



April 25, 2014

Via Electronic Submission

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

Re: *Proposed Modifications to Part 49*

Dear Mr. Jurgens:

ICE Trade Vault, LLC, ("ICE Trade Vault") appreciates the opportunity to comment on the Commodity Futures Trading Commission's ("CFTC" or "Commission") proposed revision to Part 49.17- Access to SDR Data (the "Proposal" or "Proposed Rule Change"). As background, ICE Trade Vault operates as a Swap Data Repository ("SDR") in the commodity and credit asset classes and has a global customer base of over 700 participants. As the operator of a U.S. SDR and European Trade Repository, ICE Trade Vault has a practical perspective of the implications of the proposed rule modification.

SDRs are unable to comply with the Proposal as the swap data reporting rules do not support the contemplated change

ICE Trade Vault supports and abides by the Commodity Exchange Act ("CEA") and CFTC regulations governing confidentiality and privacy of swap data. To that end, ICE Trade Vault maintains strict controls over the privacy and access to swap data. ICE Trade Vault is supportive of the Commission's intent to maintain the anonymity of counterparties who transact cleared swaps on-facility. However, the Proposal adds a new requirement on SDRs to anonymize Legal Entity Identifiers and any fields relating to the identity of counterparties and related clearing members contained in the swap data (collectively referred to as "LEIs") on cleared swaps executed anonymously on Designated Contract Markets ("DCMs") and Swap Execution Facilities ("SEFs"). The current swap data reporting rules¹ do not support SDRs displaying anonymized data to counterparties since there is not a corresponding field to denote

¹17 CFR Part 43 Real-Time Public Reporting of Swap Transaction Data, 17 CFR Part 45 Swap Data Recordkeeping and Reporting Requirements and 17 CFR Part 49 Swap Data Repositories: Registration, Standards, Duties and Core Principles.

this information in the prescribed data fields². SDRs have no way of knowing whether to display LEIs between counterparties or anonymize these identifiers. It is the obligation of SEFs and DCMs to denote that a swap was cleared and executed anonymously. In order for SDRs to have the means to comply with the Proposal, the Commission would need to simultaneously amend the prescribed data fields to add a reportable field indicating the obligation to anonymize LEIs. Subsequently, DCMs, SEFs and SDRs would need to modify their systems to submit and receive swap data with this new field denoting anonymized LEIs.

It should also be noted that this Proposal has downstream effects on both the SDRs and reporting parties. As many rule filings are subject to a lengthy review period, we sympathize with the Commission's desire to avoid a drawn out process. However, allowing a notice and comment prior to issuing final rules will allow participants and the Commission an opportunity to raise issues and compliance challenges prior to a rule release. Changes to final rules without notice and comment will only further complicate compliance with these rules.

The reporting obligations of the alpha trade should be removed or waived for on-facility cleared swaps

The Commission recently published a review of the swap data reporting rules³ to address inconsistencies and issues within these rules. One issue specifically raised in the review is the reporting of cleared swaps. The swap data reporting rules currently require Derivatives Clearing Organizations ("DCOs"), DCMs and SEFs to submit primary economic terms and confirmation data (collectively, "creation data") to SDRs as soon as technologically practicable after execution or acceptance for clearing. The clearing of swaps requires the original swap between the counterparties to the trade (the "alpha swap") to be terminated and thereby, replaced by different and unique resulting swaps (the "beta" and "gamma" swaps) between each counterparty and the DCO. Due to the trade execution requirements and real-time pre-trade credit checks, swaps executed on-facility and intended to be cleared are instantaneously terminated and given up for clearing.

There is little if any benefit to requiring the reporting of the alpha swap as this swap is transitory and its reported data fails to provide meaningful information for the Commission's use and consumption. As such, ICE Trade Vault supports modifying the swap data reporting rules to remove the alpha swap reporting requirement in the following circumstances: (a) swaps subject to the trade execution requirement and the mandatory clearing requirement; (b) swaps subject to the clearing requirement but not the trade execution requirement; and (c) swaps that are not subject to the clearing requirement but intended to be cleared upon execution.

² Appendix 1 to Part 45-Tables of Minimum Primary Economic Terms Data.

³ 17 CFR Chapter 1 Review of Swap Data Recordkeeping and Reporting Requirements.



ICE Trade Vault supports a holistic review of the swap data reporting rules and proposes the Commission refrain from enacting the Proposal pending this review and any subsequent modifications to these rules. ICE Trade Vault appreciates the opportunity to comment on the Proposed Rule Change. Should you have any questions or comments regarding this letter, please feel free to contact me (kara.dutta@theice.com (770) 916-7812) or Bruce Tupper (bruce.tupper@theice.com (770) 738-2121).

Sincerely,

A handwritten signature in blue ink that reads "Bruce A. Tupper".

Bruce A. Tupper
ICE Trade Vault, LLC
President

A handwritten signature in black ink that reads "Kara Dutta".

Kara Dutta
ICE Trade Vault, LLC
General Counsel

cc: Trabue Bland, IntercontinentalExchange Inc., VP Government Affairs