

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) AO 2009-03  
IntercontinentalExchange, Inc., by ) Agenda Document No. 09-18  
Andrew J. Surdykowski, Vice President )  
& Associate General Counsel )

CERTIFICATION

I, Mary W. Dove, recording secretary for the Federal Election Commission open meeting on April 21, 2009, do hereby certify that the Commission failed by a vote of 3-3 to approve Draft Advisory Opinion 2009-03, as set forth in Agenda Document No. 09-18.

Commissioners Hunter, McGahn II, and Petersen voted affirmatively for the decision.

Commissioners Bauerly, Walther, and Weintraub dissented.

Attest:

April 21, 2009  
Date

Mary W. Dove  
Mary W. Dove  
Secretary of the Commission