

**From:** Layne Carlson <lcarlson@mgex.com>  
**Sent:** Wednesday, September 8, 2010 7:15 PM  
**To:** acknowledgmentletter <acknowledgmentletter@CFTC.gov>  
**Subject:** RIN 3038-AC72/Acknowledgment Letters  
**Attach:** MGEX comments on Acknowledgment Letters September 2010.doc

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Dear Mr. Secretary:

Attached to this email are comments from MGEX regarding Acknowledgment Letters for Customer Funds and Secured Amount Funds.

Thank you for your attention to this matter.

Regards,

**Layne G. Carlson**  
Corporate Secretary & Treasurer



400 South 4th Street  
130 Grain Exchange Building  
Minneapolis, MN 55415  
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Via Electronic Mail

September 8, 2010

Mr. David Stawick  
Secretary  
Commodity Futures Trading Commission  
Three Lafayette Centre  
1155 21st Street, NW  
Washington, DC 20581

SUBJECT: RIN 3038-AC72 /Acknowledgment Letters

Dear Mr. Secretary:

The Minneapolis Grain Exchange ("MGEX" or "Exchange") would like to thank the Commodity Futures Trading Commission ("CFTC" or "Commission") for this opportunity to respond to the Commission's request for comment on the above referenced matter published in the August 9, 2010 Federal Register Vol. 75, No. 152.

MGEX is supportive of the Commission's proposal requiring the use of a standard template for acknowledgment letters that registrants must obtain from any depository holding secured or segregated customer funds. A standard template will simplify the process of obtaining an acknowledgment letter by reducing significantly, if not entirely eliminating, the negotiation that often occurs between registrants and depositories. Uniformity of acknowledgment letters also provides consistency and much needed legal certainty across the commodities and banking industry. Parties (particularly depositories) need not be concerned with whether their actions will subject them to greater or different exposure than any other party. Thereby freeing up the ability to quickly move money as necessary, and help avoid restricting or tying up monies necessary to prevent market catastrophes and loss of customer funds. The Exchange is also supportive of the general content proposed for the acknowledgment letters.

However, MGEX questions whether the depository institutions of all FCMs and DCOs holding customer funds will be willing to agree and sign on to the proposed conditions. For those depositories unwilling to agree to the terms of the proposed language of the acknowledgment letters, potentially affected FCMs and DCOs must be allotted reasonable time to find an accommodating depository, establish accounts and transfer funds.

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Within the notice of proposed rulemaking, the Commission stated that it “expects” that the electronic filing with the Commission of all acknowledgment letters be done through WinJammer™. While MGEX is not opposed to filing of acknowledgment letters by electronic means, the Exchange is opposed to a requirement that the filing only be done via WinJammer. Not all registrants are participants of WinJammer. Some registrants, such as MGEX (a DCO and SRO), may only need to obtain a few acknowledgment letters and would, therefore, need to use WinJammer perhaps once every few years to file the letters. As one alternative, the Commission could permit those registrants not on WinJammer to forward copies of the acknowledgment letters to a qualified third party for entry on WinJammer.

The Exchange thanks the Commission for the opportunity to comment on the notice of proposed rulemaking. If there are any questions regarding these comments, please contact me at (612) 321-7169 or lcarlson@mgex.com. Thank you for your attention to this matter.

Regards,

A handwritten signature in cursive script, appearing to read "Layne G. Carlson".

Layne G. Carlson  
Corporate Secretary