



LETTER OF COMMENT NO. 39



LETTER OF COMMENT NO. 48

**Sent:** Thursday, March 26, 2009 9:19 AM  
**To:** Adrian Mills; Diane Inzano; Joseph Vernuccio; Kevin Stoklosa; Kristofer Anderson; Mark Trench; Meghan Clark; Peter Proestakes; Russell Golden; Vita Martin; Wade Fanning  
**Subject:** FW: Proposed FASB Staff Position No. 115-a

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**From:** Gerry Cruz [mailto:gcruz@communityfirstfcu.com]  
**Sent:** Thursday, March 26, 2009 12:12 AM  
**To:** Director - FASB  
**Subject:** Proposed FASB Staff Position No. 115-a

Russell G. Golden  
 Technical Director  
 Financial Accounting Standards Board  
 401 Merritt 7  
 P.O. Box 5116  
 Norwalk, CT 06856-5116

Via email: [director@fasb.org](mailto:director@fasb.org)

**File Reference: Proposed FASB Staff Position No. FAS 115-a, FAS 124-a, and EITF 99-20-b;  
 Proposed FASB Staff Position 157-e**

Dear. Mr. Golden:

Thank you for allowing comment on the proposed FASB Staff Position No. FAS 115-a, FAS 124-a, and EITF 99-20-b, Recognition and Presentation of Other-Than-Temporary Impairments (hereinafter referred to as the proposed OTTI-FSP) and the proposed FASB Staff Position 157-e, Determining Whether a Market is not Active and a Transaction is not Distressed (hereinafter referred to as proposed Fair Value FSP). The intent of this letter is comment on some specific areas for consideration.

First, we believe the proposed OTTI FSP should not require that the non-credit impairment of held-to-maturity investment securities be recorded in accumulated other comprehensive income (AOCI). We recommend that fair value be shown in the footnotes of financial statements. For available for sale securities however, we agree with recording the non-credit impairment to accumulated other comprehensive income as such securities are always carried at market value.

Second and more importantly, the proposed OTTI FSP should be applied retrospectively, in accordance with SFAS No. 154, Accounting for Changes and Error Corrections. During 2007 and 2008, a number of financial institutions recorded significant OTTI charges on held-to-maturity debt securities. Because these institutions have amortized and will continue to amortize significant non-credit impairments to interest income, failure to retrospectively apply the proposed OTTI FSP will distort their future net interest margins. Further, these institutions' retained earnings may include significant amounts of non-credit impairments. Failure to retrospectively apply the proposed OTTI FSP would make it difficult for

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investors in these institutions to compare key financial metrics (net interest margin and tangible common equity) before and after application of the OTTI FSP, as well as affect comparisons of financial institutions that have recorded significant OTTI charges with those that have not.

Finally, the FASB should consider removing the gross presentation in the income statement of impairment losses offset by non-credit impairment from the proposed OTTI FSP. We believe the proposed presentation is inconsistent with the loan accounting presentation for loans held for investment. In addition, we believe that this presentation confuses and complicates the face of the financial statements with information that is more appropriate for inclusion in footnote disclosures.

### **Proposed Fair Value FSP**

We request that the FASB provide more explicit practical guidance on how to implement the proposed Fair Value FSP because we are concerned that the proposed Fair Value FSP, as written, will not meet its intended objectives. While the guidance to determine if a market is not active appears to be sufficient, the proposed Fair Value FSP lacks detailed and practical guidance for determining fair value based on appropriate market-based discount rates as of the measurement date in an orderly market. It may be difficult for independent public accountants and regulators to consistently apply this guidance without additional practical and specific guidance.

Further, the FASB should provide additional guidance in the proposed Fair Value FSP regarding the definition of a "quoted price." Financial institutions often obtain values for their investment securities from third-party sources, including, but not limited to: market transactions, broker quotes, and pricing services. It would be helpful if the FASB specifically defined "quoted price," and how third-party pricing sources, including their use of models, fit into that definition.

Our comments are meant to help clarify and improve certain aspects of the proposed FSPs, and we reiterate our overall support of these timely actions by the FASB.

Sincerely,

Gerard A. Cruz  
President and CEO  
Community First Guam FCU