

**From:** Diane Foltz [DianeFoltz@fsbmail.net]  
**Sent:** Friday, September 24, 2010 3:25 PM  
**To:** Overdraft Comments  
**Subject:** FIL-47-2010

**Attachments:** Overdraft Comments 9-10.doc

Please see the attached comments in regards to the above referenced FIL. Please disregard any other emails sent by me previously as they did not contain the correct attachment. I apologize for any inconvenience and appreciate your assistance.  
September 24, 2010

Federal Deposit Insurance Corporation  
550 17<sup>th</sup> Street NW  
Washington, D.C. 20429-9990

RE: FIL-47-2010

To whom it may concern:

I am the Compliance Officer for a community bank with current assets of just over \$500 million. I appreciate the opportunity to provide comments regarding the proposed guidance to Overdraft Payment Programs and Consumer Protection.

Our financial institution underwent a rigorous examination a few years back with regard to our overdraft payment policies only to determine they were in line with FDIC expectations. We have also recently spent thousands of dollars sending out approximately 14,000 letters to our clients regarding the overdraft rules effective July 1, 2010. We have followed existing guidance and regulations as requested and now urge you to reconsider adding any additional regulatory burdens in this area.

We feel that our good customer service qualities set us apart from the competition. We strive for strong relationships and open communication with our clients. However, the constant changes in rules and disclosures are confusing not only to our clients but also to our staff. We are beginning to sound like a broken record when we state "we are making this change due to a change in federal regulation".

Recent regulatory changes have put the ball in the consumer's court. They have chosen whether or not to opt-in or out to overdraft services. Therefore, requiring a financial institution monitor how often a client uses a product they chose to participate in makes no sense. Prior to signing up for overdraft services, clients are made aware of all overdraft protection products the bank offers per your February 2005 guidance. Therefore, the need to explain to them these other products again after six overdrafts is overly burdensome. Also, regulations require the client to be able to opt-out of overdraft protection at any time. Again, the additional monitoring requirements are overly burdensome and will accomplish nothing.

Again, I thank you for the opportunity to comment.

Diane Foltz