


September 1, 2010

To: OverdraftComments@fdic.gov  
Fax: 703-465-4303

From: Robert Means   
Elwood, Kansas

Re: FIL-47-2010

Thank you for allowing me to comment on the above-referenced supervisory guidance. While I am a community banker, my comments are from a personal perspective and should not be construed to be those of the organization with which I am affiliated.

While I am proud of the customer service, education and protection efforts instituted by the bank of my employment, I certainly do not believe their practices to be out of the ordinary. Follows is a partial listing of services intended to assist consumers in keeping track of their account balances and/or moderate their overdraft and NSF fees:

- Customer Service Representatives (CSR's) handle literally dozens of telephone inquiries daily providing current balances, deposit and check clearing status, etc.
- Internet banking is available 24/7/365 providing balance information, clearing status of checks / debits, funds transfer, electronic bill pay and much more.
- Monthly statements are mailed to each accountholder.
- Text alerts and email alerts are available notifying customers whenever balances exceed or fall below target balances established by the customer.
- Overdraft / NSF notices are mailed each day that a customer has overdraft / NSF debits.
- Updated balances are printed on deposit receipts.
- A brochure titled "Protecting Yourself from Overdraft and Bounced-Check Fees" is available in each of our bank lobbies and provided to new accountholders.
- CSR's offer balancing assistance to anyone who is a first-time checking account customer, is known to have had previous problems with a checking account, or simply asks for help.
- Customers who hold ATM or debit cards may make balance inquiries at ATM's around the world 24/7/365.
- The bank moderates overdraft/NSF fees by clearing debits in order of smallest dollar to largest dollar and by providing a maximum daily charge based on six items.

- The bank provides "Fresh Start" loans to many consumers who cannot seem to get off the "overdraft wagon". These are interest-free loans that assist the consumers in returning their accounts to a positive balance and re-establishing responsible banking habits.

Now, you expect the bank's staff to personally contact and counsel every accountholder who has overdrawn six or more times in any twelve-month period. I believe this could include up to half of our bank's demand accounts. If each contact and consultation were to take just one staff hour, the bank (a very small bank, mind you) would need to add one or two staff members just to comply with your guidance. I hope we have a better strategy for returning America to full employment!

It is my firm belief that our bank (and most community banks in this country) has implemented reasonable, fair and helpful overdraft policies and practices that are generally appreciated by consumers when they make a clerical error or are simply running a bit short. It would be, in my honest opinion, outrageous to further burden responsible bankers when a focus on the few bad actors would be far more effective. If a financial institution has demonstrated a total lack of regard for the financially unsophisticated, by all means beat them into submission. But, **please stop unfairly penalizing the vast majority of financial institutions who have diligently served their communities utilizing safe, sound and fair banking practices!**

I believe my comments can be summed up with two, simple questions.

- 1) Are consumers responsible for any of their own actions?  
And,
- 2) Just how much burden do you intend to pile on America's community bankers?

Your response to my questions is not necessary as you will confirm the obvious through the implementation of your proposed guidance. I, again, thank you for the opportunity to comment.