



Help Guide: Notifying NFA of audited Annual Report stub relief

CFTC regulations now permit a commodity pool operator (CPO) to provide an unaudited Annual Report for a pool's first fiscal year, if the following criteria are met:

- Time from which the CPO first receives funds, securities or other property from a participant in the pool, to the pool's first fiscal year end is four months or less (stub period);
- Throughout the stub period, the pool had no more than 15 participants and their aggregate gross capital contributions to the pool did not exceed \$3 million, not including participants who are listed in CFTC Regulation 4.22(g)(2)(ii)(A)(1)-(5);
- A waiver of the right to timely receive an audited Annual Report for the pool's first fiscal year is obtained from each participant other than the pool operator, the pool's commodity trading advisor, any person controlling, controlled by, or under common control with the pool operator or trading advisor, or any principal of the before mentioned;
- A notice containing the information required in CFTC Regulation 4.22(g)(2)(ii)(C)(2) is filed with NFA prior to the date the CPO is required to distribute and submit the Annual Report for the pool's first fiscal year; and
- The next Annual Report for the pool is audited and covers the stub period plus the pool's first 12-month fiscal year.

To notify NFA of the relief from the Annual Report audit requirement due to the stub period, authorized users should follow these steps:

1. Navigate to [NFA Electronic Filings](#) and click [EasyFile \(Pool Filers\)](#) under Commodity Pool Operators.
2. Scroll to the bottom of the EasyFile (Pool Filers) page and click [EasyFile Extensions and Notice Filings](#).
3. Log on by entering your ORS ID and password.
4. From the Filing Index, click "Create Filing".

End Date	Form	Received Date	Version of Stmt	Status	Pool	Regulation Type
08-15-2018	Regulation Notice	08-15-2018 4:16 PM	1	Received		1.17(d)
08-11-2018	Regulation Notice	08-15-2018 1:27 PM	1	Received		1.17(h)
05-09-2018	Regulation Notice		1	Unsubmitted		
04-21-2018	Regulation Notice		1	Unsubmitted		

[Create Filing](#)

- Select the Form "Regulation Notice", which will default the Type to "Standard". Enter the End Date and click "Save". Only one Notice can be filed for each End Date.

- The new Notice filing will be added to the Filing Index. Click on the End Date to open the Notice.

End Date	Form	Received Date	Version of Stmt	Status	Pool	Regulation Type
08-06-2018	Regulation Notice		1	Unsubmitted		
06-11-2018	Regulation Notice	06-15-2018 1:27 PM	2	Amending		1.17(h)
05-09-2018	Regulation Notice		1	Unsubmitted		
04-21-2018	Regulation Notice		1	Unsubmitted		

- Enter the "Beginning Date of Notice Impact" and select "4.22(g)(2)(ii) - Stub Period Relief". Only one rule can be selected for each Notice. After entering the date and selecting Stub Period Relief, click "Next".

1.16(g) - Replacement of pool's CPA
 4.22(f)(1) request for up to 90 days to file an annual PFS
 4.22(f)(2) request for 90 day extension to file an annual PFS for a Fund of Funds
 4.22(g)(2)(ii) - Stub Period Relief

- Select the applicable pool(s) by clicking "Add", which will then bring up a drop down list of the applicable pools.

CPO POOL NOTICE FILINGS


Add	POOL	Beginning of stub period

Select Pool that applies to this Notice, and the corresponding Stub Period Start Date.

POOL

Beginning of stub period

- Once the pool is selected and the date entered, click "Save" and the pool will now appear in the list. Continue to add pools as applicable.

Add	POOL	Beginning of stub period
 	P000000 - STUB RELIEF TEST POOL	08/06/2018

- Click "Next" or "Submit Filing" to access the screen that will tell you whether or not errors were found. Correct errors, if applicable, by returning to the filing. Once there are no errors, click "Submit Filing" to submit the Notice to NFA.

Summary of Errors and/or Warnings

No errors were found in this filing. Click on Submit Filing to proceed with submission. Thank you.

- Click "Submit Filing" to access the Oath/Affirmation page. From this page, affirm the information in the filing and click "Submit".
- By returning to the Filing Index after reviewing the confirmation screen, authorized users will see both a Received Date and a status of Received associated with the filing.

Please note: The CFTC's amendments make clear that an audited Annual Report must be distributed and submitted at least once during the life of a pool.