

November 25, 2009  
ELXNTP-REG-09024

### **Rule Amendments to Allow Mutually Agreed Alternative Delivery Procedure**

Please be advised that ELX Futures, L.P. (“ELX Futures”) has amended Rule IX-3 to allow delivery participants involved in contracts that require physical delivery to mutually agree to terms that are different than those required by ELX Futures and The Options Clearing Corporation (OCC). Such agreement will also simultaneously release ELX Futures, OCC and relevant Clearing Privilege Holders from any obligations associated to such terms and conditions.

The new rule provisions in no way obligate the buyer or the seller to terms different than the standard terms and conditions; they simply provide market participants with an alternative to standard delivery on mutually beneficial terms and require that proper notification is provided to OCC.

In order to complete the procedure, a buyer and a seller that have been matched for delivery must agree and the Clearing Privilege Holder for each must complete and file a notification with OCC on a form prescribed by OCC. Further detail will be provided by a separate memo from OCC.

The rule is effective immediately. The text of the revised rules with revisions highlighted is provided as an attachment to this notice.

**Please contact ELX Support at 877-359-6610/212-294-7771 or via e-mail at [support@elxfutures.com](mailto:support@elxfutures.com) with any questions.**

**TEXT OF PROPOSED RULE AMENDMENTS**

\_\_\_\_\_ = additions and ~~strikethrough~~ = deletions

IX-3 (a)(v) Alternative Delivery Procedure

A seller and buyer that have been matched to settle delivery obligations between each other may mutually agree to settle such contractual obligations under terms or conditions which differ from the terms and conditions prescribed by this chapter. In such a case, Clearing Privilege Holders shall execute an alternative delivery procedure notification on the form prescribed by the Clearinghouse and shall deliver a completed and executed copy of such notification to the Clearinghouse. The acceptance of an executed alternative delivery procedure notification by the Clearinghouse shall release the Clearing Privilege Holders, the Clearinghouse and the Exchange from their respective obligations under the Exchange contracts as provided in the rules of the Clearinghouse, and the Clearing Privilege Holders shall indemnify the Clearinghouse and the Exchange as set forth in the rules of the Clearinghouse.