

# CFTC FORM 704

## Statement of Anticipatory Bona Fide Hedge Exemptions



**NOTICE:** Failure to file a report required by the Commodity Exchange Act (“CEA” or the “Act”)<sup>1</sup> and the regulations thereunder,<sup>2</sup> or the filing of a report with the Commodity Futures Trading Commission (“CFTC” or “Commission”) that includes a false, misleading or fraudulent statement or omits material facts that are required to be reported therein or are necessary to make the report not misleading, may (a) constitute a violation of § 6(c)(2) of the Act (7 USC 9), § 9(a)(3) of the Act (7 U.S.C. 13(a)(3)), and/or § 1001 of Title 18, Crimes and Criminal Procedure (18 U.S.C. 1001) and (b) result in punishment by fine or imprisonment, or both.

### PRIVACY ACT NOTICE

The Commission’s authority for soliciting this information is granted in sections 4a, 4c(b), 4i, 4t and 8a(5) of the CEA and related regulations (see, e.g., 17 CFR § 19.00). The information solicited from entities and individuals engaged in activities covered by the CEA is required to be provided to the CFTC, and failure to comply may result in the imposition of criminal or administrative sanctions (see, e.g., 7 U.S.C. §§ 9 and 13a-1, and/or 18 U.S.C. 1001). The information requested is most commonly used in the Commission’s market and trade practice surveillance activities to (a) provide information concerning the size and composition of the commodity derivatives markets, (b) permit the Commission to monitor and enforce speculative position limits and (c) enhance the Commission’s trade surveillance data. The requested information may be used by the Commission in the conduct of investigations and litigation and, in limited circumstances, may be made public in accordance with provisions of the CEA and other applicable laws. It may also be disclosed to other government agencies and to contract markets to meet responsibilities assigned to them by law. The information will be maintained in, and any additional disclosures will be made in accordance with, the CFTC System of Records Notices, available on [www.cftc.gov](http://www.cftc.gov).

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<sup>1</sup> 7 U.S.C. section 1, et seq.

<sup>2</sup> Unless otherwise noted, the rules and regulations referenced in this notice are found in chapter 1 of title 17 of the Code of Federal Regulations; 17 CFR Chapter 1 et seq.

## **BACKGROUND & INSTRUCTIONS**

17 CFR § 19.00(a) requires each person subject to the provisions of this paragraph to report its cash positions to the Commission by filing series '04 reports. 17 CFR § 19.00(b) specifies the manner of reporting on Form '04 series. 17 CFR § 19.01 (a) (4) specifies the information required on Form 704. 17 CFR § 150.7 specifies that a person shall file Form 704 with the Commission at least ten days in advance of the date such exemption is needed. As appropriate, please follow the instructions below to generate and submit the required report or filing. Unless the context requires otherwise, the terms used herein shall have the same meaning as ascribed in parts 15 to 21 of the Commission's regulations.

### **Complete Form 704 as follows:**

General & Identifying Information:	All filers.
Section A:	Initial anticipatory, § 150.7 (d), and supplemental, § 150.7 (e) for change from initial anticipatory
Anticipated Activity	§ 150.1 BFH definition 3(C), 4(A),4(C), 4(D) or (5)
Cash Commodity	§ 150.7 (d)(1)(i)
Units	Units of measure for cash commodity being hedged
CRFC	Corresponding Core Referenced Futures Contract
Cash commodity and CRFC	§ 150.7 (d)(1)(iii) and § 150.2 (d) Table of CRFCs
Annual Activity last three years	§ 150.7 (d)(1)(iv)
Specific Time Period Claimed	§ 150.7 (d)(1)(v)
Anticipated for Specified Time	§ 150.7 (d)(1)(vi)
Fixed Price Forward Activity	§ 150.7 (d)(1)(vii)
Unsold, Unfilled, Anticipated	§ 150.7 (d)(1)(viii)
Maximum expected Hedge	§ 150.7 (d)(1)(ix)
Section B:	Monthly update of actuals and estimated utilization of the anticipatory hedge in the initial statement
Anticipated Activity	§ 150.1 BFH definition 3(C), 4(A),4(C), 4(D) or (5)
Cash Commodity	§ 150.7 (f)(1)(i)
Units	Units of measure for cash commodity being hedged
Cash commodity and CRFC	§ 150.7 (f)(1)(iii)
Activity for the reporting month	§ 150.7 (f)(1)(iv)
Cumulative activity	§ 150.7 (f)(1)(v)
Estimated remaining activity	§ 150.7 ff)(1)(vi)
Fixed Price forward for Month	§ 150.7 (f)(1)(vii)
Remaining anticipated	§ 150.7 (f)(1)(viii)
Remaining maximum Hedge	§ 150.7 (f)(1)(ix)
Signature/Authentication:	All filers.

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**Submitting Form 704:** Once completed, please submit this form to the Commission pursuant to the instructions on [[www.cftc.gov](http://www.cftc.gov)] or as otherwise directed by Commission staff. If submission attempts fail, the reporting trader shall contact the Commission at [[techsupport@cftc.gov](mailto:techsupport@cftc.gov)] for further technical support.

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Please be advised that pursuant to 5 CFR § 1320.5(b)(2)(i), you are not required to respond to this collection of information unless it displays a currently valid OMB control number.



Payments or Receipt)	ed Activity	Lbs., Bu., Bbls., etc.)		Core Reference Futures Contract	Contract Payments or Receipts	Payments or Receipts for All Months	Such specified Time Period in	Forward Purchases for the	Activity for the Specified Period	offset Anticipated Activity for the

Please sign/authenticate the Form 704 prior to submitting.

Signature/ Electronic Authentication:

By checking this box and submitting this form (or by clicking "submit," "send," or any other analogous transmission command if transmitting electronically), I certify that I am duly authorized by the reporting trader identified below to provide the information and representations submitted on this Form 704, and that the information and representations are true and correct.

Reporting Trader Authorized Representative (Name and Position):

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

\_\_\_\_\_ (Position)

Submitted on behalf of:

\_\_\_\_\_ (Reporting Trader Name)

Date of Submission:

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