

From: "colin brofman" <cbrofman@gmail.com> on 06/26/2008 08:30:04 PM

Subject: Regulation DD

To Whom It May Concern,

I am writing to express my support for the proposed changes to the Truth in Savings Act that would make so called "Overdraft Protection" services opt-in. In the last ten years I have fell victim to over \$1000 worth of overdraft fees due to the aforementioned "Overdraft Protection" services from Compass Bank and Bank of America. Banks have figured out ways such as posting the sum of all debits before any credits, not correctly reporting pending transactions, placing non-uniform and excessively long holds on deposits all in order to ensure that it is easier than ever to overdraft one's account. I have found the idea that such overdraft protection services actually protect the consumer to be false. As more and more consumers such as myself write fewer and fewer checks and instead rely on debit and credit purchases for 80-90% of their monthly transactions, the thought that we are being protected from "bouncing" a check becomes problematic.

Instead, what happens, and what has happened to me to accrue the aforementioned \$1000 in fees, is that while my account is overdrafted, I unknowingly make several small debit or credit transactions in one day's time. For instance, I wake up and get a \$3 cup of coffee, a \$5 breakfast, \$15 worth of gas, a \$2 soda all during the course of my day. If I'm lucky, I'll notice the problem that evening as I check my account online and find out that there is a discrepancy between the bank and my check ledger. If I'm not lucky, 2-5 business days later I receive an overdraft notice for that first \$3 charge, the cup of coffee. Many more will follow it in the mail as my total in overdraft protection fees add up to a staggering \$100 (at \$25 each) for a total of purchases that was only \$25 to begin with. The most shameful thing about all of this is that had my card simply declined during that first transaction, I would be able to be alerted immediately that there was a problem and not be out a penny. Instead, at a minimum, I will be out \$100 plus whatever else in fees I rack up until I become aware of the problem. Now, many people will say that this is a problem commonly experienced by those who do not have much money in their checking in the first place. I would agree that students and those on a fixed-income are no doubt victimized by these fees disproportionately as they are most likely to run very close to a zero balance in their account. I would like to make it clear that it can and does happen to people such as myself who carry a rather large average daily balance. There are times when unexpected expenditures come up or savings transfers take longer than expected that people run close to zero balance. As I stated at the beginning of this email, the banks have crafted ways to help ensure a state of perpetual confusion when it comes to knowing your balance and how it is computed. Enough so that an educated person such as myself has contributed \$1000 of my hard earned money to the bottom line of the aforementioned banks. I look forward to the day when the banks are forced to look for legitimate ways to make money off of their

customers and don't feel the need to steal our hard earned money under the guise of providing a "service" and protecting us. I hope that you would consider this email when you weigh whether or not to require that overdraft plans be op-in in as people such as myself would greatly benefit from not having to pay the banks for services that do not protect or serve the best interests of the customer.

Thank you for your time and consideration,
Colin J. Brofman