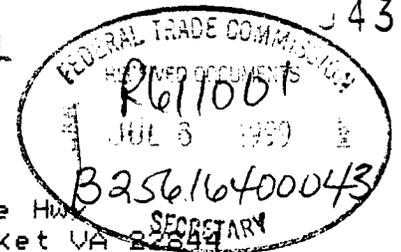


ORIGINAL



3144 Lee Hwy
New Market VA 22844
July 5, 1999

Secretary
Federal Trade Commission
Room H-159
600 Pennsylvania AVE, NW
Washington D C 20580

REF: 16 CFR Part 453

Dear Mr/Ms Secretary:

This writing is to address concerns that have developed as I have been exploring arrangements for my own funeral and burial.

It is my feeling that your agency should revise the existing Funeral Rule to include cemeteries, crematories, monument dealers and casket stores. The public needs protection from and enlightenment by these businesses as much as the practices of funeral directors. Further, I feel the "Nondeclinable professional services charge", allowed under the 1984 Rule needs to be defined more clearly so that the public can see just what they are getting for this charge. In my view this has the possibility of being a mini-bundle.

With regard to casket stores or other retail business engaged in the sale of funeral supplies, being operated only by licensed funeral directors, restricts free trade and denies consumers in certain states an option they are entitled to under federal law. In addition to my own state, it is my understanding that Louisiana, Oklahoma, Georgia, Alabama and South Carolina have such regulations on the sale of these items.

With the advent of Casket Stores, I have found that some funeral directors are adding a handling fee for those customers who have purchased a casket elsewhere. I feel this has merit only if the affected funeral director has incurred some expense in obtaining or receiving the casket. When delivery has been made to the funeral director in a timely fashion and in good condition, I feel the handling fee inappropriate.

My last, but not necessarily least concern is about the trend to consolidation in the "Death Industry" in recent years. The big players seem to be Service Corp International, Equity Corp International, (both of Houston), The Loewen Group and Stewart Enterprises Inc. They expand by purchasing private funeral homes, cemeteries, crematories, and monument dealers, as they become available to the market and continue to operate them under their historical identity and at times with many of the same staff. Being a large firm they develop very refined and aggressive marketing

techniques designed to operate at the edge of regulation. I feel it appropriate for your agency to take a close look at their practices and an even closer look at the possibility that in many areas, they have the market sewed up, no competition. So one must pay their price. At the time of the death of a family member, we the consuming public are very vulnerable to being taken for ride.

One small practice what would aid the public in identifying just who they are dealing with would be to require each business to identify its parent or ownership entity on signs, ads, stationery, itemizations, etc.

Most sincerely,



DONALD M. PENCE