



March 25, 2021

Christopher J. Kirkpatrick
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-2021-012

Dear Mr. Kirkpatrick:

Pursuant to Section 5c(c)(1) of the Commodity Exchange Act, as amended (“Act”), and Regulation 40.6(a) promulgated by the Commodity Futures Trading Commission (“CFTC” or “Commission”) under the Act, Cboe Futures Exchange, LLC (“CFE” or “Exchange”) hereby submits a CFE rule amendment (“Amendment”) to further clarify CFE’s requirements regarding business continuity preparations. Exhibit 1 to this submission sets forth the rule changes included in the Amendment. The Amendment will become effective on April 8, 2021.

CFE Rule 513B (Business Continuity Preparations) currently provides that CFE Trading Privilege Holders (“TPHs”) shall take appropriate actions as instructed by the Exchange to accommodate the Exchange’s business continuity-disaster recovery plans and shall connect to the Exchange’s disaster recovery site and participate in Exchange and industry business continuity-disaster recovery testing as and to the extent required by the Exchange.

The Amendment further clarifies the provisions of Rule 513B by including additional detail in Rule 513B related to the operation of those provisions. The revisions to Rule 513B include the following:

- CFE is designating the current language of Rule 513B as Rule 513B(a) and is adding additional paragraphs (b), (c), (d), and (e) to Rule 513B.
- CFE is revising the language of Rule 513B to replace the reference to the Exchange’s disaster recovery site with a reference to the Exchange’s disaster recovery systems in order to reflect the broader application of the current reference to the Exchange’s disaster recovery systems which may be accessed from more than one site.
- New paragraph (b) to Rule 513B notes that the Exchange may apply the requirements of Rule 513B to one or more categories of TPHs designated by the Exchange based on objective criteria or to all TPHs.
- New paragraph (c) to Rule 513B further describes the objective criteria that may be utilized by the Exchange in applying the requirements of Rule 513B to one or more categories of TPHs. Paragraph (c) provides that this objective criteria may include, but is not limited to,

criteria related to any one or more of the following:

- the percentage of proprietary, customer, or overall trading volume attributable to a TPH in a CFE product measured over a time period designated by the Exchange;
 - the appointment of a TPH as a designated primary market maker, lead market maker, or market maker in a CFE product; or
 - the trading capacity of a TPH.
- New paragraph (d) provides that in applying the requirements of Rule 513B, the Exchange shall provide prior notice to each TPH to which the requirements of Rule 513B are applied by the Exchange.
 - Finally, new paragraph (e) makes clear that all TPHs are permitted to connect to CFE's disaster recovery systems and to participate in Exchange and industry business continuity-disaster recovery testing that CFE facilitates for TPHs. This is the case even if a TPH is not a TPH to which the requirements of Rule 513B are applied. CFE advises all of its TPHs that it recommends and encourages all TPHs to connect to CFE's disaster recovery systems and to participate in Exchange and industry business continuity-disaster recovery testing that CFE facilitates for TPHs.

CFE considers the provisions that are being added to Rule 513B to be within the scope of the existing provisions of Rule 513B. Although this is the case, CFE believes that it is beneficial to provide additional guidance to TPHs regarding the application of these provisions.

CFE believes that the Amendment is consistent with the Designated Contract Market ("DCM") Core Principles under Section 5 of the Act. In particular, CFE believes that the Amendment is consistent with: (i) DCM Core Principle 7 (Availability of General Information) because the Amendment further clarifies for TPHs CFE's rule requirements regarding business continuity preparations and (ii) DCM Core Principle 20 (System Safeguards) in that Amendment contributes to CFE's ability to coordinate its business continuity-disaster recovery plans and testing with those of its TPHs upon whom it depends to provide liquidity.

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 CFE has posted a notice of pending certification with the Commission and a copy of this submission on CFE's Web site (http://markets.cboe.com/us/futures/regulation/rule_filings/cfe/) concurrent with the filing of this submission with the Commission.

Questions regarding this submission may be directed to Arthur Reinstein at (312) 786-7570 or Michael Margolis at (312) 786-7153. Please reference our submission number CFE-2021-012 in any related correspondence.

Cboe Futures Exchange, LLC

/s/ Michael Mollet

By: Michael Mollet
Managing Director

EXHIBIT 1

The Amendment, marked to show additions in underlined text and deletions in ~~stricken~~ text, consists of the following:

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Cboe Futures Exchange, LLC Rules

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513B. Business Continuity Preparations

- (a) Trading Privilege Holders shall take appropriate actions as instructed by the Exchange to accommodate the Exchange's business continuity-disaster recovery plans and shall connect to the Exchange's disaster recovery ~~site~~ systems and participate in Exchange and industry business continuity-disaster recovery testing as and to the extent required by the Exchange.
- (b) The Exchange may apply the requirements of Rule 513B to one or more categories of Trading Privilege Holders designated by the Exchange based on objective criteria or to all Trading Privilege Holders.
- (c) Objective criteria that may be utilized by the Exchange in applying the requirements of Rule 513B to one or more categories of Trading Privilege Holders may include, but is not limited to, criteria related to any one or more of the following:
- (i) the percentage of proprietary, customer or overall trading volume attributable to a Trading Privilege Holder in an Exchange product measured over a time period designated by the Exchange;
 - (ii) the appointment of a Trading Privilege Holder as a designated primary market maker, lead market maker or market maker in an Exchange product; or
 - (iii) the trading capacity of a Trading Privilege Holder.
- (d) In applying the requirements of Rule 513B, the Exchange shall provide prior notice to each Trading Privilege Holder to which the requirements of Rule 513B are applied.
- (e) All Trading Privilege Holders are permitted to connect to the Exchange's disaster recovery systems and to participate in Exchange and industry business continuity-disaster recovery testing that the Exchange facilitates for Trading Privilege Holders.