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February 9, 2011

Office of Regulations and Interpretations
Employee Benefits Security Administration
Attn: Definition of Fiduciary Proposed Rule
Room N-5655
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, D.C. 20210

Re: Request to testify at hearing on RIN 1210-AB32, definition of fiduciary proposed rule

Dear Sir or Madam:

We are requesting the opportunity to testify at the hearing on the Department of Labor's (the "Department") proposed regulations addressing the definition of a fiduciary scheduled for March 1, 2011 (and possibly March 2). Davis & Harman LLP represents a wide range of clients, including insurance companies, mutual funds, and brokerage firms, on whose behalf we are requesting to testify. I would be testifying at the hearing.

The Department's proposed regulations would have far-reaching and very significant effects in numerous respects. Our testimony, like our February 3 comment letter, would focus on one critical aspect of the proposed regulations: the effect on the investment assistance provided by brokers and dealers.

Our testimony would address:

- The interaction between the Department's proposed regulations and the project underway at the Securities and Exchange Commission (the "SEC") regarding the standard of conduct applicable to brokers and dealers with respect to retail customers.
- The need for active coordination between the Department, the SEC and other responsible governmental entities, and the potential harm to consumers that could result from a failure to coordinate.
- The President's recent Executive Order regarding regulatory coordination.
- How coordination can be best achieved.

Thank you for your consideration of our request.

Sincerely,

Randolf H. Hardock