



FirstBank Holding Company

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May 1, 2014

Robert deV. Frierson, Secretary
Board of Governors of the Federal Reserve System
20th St. and Constitution Avenue, NW.
Washington, DC 20551

VIA ELECTRONIC SUBMISSION

Re: Regulation CC; Docket No. R-1409; RIN No. 7100 AD 68

Dear Mr. Frierson:

Thank you for giving us the opportunity to comment on the proposed changes to Regulation CC - Availability of Funds and Collection of Checks. We are supportive of the Board's initiative as it will modernize the regulation to reflect practices already occurring as a result of image exchange.

Our only concern with the proposed rule is the new indemnity related to remote deposit capture services.

As a provider of remote deposit capture (RDC) services, we have examined the proposed rule from the standpoint of being both the bank of first deposit (receiving a check deposited via RDC) and also the depository bank that receives deposit of an original paper check that is returned unpaid because it was previously deposited using RDC. We do not support the proposed rule as we feel it would deter financial institutions from adopting RDC technology as it could have the unintentional consequence of serving as a "barrier to entry" into providing RDC, given the additional liability that would be assumed by RDC providers.

Duplicate items in the payments stream are not a new industry issue specific to RDC. There exist numerous duplicate payment scenarios that are the result of unintentional processing errors or fraudulent activities. We acknowledge that a negative financial impact may result from a check that is deposited via RDC and then at a second depository bank as the original paper check. However, we also believe that all financial institutions must apply a certain level of attention to their depositors and should accept responsibility for the actions of their depositors (for example, fraudulently depositing a duplicate check). This can be achieved through appropriate transaction level account reviews, setting dollar limits on deposits through RDC, and various other

methods already developed and commonly used by financial institutions across the country. As such, we do not recommend the proposed change to Regulation CC as it relates to RDC.

Thank you for your consideration of my comments. If you have any questions or need clarification on any issue I have raised, please contact me at (303)235-1353.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Asher", with a long horizontal flourish extending to the right.

Jeff Asher, CRCM, CAMS
Senior Vice President