

2639



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INDEPENDENT REGULATORY  
REVIEW COMMISSION

February 4, 2010

**Via Email to: irrc@irrc.state.pa.us**

Mr. Arthur Coccodrilli  
Chairman  
INDEPENDENT REGULATORY REVIEW COMMISSION  
333 Market Street, 14th Floor  
Harrisburg, PA 17101

Re: *Pennsylvania Administrative Code Title 49, Part I, Subpart A, Chapter 13 - No. 16A-4816 (Preneed activities of unlicensed employees - #2639).*

Dear Mr. Coccodrilli and Commission Members:

As an owner of more than 25 funeral homes and cemeteries in Pennsylvania, Service Corporation International ("SCI") appreciates the opportunity to contribute to the discussion surrounding Final-Form Regulation 16A-4816 which addresses the preneed activities of unlicensed persons (the "Regulation"). SCI has been following this issue closely and reviewing both the arguments for and against this proposed Regulation. Please allow this letter to serve as SCI's objection to this Regulation.

SCI agrees with other funeral home and cemetery owners and operators, licensed sellers of insurance, and the United States District Court which authored the *Walker v. Flitten*<sup>1</sup> opinion, that there is no governmental interest which would indicate a need for this Regulation. Moreover, there is no history of incidents which would support the adoption of this Regulation. SCI believes the Regulation would adversely affect insurers who fund the purchase of prearranged funerals and, more importantly, the citizens of Pennsylvania who rely upon insurance to fund their prearranged funerals.

This Regulation would create restrictions for which there is no demonstrated need and, in the process, adversely affect Pennsylvania consumers' access to an integral part of making arrangements for one of the most difficult times in those consumers' lives. We should be focused on promoting competition, enhancing access for our customers and supporting an existing system which is both proven and reliable rather than creating unnecessary restrictions which do not serve as practical safeguards.

Instead of restating the well articulated principles outlined in the *Walker* opinion as well as the other arguments presented by members of the community and industry, SCI simply wishes to inform the Commission that it respectfully objects to the Regulation.

<sup>1</sup> *Walker v. Flitten*, 361 F.Supp.2d 50 (M.D. Pa. 2005).

SCI MANAGEMENT


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Thank you for the opportunity to provide our position and we hope the Commission will take these comments into consideration.

Respectfully,

A handwritten signature in black ink, appearing to read "Steve Metzger". The signature is stylized with a large, sweeping initial "S" and a long horizontal stroke extending to the right.

Steve Metzger  
Corporate Counsel

**Via E-Mail: [st-funeral@state.pa.us](mailto:st-funeral@state.pa.us); [chrmcnally@state.pa.us](mailto:chrmcnally@state.pa.us); and [tblackburn@state.pa.us](mailto:tblackburn@state.pa.us)**

Cc: Mr. Christopher McNally, Board Counsel  
Mr. Thomas A. Blackburn, Regulatory Unit Counsel  
STATE BOARD OF FUNERAL DIRECTORS  
DEPARTMENT OF STATE  
P.O. Box 2649  
Harrisburg, PA 17105-2649

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**From:** Brubaker, Carol [Carol.Brubaker@Sci-us.com]  
**Sent:** Thursday, February 04, 2010 5:45 PM  
**To:** IRRC  
**Cc:** st-funeral@state.pa.us; chrncnally@state.pa.us; tblackburn@state.pa.us; Metzger, Steven  
**Subject:** Final Form Regulation 16A-4816  
**Attachments:** A. Coccodrilli.02.04.2010\_cc.pdf

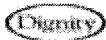
On behalf of Mr. Steve Metzger, please find attached Service Corporation International's position regarding the proposed Regulation.

Please feel free to contact Mr. Metzger at (713) 525-3058 if you have any questions or comments.

CB

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