

October 30, 2009

The Honorable Jonathan D. Leibowitz
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

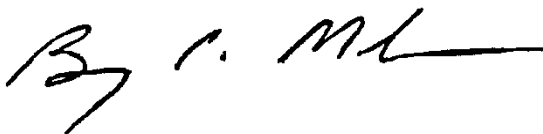
Dear Chairman Leibowitz:

On behalf of the American Institute of Certified Public Accountants, I am writing to urge you to delay the enforcement of the Federal Trade Commission's (FTC) Final Rule relating to the Identity Theft Red Flags and Address Discrepancies Under the Fair and Accurate Credit Transactions Act of 2003 ("Red Flags Rule"). Currently, the FTC is scheduled to begin enforcement on November 1, 2009. As you are aware, yesterday the U.S. District Court for the District of Columbia issued an order which granted the American Bar Association's request for partial summary judgment. This order also indicated that an opinion will be issued within the next thirty days.

Because the summary judgment motion was granted and the court has not yet published its opinion and because Congressional action is possible, we strongly urge the FTC to delay enforcement of the Red Flags Rule. The delay will ensure that interested parties will have adequate time to analyze the decision and make any necessary adjustments prior to the enforcement of the Rule.

In addition, we respectfully reiterate our request that the FTC consider exempting CPAs and CPA firms from the scope of the Red Flags Rule as stated in our letter of August 4, 2009. We know you have also heard from many interested parties, including state CPA societies, on this issue, and we appreciate your consideration of our request.

Sincerely,



Barry Melancon, CPA
President and CEO

