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December 20, 2013

Ms. Melissa Jurgens
Secretary
Commodity Futures Trading Commission
Three Lafayette Centre
1155 21st Street NW
Washington, DC 20581

Re: Aggregation of Positions Notice of Proposed Rulemaking (“Aggregation NOPR”) (RIN 3038–AD82)

Dear Ms. Jurgens:

The Asset Management Group (“AMG”)¹ of the Securities Industry and Financial Markets Association (“SIFMA”) and the International Swaps and Derivatives Association (“ISDA” and collectively, the “Trade Associations”)² are writing to request that the Commodity Futures Trading Commission (the “Commission”) extend the comment period for the Aggregation NOPR³ to align it with the end of the comment period for the Position Limits for Derivatives Notice of Proposed Rulemaking (“Position Limits NOPR”).⁴

While the proposed rules relating to the Aggregation NOPR and Position Limits NOPR (collectively, the “Proposed Rules”) were considered and adopted at the same Commission public meeting on November 5, 2013, nearly one month separated their publication in the Federal Register. The two Proposed Rules are deeply intertwined. There are direct links between the two proposals. The two Proposed Rules reflect the same set of statutory and policy concerns. The Position Limits NOPR articulates the Commission’s underlying rationale for the

¹ AMG’s members represent U.S. asset management firms whose combined assets under management exceed \$20 trillion. The clients of AMG member firms include, among others, registered investment companies, ERISA plans and state and local government pension funds, many of whom invest in commodity futures, options, and swaps as part of their respective investment strategies.

² ISDA’s mission is to foster safe and efficient derivatives markets to facilitate effective risk management for all users of derivative products. ISDA has more than 800 members from 58 countries on six continents. These members include a broad range of OTC derivatives market participants: global, international and regional banks, asset managers, energy and commodities firms, government and supranational entities, insurers and diversified financial institutions, corporations, law firms, exchanges, clearinghouses and other service providers. For more information, please visit: www.isda.org.

³ 78 Fed. Reg. 68,946.

⁴ 78 Fed. Reg. 75,680.

Commission's speculative position limits policy. The rationale contained in the Position Limits NOPR has a direct bearing on the Aggregation NOPR. As stated by the Commission in the Aggregation NOPR, "[t]he aggregation of accounts for purposes of applying position limits represents an integral component that impacts the effectiveness of those limits."⁵ In addition to statutory and policy concerns, the Proposed Rules also contain overlapping regulatory definitions. For example, both the Position Limits NOPR and the Aggregation NOPR contain proposed definitions for "eligible entity," a term that is fundamental to the Commission's proposed speculative position aggregation policy. The Position Limits NOPR also contains a proposed definition for "eligible affiliate," a term that also would play an important role in the Commission's speculative position aggregation policy. The Position Limits NOPR also would require designated contract markets and swap execution facilities to have aggregation rules that conform to those proposed in the Aggregation NOPR.⁶ As the two Proposed Rules are inextricably linked, we believe it is essential to have sufficient time to review and comment on them together.⁷

Moreover, in order to fully ascertain the impact on their businesses, including compliance costs, related to the proposed rulemakings, our members must apply the Proposed Rules in conjunction with one another. To fully comprehend the impact of the Aggregation NOPR, our members must first fully review, understand and apply the Position Limits NOPR. Both Rule Proposals are complex and understanding their combined impact will require more time beyond January 14, 2014.

In order to have adequate time to review, consider, and comment upon these two Rule Proposals together, we are requesting an extension of the comment period for the Aggregation NOPR to align it with the end of the comment period for the Position Limits NOPR. We do not believe that this modest extension of the Aggregation NOPR's comment period would materially delay the Commission's review of comments and formulation of final rulemakings regarding aggregation and position limits, particularly if the Commission issues final rulemakings on these rules at the same time, as it has done in the past. This additional time for consideration and comment would give the public needed time to present more complete, more thoughtful and integrated comments and suggestions on the Proposed Rules.

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⁵ 78 Fed. Reg. at 68,972.

⁶ 78 Fed. Reg. at 75756-75757

⁷ We believe the Commission has recognized this inextricable link between aggregation and position limits in the past as they were initially contained together as part of the same proposal when originally proposed in January 2011 and again were adopted together as final rules in November 2011.

We appreciate your consideration of our comments and requests in this letter. We stand ready to provide any additional information or assistance that the Commission might find useful. Should you have any questions, please do not hesitate to contact Tim Cameron of AMG at 212-313-1389 or Matt Nevins of AMG at 212-313-1176 or Robert Pickel of ISDA at 212-901-6020.

Sincerely,



Timothy W. Cameron, Esq.
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Securities Industry and Financial Markets Association



Matthew J. Nevins, Esq.
Managing Director and Associate General Counsel, Asset Management Group
Securities Industry and Financial Markets Association



Robert Pickel
Chief Executive Officer
International Swaps and Derivatives Association

cc: Hon. Gary Gensler, Chairman, Commodity Futures Trading Commission
Hon. Bart Chilton, Commissioner, Commodity Futures Trading Commission
Hon. Scott O'Malia, Commissioner, Commodity Futures Trading Commission
Hon. Mark Wetjen, Commissioner, Commodity Futures Trading Commission
Stephen Sherrod, Senior Economist, Division of Market Oversight
Riva Spear-Adriance, Senior Special Counsel, Division of Market Oversight
Mark Fajfar, Assistant General Counsel, Office of General Counsel