



**THE
MISSION BANK**

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Via electronic delivery to:
Overdraftcomments@fdic.gov

September 27, 2010

Federal Deposit Insurance Corporation
550 17th Street, N.W.
Washington, D.C. 20429-9990

Re: Overdraft Payment Programs and Consumer Protection, FIL-47-2010

Ladies and Gentlemen:

The Mission Bank welcomes the opportunity to respond to the proposed Federal Deposit Insurance Corporation's (FDIC) Financial Institution Letter (FIL) regarding the FDIC's expectations for management and oversight of automated overdraft protection programs.

The Board of Governors of the Federal Reserve's (the Board) recent amendments of Regulations E and DD – which went into effect only six weeks ago – required significant business model adjustments and operational changes. Because these sweeping changes were made in a relatively short period of time, everyone will benefit from clear statements of supervisory expectations that confirm the standards and the policies established by the new regulations.

However, there is a fine line between articulating supervisory expectations and imposing new regulatory obligations. We agree with the ABA's position that cautions against the use of the financial institution letter format to impose new regulatory requirements, particularly onerous obligations that will add significant compliance burdens to the detriment of customer choice. Establishing arbitrary definitions of —excessive or chronic use coupled with mandated intervention or requiring caps on the coverage elected by customers are supervisory expectations contrary to the policies of customer choice embedded in the Board's regulations and are tantamount to *ultra vires* rule-making by the FDIC.

We have spent numerous man hours in our efforts to communicate with our customers and make them aware of the availability of overdraft alternatives. We, in fact, have set up a new alternative giving customers the ability to automatically sweep amounts between accounts.

5201 Johnson Drive
(Main Location)
Mission, KS

6040 Martway
Mission, KS

Metcalf & Johnson Drive
Mission, KS

Shawnee Mission Pkwy
& Lackman Rd
Shawnee, KS

8201 Mission Road
Prairie Village, KS

135th & Chadwick
Leawood, KS

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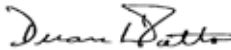
We are generally responsive to the suggestions however we believe that imposing new monitoring and follow-up requirements is un-necessary based upon the fact that we send notices every time an account is overdrawn advising the customer of the cost of being overdrawn both with this notice and the required listing of the costs of overdrawing their account on the monthly bank statements.

The FDIC is asking us to be responsible for the spending habits of our customers and is suggesting that the average customer is unable to determine the best course of action for their life situations.

Due to the change in the economy we do believe that more of our customers are overdrawing their accounts for necessities, purchases at the grocery and for pharmaceutical supplies. Until the economy is able to put more people back to work, this trend will continue no matter what we attempt to do to curtail this type of behavior.

If you have any questions about these comments, please contact the undersigned at (913) 236-3115 or via e-mail at dpatton@themissionbank.com.

Yours truly,



Duane L. Patton
Vice President and
Compliance Officer