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May 27, 1999

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Secretary
Federal Trade Commission
Room H-159
600 Pennsylvania Avenue N.W.
Washington, D.C. 20580

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Re: 16 CFR Part 453

Dear Sir:

These comments are offered on behalf of Catholic Cemeteries Archdiocese of Omaha. This Archdiocesan corporation owns and operates five Catholic cemeteries.

The issue being addressed in these written comments is whether the Commission should expand the definition of "funeral provider" in order to bring nontraditional members of the funeral industry within the scope of the Funeral Rule's coverage.

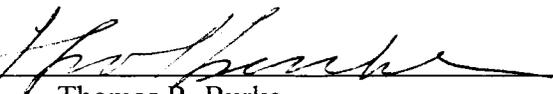
We submit that non-for-profit entities, whether religious 501(c)(3) organizations or government-owned organizations, which own and operate a majority of the cemeteries are exempt from state laws governing commercial cemeteries and presumably would be exempt from an extension of the Funeral Rule. These not-for-profit religious and governmental entities do not need or require the expense of compliance with rules of the Federal Trade Commission. Indeed, we understand that the Federal Trade Commission staff concluded that cemeteries do not engage in the types of abuses addressed by the "Funeral Rule." So far as we know, there is no substantial evidence in the Federal Trade Commission rule-making record, or elsewhere, indicating that there are widespread, unfair, or deceptive cemetery practices to establish a reasonable basis for the expansion of the "Funeral Rule." The only common item usually sold by both funeral homes and cemeteries is the outer burial container, and generally cemeteries sell these on a pre-need basis. Pre-need sales in Nebraska are covered by Nebraska statutes, so there is no need for the Federal Trade Commission to obtrude on the state's jurisdiction.

CATHOLIC CEMETERIES
ARCHDIOCESE OF OMAHA

Secretary, Federal Trade Commission
May 27, 1999
Page 2

Respectfully submitted by
LAMSON, DUGAN & MURRAY

By



Thomas R. Burke

TRB:vhk

cc: National Catholic Conference
The Rev. Robert J. Gass