

(sales) of futures for cash for the account. Report all information in contracts. Position data are reported on a net or gross basis in accordance with paragraphs (e) and (d) of this section.

(xii) *Commodity* (2). The exchange assigned commodity code for a futures contract or other instrument that a position is exercised into from a date-specific or flexible option.

(xiii) *Expiration date* (2). Similar to other dates, the format is YYYYMMDD and represents the expiration date or delivery month and year of the future or other instrument that a position is exercised into from a date-specific or flexible option.

(xiv) *Record type* (1). Record type is used to correct errors or delete records that have previously been submitted. Valid values are "A", "C", "D" or "blank". An A or "blank" is used in this field for all new records. If the record corrects information for a previously provided record, this field must contain a "C" or "blank" and the record must contain all information on the previously transmitted record. If the record deletes information on a previously provided record, this field must contain a "D" and all information on the previously transmitted record.

(h) *Correction of errors and omissions*. Corrections to errors and omissions in data provided pursuant to §17.00(a) shall be filed on series '01 forms or on computer printouts using a format and coding structure approved by the Commission or its designee.

(Approved by the Office of Management and Budget under control number 3038-0009)

[41 FR 3207, Jan. 21, 1976, as amended at 44 FR 25434, May 1, 1979; 46 FR 18530, Mar. 25, 1981; 46 FR 54528, Nov. 3, 1981; 46 FR 59965, Dec. 8, 1981; 46 FR 63036, Dec. 30, 1981; 48 FR 52702, Nov. 22, 1983; 49 FR 46117, Nov. 23, 1984; 51 FR 4718, Feb. 7, 1986; 58 FR 33330, June 17, 1993; 62 FR 24032, May 2, 1997; 64 FR 24046, May 5, 1999]

§17.01 Special account designation and identification.

When a special account is reported for the first time, the FCM, clearing member, or foreign broker shall identify the account to the Commission or to the contract market on form 102

showing the information in paragraphs (a) through (f) of this section.

(a) Special account designator. A unique identifier for the account. *Provided*, that the same designator is assigned for option and futures reporting, and the identifier is not changed or assigned to another account without prior approval of the Commission or its designee.

(b) Special account identification. The name, address, business phone, and for individuals, the person's job title and employer for the following:

(1) The person originating the account, if the special account is a house omnibus or customer omnibus account; or

(2) The person (*i.e.*, individual, corporation, partnership, etc.) who owns the special account, if such person (or an employee or officer) also controls the trading of the special account. And, in addition:

(i) The registration status of the person as a commodity trading advisor or a securities investment advisor;

(ii) the legal organization of the person and the person's principal business or occupation;

(iii) account numbers and account names included in the special account, if different than supplied in paragraph (b)(2) of this section;

(iv) the name and location of all persons not identified in paragraph (b)(2) of this section having a ten percent or more financial interest in the special account, indicating those having discretionary trading over the account; and

(v) for special accounts with five or fewer persons having trading authority, the names and locations of all persons with trading authority that have not been identified in paragraphs (b)(2) or (b)(2)(iv) of this section; or

(3) the account controller, if trading of the special account is controlled by a person or legal entity who is an independent account controller for the account owners as defined in §150.1(e). And, in addition:

(i) the registration status of the person as a commodity trading advisor or a securities investment advisor;

(ii) if ten or more accounts are controlled by the independent advisor, the account number and the name of each

Commodity Futures Trading Commission

§ 17.02

commodity pool that is controlled by the advisor and the name and location of the commodity pool operator;

(iii) If fewer than ten accounts are under control of the independent advisor, for each account the account number and the name and location of each person having a ten percent or more financial interest in the account; and

(iv) on call by the Commission or its designee, for each account controlled by the independent advisor, the account number and account name and the name and location of each person having a ten percent or more financial interest in the account.

(c) Other accounts. If the person identified in paragraphs (b)(1), (b)(2) or (b)(3) of this section either controls or has a financial interest of ten percent or more in an account *not* included in this special account, report the account number and the name of the account.

(d) Commercial use. For futures or options, commodities in which positions or transactions in the account are associated with a commercial activity of the account owner in a related cash commodity or activity (*i.e.*, those considered as hedging, risk-reducing, or otherwise off-setting with respect to the cash commodity or activity).

(e) Account executive. The name and business telephone number of the associated person of the FCM who has solicited and is responsible for the account or, in the case of an introduced account, the name and business telephone number of the introducing broker who introduced the account.

(f) Reporting firm. The name and address of the FCM clearing member, or foreign broker carrying the account, the signature, title, and business phone of the authorized representative of the firm filing the report, and the date of signing the form 102.

(g) Form 102 updates. If, at the time an account is in special account status and a form 102 filed by an FCM, clearing member, or foreign broker is then no longer accurate because there has been a change in the information required under paragraph (b) of this section since the previous filing, the FCM, clearing member, or foreign broker shall file an updated form 102 with the Commission or the contract market, as

appropriate, within three business days after such change occurs.

[61 FR 6312, Feb. 20, 1996, as amended at 65 FR 14458, Mar. 17, 2000]

EFFECTIVE DATE NOTE: At 65 FR 14458, Mar. 17, 2000, §17.01 was amended by removing and reserving paragraphs (b)(3)(ii) and (c) and by revising paragraph (b)(3)(iii), effective May 16, 2000. For the convenience of the user, the superseded text is forth as follows:

§ 17.01 Special account designation and identification.

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(b) * * *

(3) * * *

(iii) if fewer than ten accounts are under control of the independent advisor, for each account the account number and the name and location of each person having a ten percent or more financial interest in the account. For commodity pools, provide the account number, name of the pool, and name and location of the commodity pool operator; and

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§ 17.02 Place and time of filing reports.

Unless otherwise instructed by the Commission or its designee, the reports required to be filed by FCMs, clearing members, and foreign brokers under §§17.00 and 17.01 shall be filed at the nearest appropriate Commission office as specified in paragraphs (a), (b), and (c) of this section, wherein the times stated are eastern times for information concerning markets located in that time zone, and central time for information concerning all other markets.

(a) For data submitted on compatible data processing media:

(1) At the Chicago Regional Office for dial-up data transmission or magnetic tape; and at the Chicago, New York or Kansas City Regional Office for magnetic diskettes.

(2) Not later than 9 a.m. on the business day following that to which the information pertains.

(b) For data submitted in hard-copy form pursuant to §§17.00 (a), or (h) at a Commission office by facsimile or as otherwise specified in accordance with instructions by the Commission or its