



433 W Van Buren St.
Chicago, Ill
60607
United States

[cboe.com](https://www.cboe.com)

September 26, 2023

Via Electronic Submission

Mr. Christopher J. Kirkpatrick
Secretary
Commodity Futures Trading Commission
Three Lafayette Centre
1155 21st Street, N.W.
Washington, D.C. 20581

**Re: Derivatives Clearing Organizations Recovery and Orderly Wind-Down Plans;
Information for Resolution Planning (RIN 3038-AF16)**

Dear Mr. Kirkpatrick:

Cboe Global Markets, Inc. (“Cboe”) appreciates the opportunity to provide comments on the Commodity Futures Trading Commission’s (“CFTC” or “Commission”) proposed amendments and revisions to the existing rules on the recovery and wind-down plans of systemically important derivatives clearing organizations (“SIDCOs”) (“Proposal”).¹ The Commission additionally proposes that derivatives clearing organizations (“DCOs”) that elect to satisfy the higher standard set for SIDCOs (“Subpart C DCOs”), as well as DCOs that are not SIDCOs or Subpart C DCOs, maintain and submit to the Commission orderly wind-down plans that incorporate substantially similar information and procedures to those set forth by SIDCOs; however, the Commission is not proposing to require these DCOs to maintain recovery plans.

Cboe operates a CFTC-registered derivatives clearing organization (“DCO”), Cboe Clear Digital, LLC, which is neither a SIDCO nor Subpart C DCO, but will be required to submit an orderly wind-down pursuant to the Proposal.

Overall, Cboe agrees with the Commission’s proposed wind-down plan requirements and is supportive of efforts to strengthen the risk management practices of DCOs, enhance legal certainty, particularly in times of market stress, and safeguard markets and the general public. We generally agree that wind-down plans can strengthen risk management practices and increase market confidence.

Among other comment requests, the Commission requests comment concerning whether six months from the publication of the final rule is sufficient time for a DCO to develop orderly wind-

¹ Derivatives Clearing Organizations Recovery and Orderly Wind-Down Plans; Information for Resolution Planning, 88 FR 48968 (July 28, 2023).

down plans. Cboe believes 365 days following the publication of the final rule would be more appropriate timeline for compliance. Under the proposed rule, DCOs currently registered with the Commission must complete and submit orderly wind-down plans and supporting information within six months from the effective date of the rule (if it is adopted). An additional 6 months beyond the timeframe outlined in the Proposal would allow Cboe and the entire industry to develop more robust plans, allow for more time to discuss issues that may arise during planning, and reduce potential strain on resources in managing competing regulatory demands.

Cboe appreciates the opportunity to share its views on the proposed amendments and welcomes the opportunity to further discuss our plans.

Sincerely,

s/ Patrick Sexton

Patrick Sexton
EVP, General Counsel & Corporate Secretary