

COMMODITY FUTURES ACT) Order No. 5488
)
Section 66(1)) September 26, 2007

optionsXpress CANADA INC.

WHEREAS:

(A) optionsXpress CANADA INC. (the "Applicant") has applied to the Manitoba Securities Commission (the "Commission") pursuant to Section 66(1) of The Commodity Futures Act (the "Act") for an Order that the Applicant be exempted from the requirements of section 3.17 of the MSC Rule 2000-11 to be a member of a Commodity Futures Exchange registered under the Act (being the Winnipeg Commodity Exchange);

(B) The Applicant has represented to the Commission that:

1. The Applicant has its head office in Chicago, Illinois.
2. The Applicant is presently registered as an investment dealer under The Securities Act.
3. The Applicant has applied for registration as a Futures Commission Merchant under the Act.
4. The Applicant is registered as an Investment Dealer and Futures Commission Merchant (or equivalent categories) in each other province of Canada.
5. The Applicant will provide its clients with internet based facilities to trade in United States open-outcry and electronic futures and futures options, including currencies, interest rates, stock indexes, energies, tropical softs, meats and housing.
6. MSC Rule 2000-11, registration requirements under the Act, requires an applicant under the Act to become a member of the Commodities Futures Exchange registered under the Act. At present, only the Winnipeg Commodity Exchange is registered as a Commodity Futures Exchange under the Act.
7. The Applicant is not a participant on the Winnipeg Commodity Exchange and does not, and has no intention on trading futures contracts or options traded on the Winnipeg Commodity Exchange.

(C) The Commission is of the opinion that it would not be prejudicial to the public interest to grant the Order requested.

IT IS ORDERED:

1. **THAT** pursuant to Section 66(1) of the Act, the Applicant be exempt from the requirements of section 3.17 of the MSC Rule 2000-11 to be a member of a Commodity Futures Exchange registered under the Act provided that the Applicant immediately notifies the Commission if it becomes a member of the Winnipeg Commodity Exchange, or intends to commence trading in contracts on the Winnipeg Commodity Exchange or on a Commodity Futures Exchange registered under the Act.

2. **THAT** the fee for this order shall be \$650.00.

BY ORDER OF THE COMMISSION

Director – Legal