



**ADM Investor Services, Inc.**  
 1600A Board of Trade Building  
 141 W. Jackson Boulevard  
 Chicago, IL 60604  
 T 312.242.7000 F. 312.242.7045

## ELIGIBLE CONTRACT PARTICIPANT

Customer Name \_\_\_\_\_

Customer Account Number \_\_\_\_\_

In order for you, as the customer, to qualify as an “Eligible Contract Participant” (“ECP”) as defined by the Commodity Exchange Act Section 1a.(12), you must represent to ADM Investor Services, Inc. (“ADMIS”) that the above named Customer falls under one of the following categories noted below.

Please enter an “X” in the applicable box below that applies to the above named customer

The term “eligible contract participant” means:

**(A) Acting for its own account—**

(i) a financial institution; .....

(ii) an insurance company that is regulated by a State, or that is regulated by a foreign government and is subject to comparable regulation as determined by the Commission, including a regulated subsidiary or affiliate of such an insurance company; .....

(iii) an investment company subject to regulation under the Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.) or a foreign person performing a similar role or function subject as such to foreign regulation (regardless of whether each investor in the investment company or the foreign person is itself an eligible contract participant); . . .

(iv) a commodity pool that—

(I) has total assets exceeding \$5,000,000; and

(II) is formed and operated by a person subject to regulation under this chapter or a foreign person performing a similar role or function subject as such to foreign regulation (regardless of whether each investor in the commodity pool or the foreign person is itself an eligible contract participant); .....

(v) a corporation, partnership, proprietorship, organization, trust, or other entity—

(I) that has total assets exceeding \$10,000,000; .....

**(II)** the obligations of which under an agreement, contract, or transaction are guaranteed or otherwise supported by a letter of credit or keepwell, support, or other agreement by an entity described in subclause (I), in clause (i), (ii), (iii), (iv), or (vii), or in subparagraph (C); or . . . . .

**(III)** that—

**(aa)** has a net worth exceeding \$1,000,000; and

**(bb)** enters into an agreement, contract, or transaction in connection with the conduct of the entity’s business or to manage the risk associated with an asset or liability owned or incurred or reasonably likely to be owned or incurred by the entity in the conduct of the entity’s business; . . . . .

**(vi)** an employee benefit plan subject to the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.), a governmental employee benefit plan, or a foreign person performing a similar role or function subject as such to foreign regulation—

**(I)** that has total assets exceeding \$5,000,000; or . . . . .

**(II)** the investment decisions of which are made by—

**(aa)** an investment adviser or commodity trading advisor subject to regulation under the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.) or this chapter; . . . . .

**(bb)** a foreign person performing a similar role or function subject as such to foreign regulation; . . . . .

**(cc)** a financial institution; or . . . . .

**(dd)** an insurance company described in clause (ii), or a regulated subsidiary or affiliate of such an insurance company; . . . . .

**(vii)**

**(I)** a governmental entity (including the United States, a State, or a foreign government) or political subdivision of a governmental entity; . . . . .

**(II)** a multinational or supranational government entity; or . . . . .

**(III)** an instrumentality, agency, or department of an entity described in subclause (I) or (II); except that such term does not include an entity, instrumentality, agency, or department referred to in subclause (I) or (III) of this clause unless (aa) the entity, instrumentality, agency, or department is a person described in clause (i), (ii), or (iii) of paragraph (11)(A) of this section; (bb) the entity, instrumentality, agency, or department owns and invests on a discretionary basis \$25,000,000 or more in investments; or (cc) the agreement, contract, or transaction is offered by, and entered into with, an entity that is listed in any of subclauses (I) through (VI) of section 2

(c)(2)(B)(ii) of this title; .....

**(viii)**

**(I)** a broker or dealer subject to regulation under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) or a foreign person performing a similar role or function subject as such to foreign regulation, except that, if the broker or dealer or foreign person is a natural person or proprietorship, the broker or dealer or foreign person shall not be considered to be an eligible contract participant unless the broker or dealer or foreign person also meets the requirements of clause (v) or (xi); .....

**(II)** an associated person of a registered broker or dealer concerning the financial or securities activities of which the registered person makes and keeps records under section 15C(b) or 17(h) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-5 (b), 78q (h)); .....

**(III)** an investment bank holding company (as defined in section 17(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78q (i)); <sup>[1]</sup> .....

**(ix)** a futures commission merchant subject to regulation under this chapter or a foreign person performing a similar role or function subject as such to foreign regulation, except that, if the futures commission merchant or foreign person is a natural person or proprietorship, the futures commission merchant or foreign person shall not be considered to be an eligible contract participant unless the futures commission merchant or foreign person also meets the requirements of clause (v) or (xi); .....

**(x)** a floor broker or floor trader subject to regulation under this chapter in connection with any transaction that takes place on or through the facilities of a registered entity (other than an electronic trading facility with respect to a significant price discovery contract) or an exempt board of trade, or any affiliate thereof, on which such person regularly trades; or .....

**(xi)** an individual who has total assets in an amount in excess of—

**(I)** \$10,000,000; or .....

**(II)** \$5,000,000 and who enters into the agreement, contract, or transaction in order to manage the risk associated with an asset owned or liability incurred, or reasonably likely to be owned or incurred, by the individual; ....

**(B) Acting as a broker or performing an equivalent agency function on behalf of another person —**

**(i)** a person described in clause (i), (ii), (iv), (v), (viii), (ix), or (x) of subparagraph (A) or in subparagraph (C), acting as broker or performing an equivalent agency function on behalf of another person described in subparagraph (A) or (C); or .....

**(ii)** an investment adviser subject to regulation under the Investment Advisers Act of 1940 [15 U.S.C. 80b-1 et seq.], a commodity trading advisor subject to regulation under this chapter, a foreign person performing a similar role or function subject as such to

foreign regulation, or a person described in clause (i), (ii), (iv), (v), (viii), (ix), or (x) of subparagraph (A) or in subparagraph (C), in any such case acting as investment manager or fiduciary (but excluding a person acting as broker or performing an equivalent agency function) for another person described in subparagraph (A) or (C) and who is authorized by such person to commit such person to the transaction; or .....

**(C) Any other person that the Commission determines to be eligible in light of the financial or other qualifications of the person .....**

By signing below, the Customer hereby represents and warrants that it is now, and will remain during the term of this authorization, an ECP within the meaning of section 1(a).(12) of the Commodity Exchange Act. In addition, Customer agrees to provide a copy of its most recent financials or similar documentation to confirm its ECP status.

Should the Customer cease to meet the qualifications for an ECP at any time during its relationship with ADMIS, the Customer will provide immediate notification to ADMIS and the Customer will immediately discontinue trading contracts that are limited to ECPs. The Customer agrees to indemnify and hold ADMIS harmless from any regulatory actions that may occur due to any misrepresentation by the Customer of its ECP status and any failure to notify ADMIS of any changes thereto or due to the Customer continuing to trade such contracts when the Customer is no longer eligible to trade them.

Customer Name \_\_\_\_\_

Signature \_\_\_\_\_

Name (print) \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_