Capital One Financial Corporation
1680 Capital One Drive
McLean, VA 22102

June 29, 2007

Ms. Jennifer J. Johnson
Secretary
Board of Governors of the Federal Reserve System
20th Street and Constitution Avenue, NW
Washington, DC 20551
regs.comments@federalreserve.gov

Re: Proposed Electronic Commerce Revisions to Regulations B, E, M, Z, DD: Docket Nos. R-1281, 1282, 1283, 1284, 1285

Dear Ms. Johnson:

Capital One Financial Corporation ("Capital One") is pleased to submit this comment on the Board's proposed revisions to the above-captioned rules[1] to facilitate compliance with the E-Sign Act.[2]

Capital One Financial Corporation is a financial holding company whose principal subsidiaries, Capital One Bank, Capital One, F.S.B., Capital One Auto Finance, Inc., Capital One, N.A., and North Fork Bank, offer a broad spectrum of financial products and services to consumers, small businesses, and commercial clients. As of March 31, 2007, Capital One's subsidiaries collectively had $87.7 billion in deposits and $142 billion in managed loans outstanding, and operated more than 720 retail bank branches. Capital One is a Fortune 500 company and is included in the S & P 100 Index.

Capital One supports the Board's proposed rule revisions, consisting primarily of the deletion of "interim final rules" that never, in fact, went into effect. The Board was right

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[1] 72 Fed. Reg. 21125, 21135, 21141, 21155 (April 30, 2007).

[2] Electronic Signatures in Global and National Commerce Act, 15 U.S.C. § 7001 *et seq.*

to suspend their effectiveness, and is now right to propose their removal. By doing so, the Board will give financial institutions the flexibility to respond efficiently to changing technology, practices, and consumer behavior with respect to electronic commerce, consistently with the requirements of the E-Sign Act. For example:

- We agree that the interim rules' reliance on sending disclosures by e-mail is inappropriate, not only in light of changing market practices, but also in light of increasing concerns about data security, identity theft, and "phishing."

- The interim final rules' requirement to redeliver returned electronic disclosures, searching for additional e-mail addresses, and ultimately using postal mail addresses, would indeed have been unduly burdensome, and the Board is right to delete it.

There are times when less regulation is more effective than more. This is one of them. The Board is right to let the E-Sign Act stand on its own, as Congress crafted it.

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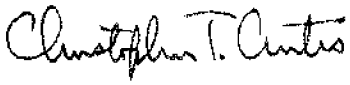
Capital One appreciates the opportunity to comment on the Board's proposed rule revisions. If you have any questions about this matter and our comment, please call me at 703-720-2255.

Sincerely,



Christopher T. Curtis
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