

(B) TRADED ON A FOREIGN COMMODITY BOARD OF TRADE, EXCHANGE, OR MARKET, AND IS CARRIED ON THE BOOKS OF A COMMODITY INTERMEDIARY FOR A COMMODITY CUSTOMER.

(16) "COMMODITY CUSTOMER" MEANS A PERSON FOR WHICH A COMMODITY INTERMEDIARY CARRIES A COMMODITY CONTRACT ON ITS BOOKS.

(17) "COMMODITY INTERMEDIARY" MEANS A PERSON THAT:

(A) IS REGISTERED AS A FUTURES COMMISSION MERCHANT UNDER FEDERAL COMMODITIES LAW; OR

(B) IN THE ORDINARY COURSE OF ITS BUSINESS PROVIDES CLEARANCE OR SETTLEMENT SERVICES FOR A BOARD OF TRADE THAT HAS BEEN DESIGNATED AS A CONTRACT MARKET PURSUANT TO FEDERAL COMMODITIES LAW.

(18) "COMMUNICATE" MEANS:

(A) TO SEND A WRITTEN OR OTHER TANGIBLE RECORD;

(B) TO TRANSMIT A RECORD BY ANY MEANS AGREED UPON BY THE PERSONS SENDING AND RECEIVING THE RECORD; OR

(C) IN THE CASE OF TRANSMISSION OF A RECORD TO OR BY A FILING OFFICE, TO TRANSMIT A RECORD BY ANY MEANS PRESCRIBED BY FILING-OFFICE RULE.

(19) "CONSIGNEE" MEANS A MERCHANT TO WHICH GOODS ARE DELIVERED IN A CONSIGNMENT.

(20) "CONSIGNMENT" MEANS A TRANSACTION, REGARDLESS OF ITS FORM, IN WHICH A PERSON DELIVERS GOODS TO A MERCHANT FOR THE PURPOSE OF SALE AND:

(A) THE MERCHANT:

(I) DEALS IN GOODS OF THAT KIND UNDER A NAME OTHER THAN THE NAME OF THE PERSON MAKING DELIVERY;

(II) IS NOT AN AUCTIONEER; AND

(III) IS NOT GENERALLY KNOWN BY ITS CREDITORS TO BE SUBSTANTIALLY ENGAGED IN SELLING THE GOODS OF OTHERS;

(B) WITH RESPECT TO EACH DELIVERY, THE AGGREGATE VALUE OF THE GOODS IS \$1,000 OR MORE AT THE TIME OF DELIVERY;

(C) THE GOODS ARE NOT CONSUMER GOODS IMMEDIATELY BEFORE DELIVERY; AND

(D) THE TRANSACTION DOES NOT CREATE A SECURITY INTEREST THAT SECURES AN OBLIGATION.