deemed a violation of Exchange rules.

### **Benefits**

- Through December 31, [2013] 2014, the Exchange will maintain a revenue pool for each Volatility Index security futures contract equal to 20% of all transaction fees collected by the Exchange in that contract for TPHs appointed as lead market makers under the Program in that contract. The revenue pool will be allocated [monthly] quarterly to TPHs appointed as lead market makers under the Program in the applicable Volatility Index security futures contract on a pro-rata basis based on the contract volume in that contract of those TPHs during the prior [month] quarter resulting from quotes and resting orders provided by those TPHs. Payment to TPHs appointed as lead market makers will be made following the end of the calendar quarter. For purposes of the Program, a resting order is any order received by the CBOE System at least 3 seconds before its execution.

### **Term**

- The Program and each lead market maker appointment under the Program will expire on December 31, [2013] 2014. The Exchange may determine to extend the term of the Program and lead market maker appointments under the Program, allow the Program and lead market maker appointments under the Program to expire, terminate the Program and all lead market maker appointments under the Program at any time, or replace the Program with a different lead market maker program at any time.

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## **XI. Reserved [25-Metropolitan Statistical Area RPX Composite Futures DPM Incentive Program]**

The Exchange shall pay the DPM for the 25-Metropolitan Statistical Area RPX Composite Futures ("RPX Composite Futures") \$800.00 for each contract by which total open interest in RPX Composite Futures is reduced as a result of closing transactions executed by the DPM at any time during the months of May, 2013 and June, 2013. Payments to the DPM under this RPX Composite Futures DPM Incentive Program shall be subject to the following cap. The Exchange shall make payments to the DPM under this Program for no more than 70 contracts of reduction in open interest. Any payments to the DPM under this Program shall be made following June 30, 2013.

The Exchange may determine to extend the term of the Program, allow the Program to expire, terminate the Program at any time, or replace the Program with a different program at any time.]

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