



January 2, 2024

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

Re: Cboe Digital Exchange, LLC Rule Certification  
Submission Number CDE-2024-01E

Dear Mr. Kirkpatrick:

Pursuant to Section 5c(c)(1) of the Commodity Exchange Act, as amended (“Act”), and Regulation 40.6(a) of the regulations promulgated by the Commodity Futures Trading Commission (“CFTC” or “Commission”) under the Act, Cboe Digital Exchange, LLC (“CDE” or “Exchange”) hereby submits updates to its Default Auction Liquidity Provider (“DALP”) Incentive Program (the “Program”), previously self-certified with the Commission pursuant to Regulation 40.6(a) (CDE-2023-09E). The Program is set forth in a segregated confidential **Exhibit A-1** and **Exhibit A-2** (marked changes) to this submission. The updates to the Program (the “Amendment”) will become effective January 17, 2024.

### **Program Description**

The current Program is designed to encourage CDE Trading Privilege Holders (“TPHs”) to become DALPs, thereby attracting additional interest and liquidity on the Exchange and further growing participation, particularly in light of CDE’s new financially-settled margined futures offering slated to launch on January 11, 2024. Specifically, a DALP is a TPH of the Exchange who desires to participate in one or more default management auctions conducted by the Exchange’s affiliated derivatives clearing organization, Cboe Clear Digital, LLC (“Clearinghouse”) in the event a clearing member of the Clearinghouse is in default (“Auction”). Pursuant to a written DALP Agreement between the Clearinghouse and a DALP, among other requirements, a TPH that is a DALP is required to meet certain minimum participation thresholds in an Auction (“Minimum Participation Requirements”) and minimum quoting metrics on the Exchange during regular trading hours measured on a monthly basis (“Minimum Quoting Metrics”). In order to encourage TPHs to become DALPs and fulfill these requirements, under the Program CDE will select three DALPs will receive a monthly monetary incentive in support of providing liquidity in futures contracts listed on the Exchange.

### **Amendment Description**

The start date of the Program Term of the current Program has elapsed; therefore, the Amendment makes the following updates to the Program in connection with restarting the Program Term, as well as an additional update for clarity regarding the Exchange’s ability to review the Program. The Amendment:

- updates the Program Term to begin on January 17, 2024;
- clarifies that the Program Incentive Payment will be prorated for the month of January 2024 given the mid-month start date, as well as for any Program Participant that may become eligible after the first trading day of a calendar month; and
- makes clear that the Exchange will review the Program at least annually and that the Exchange may review the Program and re-open the selection process at additional points in time during a calendar year.

The Amendment does not make any substantive changes to the Participation Criteria or the total Program Incentive Payment under the Program or the general purpose or function of the Program.

### **Core Principle Compliance**

CDE believes that the Program is consistent with the Designated Contract Market (“DCM”) Core Principles under Section 5 of the Act. In particular, CDE believes that the Program is consistent with DCM Core Principles 2 (Compliance with Rules), 4 (Prevention of Market Disruption), 9 (Execution of Transactions), and 12 (Protection of Markets and Market Participants). Specifically, TPHs eligible to participate in the Program, as DALPs, are obligated to follow the Exchange Rules, which include prohibitions against fraudulent, non-competitive, unfair, and abusive trading practices. The Program will not give any DALP a specific trading advantage as it treats all participants eligible for the Program equally and does not impact order execution priority or otherwise give any Participant an execution advantage. The Program will provide TPHs with a meaningful incentive to engage on CDE’s futures markets and will facilitate and accelerate the growth of such markets. The Exchange believes that the Program is beneficial to its futures markets by incentivizing the provision sufficient liquidity in the futures products offered by the Exchange, while also encouraging TPHs to participate in Auctions, thus providing liquidity and transparent pricing in the event of a clearing member default. Accordingly, CDE believes that the impact of the Programs will be beneficial to the public and market participants.

### **Public Information**

We have concurrently posted a notice and copy of this submission on the Exchange’s website at <https://www.cboedigital.com/regulation/exchange-notices/> under “CFTC Submissions.”

### **Opposing Views**

We are not aware of any opposing views to this self-certification.

### **Certification**

Cboe Digital Exchange, LLC hereby certifies to the Commodity Futures Trading Commission, pursuant to the procedures set forth in Commission regulation §40.6, that this submission complies with the Commodity Exchange Act, as amended, and the regulations promulgated thereunder.

If you have any questions regarding this submission, please contact the undersigned at the information below.

Sincerely,

**/s/ Katherine Kirkpatrick**

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(312) 786-7431

**EXHIBIT A-1**

**[CONFIDENTIAL TREATMENT REQUESTED]**

**EXHIBIT A-2**

**[CONFIDENTIAL TREATMENT REQUESTED]**