



June 29, 2007

VIA FAX

Ms. Jennifer J. Johnson, Secretary
Board of Governors of the Federal Reserve System
20th Street and Constitution Avenue, N.W.
Washington DC 20551

Re: Proposed Rule Regarding Electronic Fund Transfer Act Electronic Disclosure Delivery.

Dear Ms. Johnson:

The Wisconsin Bankers Association (WBA) is the largest financial institution trade association in Wisconsin, representing approximately 300 state and nationally chartered banks, savings and loans associations, and savings banks located in communities throughout the state. WBA appreciates the opportunity to comment on the proposed rule regarding electronic delivery of disclosures required by the Electronic Fund Transfer Act (EFTA).

EFTA provides a basic framework establishing the rights, liabilities, responsibilities of participants in electronic fund transfer (EFT) systems, and provides individual consumer rights. EFTA, as implemented through the Board of Governors of the Federal Reserve System's (FRB's) Regulation E, requires financial institutions to provide certain disclosures to consumers in writing, including but not limited to initial disclosures of terms and conditions or an EFT service, documentation of EFTs by means of terminal receipts and periodic account activity statements, and change in terms notices. FRB has proposed changes to current requirements that were implemented by an interim final rule published in 2001, yet never made final.

Under section 205.17 of Regulation E, institutions are currently permitted to provide in electronic form any disclosures that are required to be provided or made available to the consumer in writing if the consumer affirmatively consents to receipt of electronic disclosures in the manner required by section 101(c) of the Electronic Signatures in Global and National Commerce Act (E-Sign). Currently, disclosures may be sent to an e-mail address designated by the consumer, or may be made available at another location, such as an Internet web site. If the disclosures are not sent by e-mail, financial institutions would have to provide a notice to consumers alerting them to the availability of the disclosures. Additionally, disclosures posted on a web site have to be available for at least 90 days to allow consumers adequate time to access and retain the information. Financial institutions are also required to make a good faith attempt to redeliver electronic disclosures that are returned undelivered, using the address information available in their files. The proposed rule eliminates these electronic delivery provisions contained currently in 205.17, and instead addresses the electronic delivery of disclosures by amending section 205.4.

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The proposed rule does not change the general rule regarding the form of disclosures under 205.4 other than removing paragraph (c) and redesignating paragraph (d) as paragraph (c), and paragraph (e) as paragraph (d). The proposed rule does however, revise paragraph (a)(1) to state that disclosures required under Regulation E may be provided to the consumer in electronic form, subject to compliance with the consumer consent and other applicable provisions of E-Sign.

In addition, FRB has proposed to eliminate the requirement of an e-mail notice alerting the consumer to the disclosures sent by financial institution to a consumer's e-mail address. FRB has also proposed to no longer require financial institutions to maintain disclosures posted on a web site for a minimum 90-day time period. FRB will however, monitor financial institutions' electronic disclosure practices with regard to the ability of applicants to retain certain Regulation E disclosures and will consider further regulatory action if it appears necessary.

WBA commends FRB in its efforts to further reduce regulatory burdens on financial institutions and supports FRB's actions to modify Regulation E disclosure requirements to better meet the needs of today's consumers. WBA agrees with FRB that both the industry and consumers have gained considerable experience with electronic disclosures and that consumers would benefit by having timely access to EFT-related disclosures in electronic form. Regulation E disclosures are typically integrated into account product and service disclosures, thus making electronic delivery both efficient and logical. WBA recommends FRB remain consistent in its treatment of electronic delivery of required disclosures and permit financial institutions to deliver Regulation E disclosures electronically to consumers without first obtaining the consumer's consent or other provisions of E-Sign when the consumer requests EFT information or services electronically. WBA believes FRB's proposal will not harm consumers or impose further regulatory burdens on financial institutions and supports FRB's proposal to: permit electronic delivery of certain Regulation E disclosures, remove e-mail alert notices; and remove the minimum 90-day retention of disclosures on a web site, as we believe financial institutions will continue to make available required disclosures for consumers to review.

In conclusion, WBA supports FRB's proposal to withdraw portions of the 2001 interim final rule on electronic disclosures that restate or cross-reference provisions of E-Sign and retain the substance of certain provisions of the interim final rule that provide regulatory relief or guidance regarding electronic disclosures. Once again, WBA appreciates the opportunity to comment on the proposed rule.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kurt R. Bauer', written over a horizontal line.

Kurt R. Bauer
President/CEO