

From: Greg Niemeyer [Greg.Niemeyer@ndbt.com]
Sent: Wednesday, September 22, 2010 6:06 PM
To: Overdraft Comments
Subject: Overdraft Comments

In response to the request for comments on Overdraft Payment Program Expectations below are a few areas of concern.

- **Overdraft Programs and other consumer overdrafts** - We are confused as to whether this process is only for accounts that have an automatic overdraft protection (privilege) or if these guidelines pertain to ALL consumer overdrafts.
- **Choice** - While we realize the intentions are to give consumers "choice" of the overdraft payment product that best meets their needs, will we ultimately be giving them less and more expensive choices? Almost every consumer who is given the choice between having "OD Protection", or not knowing what action (pay or return) the bank will perform, will choose OD Protection? These guidelines will cause the processing of an overdraft to increase, ultimately costing the consumer even more and further limit their options?
- **Monitoring Accounts** - Not sure what is involved to perform "meaningful and effective action?" Behavioral corrective actions often are not accepted in the manner in which they are intended. While some will appreciate the advice, most will see it as "schooling". Most adults tend to gravitate towards what they do with their money is their own personal business.
 - **Contacting the Customer** - our guidance mentioned, "in person or via the telephone" for monitoring accounts. In today's busy lifestyle, most people have little time to run into the bank, and even less time to be told that the bank will now have no choice but to return their checks.
 - **Future Overdrafts** - Your guidance asked specifically for comments on the six transaction trigger and counseling. It further stated that the customer will be given the option to "opt in to the bank's overdraft program". This seems contrary to every other item in this guidance. How would any bank ever get to a "safe harbor" from regulator criticism?
- **Daily Limits** - Further guidance on what is an "appropriate daily limit" is needed. It would seem to some to be four item fees and to others a maximum fixed dollar amount. Be specific.

We spend time educating customers and providing information to them regarding services and options. We utilize easy to understand documents, explain the various options and provide transparency as to our processes. Additionally, our Mission Statement includes the words, "make a fair and reasonable profit". We believe that we have always acted responsibly.

Thank you for your time in reviewing this.

Regards,

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