MICK THOMPSON
BANK COMMISSIONER

BRAD HENRY
GOVERNOR

STATE OF OKLAHOMA

STATE BANKING DEPARTMENT

April 10, 2008

Mr. Robert E. Feldman
Executive Secretary
Attention: Comments
Federal Deposit Insurance Corporation
550 17th Street NW
Washington, DC 20429

Re: Comment; FIL-2-2008

Dear Mr. Feldman:

The Oklahoma State Banking Department appreciates the opportunity to comment on the notice of proposed rulemaking announced in the above-referenced Financial Institution Letter. Specifically, this Department would like to comment on the proposal outlined in Part II – Large-Bank Deposit Insurance Determination Modernization.

Part II of the proposed rule would require large institutions to adopt mechanisms that would provide the FDIC, in the event of an institution's failure, with standard deposit account and customer information and allow the placement and release of holds on liability accounts, including deposits. The FDIC has proposed that these mechanisms be adopted by only "covered institutions," defined to include those with at least $2 billion in domestic deposits and either (1) 250,000 deposit accounts, or (2) $20 billion in total assets, without regard to the number of deposit accounts. While only 159 institutions currently fall within these parameters for defining a "covered institution," I believe these parameters may be too broad.

First, these mix of qualifiers place mandatory compliance on institutions that would not otherwise be peer categorized by regulators. Additionally, because the cost of compliance with the proposed rule may be significant, and borne directly by the covered institution, the parameters for a covered institution should take into account an institution's risk profile. The proposal identifies covered banks by account and asset numbers without regard to historically embraced FDIC risk measurements such as profitability, capitalization, liquidity, and asset quality.

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For example, Part II of the proposal would apply to only one of Oklahoma's 179 state chartered banks. However, in the case of that bank, for example, its standard risk assessment measurements include (1) consistent ROA above 1%, (2) consistent ROE above 12% (3) well-capitalized with capital, tier 1, and leverage ratios at 12.65%, 11.58%, and 8.85%, respectively. This large Oklahoma bank likewise has above-peer liquidity ratios and asset quality. However, even with above-peer risk standings, under the proposal this bank would be required to comply based solely on account numbers; rather than posing a risk of failure to regulators and a loss to the deposit insurance fund.

Therefore, in the pursuit of regulatory relief, I respectfully request that the FDIC consider including a risk profile element in its definition of "covered institution." Such an element would ensure that those large institutions that may actually present a risk of failure be the ones that must bear the regulatory burden associated with the proposed rule.

Sincerely,

Mick Thompson
Commissioner