

9/29/08

In an effort to provide value-added comments with respect to the proposed rules governing Communications about Variable Insurance Products and Regulatory Notice #08-39, please accept and incorporate these items;

1. Illustrations should be standardized across the industry, such that Insurance Companies, Agents and Customers operate on the same basis and principles. The illustration's low, middle and maximum rate of return should be determined by the prevailing market conditions and not be subject to any changes by any selling parties. This standardized approach would enhance pricing transparency and allow all participants to compete on a "level playing field" and ultimately provide greater protection to customers.
2. Benchmarks used for illustrations should be created or published by FINRA or a reputable rating / ranking / reporting service.
3. Disclaimers and disclosures to support this new communicating/selling approach should explain and promote this improvement.

Albert Akerman  
Chief Compliance Officer  
David Lerner Associates, Inc.  
477 Jericho Turnpike  
P.O. Box 9006  
Syosset, New York 11791-9006  
Tel: (516) 390-5572  
Fax: (516) 921-1546  
Cell: (516) 721-2971  
E: [albert.akerman@davidlerner.com](mailto:albert.akerman@davidlerner.com)