

Regulatory Circular RG15-025

Date: July 31, 2015

To: Clearing Members, Futures Commission Merchants and Foreign Brokers

From: CFE Regulation

RE: Ownership and Control Reporting Implementation

Background

CBOE Futures Exchange, LLC (CFE) is issuing this regulatory circular to provide implementation details in connection with the Ownership and Control Reports (OCR) Final Rule (OCR Rule) issued by the Commodity Futures Trading Commission (CFTC).¹

CFE filed CFE Rule Certification Number [CFE-2015-003](#) with the CFTC, which amends CFE Rule 412B (now titled Ownership and Control Reports) to require electronic submission to CFE of the new and amended CFTC Forms 102A, 102B, and 71 implemented by the OCR Rule and which will become effective in accordance with the compliance dates below. This Regulatory Circular sets forth how Rule 412B will be made effective with respect to submission of these forms to CFE. This circular also updates the preferred file names to be used when submitting OCR forms in XML format to CFE.

Who Must Report

CFE Clearing Members, futures commission merchants, and foreign brokers (collectively called "Reporting Firms") are required to report reportable account information to CFE on behalf of those accounts carried on their books that meet a reportable level.

Reportable Accounts

The position (Form 102A) and volume (Form 102B) thresholds that trigger the requirement to submit the electronic forms are referenced in the product specification rule chapter for each product listed on CFE. For example, the reportable position level for CBOE Volatility Index (VX) futures is set forth in CFE Rule 1202(n) and the reportable trading volume level for VX futures is set forth in Rule 1202(n) as amended by CFE-2015-003. The position level in VX futures that triggers the requirement to submit Form 102A for an account is any open position in VX futures at the close of trading on any trading day equal to or in excess of 200 contracts on either side of the market. The trading volume level in VX futures that triggers the requirement to submit Form 102B for an account is volume of 50 or more VX futures contracts during a single trading day.

Form 71

The CFTC may request, in its discretion, a special call for identification of omnibus accounts and sub-accounts (Form 71) when a volume threshold account is identified as a customer omnibus account on Form 102B. This request will be made by the CFTC to the originating firm for the account. An originating firm that is requested to submit Form 71 to the CFTC must also submit Form 71 to the CFE.

¹ 78 FR 69178 (November 18, 2013).

Compliance Dates

Form 102A submissions to CFE will have a compliance date that is the same as the CFTC compliance date for Form 102A. The current compliance date is September 30, 2015; therefore, CFE’s compliance date will be September 30, 2015. Starting on September 30, 2015, all new Form 102A submissions to CFE must be submitted in the new format.

With respect to Form 102B, CFE’s volume thresholds are the same as the quantity thresholds established by the CFTC. The compliance date for Form 102B submissions will be the same date as the CFTC implementation date for Form 102B, which is currently September 30, 2015.

With respect to Form 71, the CFTC’s compliance date is February 11, 2016; therefore, CFE’s compliance date for electronic submission of Form 71 will also be February 11, 2016.

Should the CFTC grant any further no-action relief that extends any of the compliance dates set forth above, CFE will defer the applicable compliance date(s) in line with any relief granted by the CFTC regarding the submission of these forms to the CFTC.

XML-Based OCR Reporting

For the submission of Forms 102A, 102B, and 71, CFE will take in the XML formatted files (as specified in the OCR Rule) or will allow manual submission via the Web.

Production XML files can be submitted with the following filename:

OCRFORM_102_FIRMID_YYYYMMDD_E_FILEID.xml[.zip]
OCRFORM_71_FIRMID_YYYYMMDD_E_FILEID.xml[.zip]

File Name Component	Mandatory	Description
FIRMID	Yes	CFTC ID for the reporting firm
YYYYMMDD	Yes	Reporting date
FILEID	Yes	Identification to provide uniqueness in the file name for the reporting date. Reporters may use either time (HHMMSS) or another unique alphanumeric string
.xml	Yes	The XML file extension
.zip	No	File extension to be used if the reporter sends the file in a zip format. The zip file must contain only one file.

Reporting Firms planning to submit OCR data using XML formatted files must have connectivity to the CBOE/CFE SFTP server. Firms without existing connectivity to CBOE/CFE SFTP server should contact infosecgroup@cboe.com and provide the SSH public key and the source networks from which the data will come.

Web-based OCR Reporting

The URL to manually submit Forms 102A, 102B, and 71 will be <https://www.cboe.org/cfe-ocr>. This link is not yet active but will become active on the initial compliance date.

Registration

Prior to submitting OCR forms, either via XML files or through the Web, Reporting Firms will be required to register to do so. Production access will be administered via a web-based form accessible at <https://www.cboe.org/cfe-ocr/register.aspx>. A regulatory circular will be issued when this link becomes active.

Testing

Both methods for reporting are available for testing. The test filenames for the OCR submission via XML formatted files are:

OCRFORM_102_FIRMID_YYYYMMDD_E_FILEID[_TEST].xml[.zip]
OCRFORM_71_FIRMID_YYYYMMDD_E_FILEID[_TEST].xml[.zip]

To test submissions via the manual submission through the Web, contact TSDCFE@cboe.com. Be prepared to provide the public facing IP Address. To determine the public facing IP Address, access <http://www.cboe.com/whatismyip>.

The links to access the test versions of the Web-based forms are:

Form 102A and Form 102B: <http://webtest.cboe.com/ocr/form102.aspx>
Form 71: <http://webtest.cboe.com/ocr/form71.aspx>

Content and Timing of Reporting to CFE

Reporting Firms are required to concurrently file with CFE in the manner described above a copy of all Form 102A, Form 102B, and Form 71 submissions (including any attachments, related submissions, or related information) relating to CFE contracts that the Reporting Firm is required to report to the CFTC pursuant to CFTC regulations.

Forms 102A and 102B

CFTC regulations require Forms 102A and 102B to be filed with the CFTC to identify each reportable account. Form 102A generally must be submitted by 9:00 a.m. Chicago time the business day after the establishment of the reportable level. Form 102B generally must also be submitted by 9:00 a.m. Chicago time on the business day following the business day on which the reportable trading volume threshold is first triggered.

If an account becomes reportable in products listed on CFE and a Form 102A or Form 102B has already been filed for that account (as a result of becoming reportable at another exchange), the firm carrying the account must file with CFE a copy of the previously filed form.

If and when the information required in a previously submitted Form 102A or Form 102B changes, and the reportable trader in question continues to have a reportable level, the firm carrying the account has the responsibility to file an updated Form 102A or Form 102B, as applicable, with the CFTC and CFE.

Additional Information

Please contact CFE Regulatory Interpretations and Guidance team at AskCFEReg@cboe.com or (312) 786-7229 for additional information on OCR reporting requirements. Please contact infosecgroup@cboe.com to establish connectivity to the CBOE/CFE SFTP server and TSDCFE@cboe.com regarding testing.