

CHICAGO MERCANTILE EXCHANGE AVERAGE PRICE SYSTEM DISCLOSURE

A. Application of Average Prices

The Average Price System (“A.PS”) allows a clearing firm to confirm to customers an average price when multiple execution prices are received on an order or series of orders for futures, options or combination transactions. An order or series of orders executed during a Regular Trading Hours Session at more than one price may only be averaged pursuant to APS if each order is for the same account or group of accounts and for the same commodity and month for futures, or for the same commodity, month, put/call and strike for options.

B. APS Orders

Any member or clearing member that accepts an order subject to APS must include an APS indicator on the order at the time of acceptance, and must comply with all other order requirements including those set forth in Rule 536. The APS indicator must appear on the office order and floor order.

C. Computation of Average

Upon receipt of an execution at multiple prices for an order with an APS indicator, an average will be computed by multiplying the execution prices by the quantities at those prices divided by the total quantities. An average price for a series of orders will be computed based on the average prices of each order in that series. The actual average price or the average price rounded to the next price increment may be confirmed to customers. If a clearing member confirms the rounded average price, the clearing member must round the average price ~ to the next price increment for a buy order or ~ to the next price increment for a sell order. The residual created by the rounding process must be paid to the customer. APS may produce prices that do not conform to whole cent increments. In such cases, any amounts less than one cent may be retained by the clearing member.

D. Disclosure

Each clearing member that confirms an average price to a customer must indicate on the confirmation and monthly statement that the price represents an average price.

QUESTIONS AND ANSWERS TO ADDRESS KEY FEATURES OF RULE 553 – AVERAGE PRICE SYSTEM

1. Q: What is the Average Price System (“APS”)?

A: APS will enable a clearing member to confirm to customers an average price when multiple prices are received on an order or series of orders for the same accounts. For example, if an order transmitted by an account manager on behalf of several customers is executed at more than one price, those prices may be averaged and the average may be confirmed to each customer. Customers will have the choice of participating in APS.

2. Q: Does an order subject to APS have to be for the same commodity?

A: Yes. An APS order may be used for futures, options or combination transactions. An APS order for futures must be for the same commodity and month, and for options, it must be for the same commodity, month put/call and strike.

3. Q: Does the clearing firm calculate the average? How is the average calculated?

A: The CME computes the average by multiplying the price by the quantity executed at each price divided by the total quantity.

4. Q: Is the APS process limited to discretionary accounts?

A: No. APS may also be used for a non-discretionary account upon request of a customer.

5. Q: What will appear on a customer’s confirmation and monthly statement for a position that has been confirmed at an average price?

A: An APS indicator will appear on the confirmation and monthly statement. This indicator will notify the customer that the confirmed price represents an average price or rounded average price.

6. Q: Is a clearing firm required to provide any specific disclosure to a customer prior to entering an order for a customer?

A: A firm should describe certain features of APS to customers. For example, a firm should inform a customer that the average price is not the actual execution price and that APS will calculate the same price for all customers that participate in the order.

Each clearing firm should decide how to communicate this information to the customer. If the firm or account controller provides the information in these Questions and Answers to the customer, the CME believes that will satisfy any disclosure obligation.

Similarly, if the firm provides the information to the pool operator, the CME believes this will satisfy any disclosure obligation to a commodity pool. A firm may choose to provide the information orally rather than providing a written copy of these Questions and Answers.

7. Q: Can APS be used when a series of orders are entered for a group of accounts?

A: Yes. For example, a bunched APS order (an order that represents more than one customer account) executed at 10:00 am. could be averaged with a bunched A PS order executed at 12:00 pm. provided that each of the bunched orders is for the same accounts. In addition, market orders and limit orders may be averaged, as may limit orders at different prices, provided that each order is for the same accounts.

8. Q: What will happen if an APS order is only partially executed? For example, at 10:00 am a buy 100 APS DEC S&P 500 futures order is transmitted at a limit price of 376.00; 50 are executed at 376.00, and the balance was not filled. At 12.00 p.m. a buy 100 APS DEC S&F 500 futures order is transmitted at a limit price of 375.00; 50 are executed at 375.00 and the balance was not filled. Both orders are part of a series for the same group of accounts.

A: In the above example, the two prices will be averaged. If the order was placed for more than one account, the account controller must rely on pre-existing allocation procedures to determine the proportions in which each account will share in the partial fill.

9. Q: Is there a requirement that a firm confirm the average price rather than the rounded average price?

A: No. Each firm will have the choice of confirming the actual average price or the average price rounded to the next price increment. If a clearing firm confirms the rounded average price, the firm must round the average price up to the next price increment for a buy order or down to the next price increment for a sell order. The rounding process will create a cash residual of the difference between actual average price and the rounded average price that must be paid to the customer.

10. Q: What will happen if the actual average or the residual is a price that does not conform to a whole cent increment?

A: APS may produce prices that do not conform to whole cent increments. In such cases, any amount less than one cent may be retained by the clearing member. For example, if the total residual to be paid to a customer on a rounded average price for 10 contracts is \$83.333333, the clearing firm may pay to the customer \$83.33.

11. Q: Will a customer be able to obtain information regarding the actual execution prices of a trade that has been confirmed at an average price?

A: Yes. The customer should contact the firm carrying the customer's account to obtain the actual execution prices. If the firm did not execute the trade, the firm will have to contact the executing firm to obtain the information.

The foregoing text was prepared by the Chicago Mercantile Exchange. Should you have any questions regarding APS, please contact your Customer Representative.

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