



DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
WASHINGTON, D.C. 20224

201719029

TAX EXEMPT AND
GOVERNMENT ENTITIES
DIVISION

FEB 16 2017

Re: _____ (the "Plan")
EIN: - _____ ; Plan No. _____
Year of Failure = _____

Dear _____ :

This letter constitutes notice that the ruling letter dated April 10, 2015 ("Ruling Letter"), which modified the ruling letter dated March 26, 2010, granting conditional approval for a 10-year extension for amortizing the unfunded liabilities described in section 412(b)(2)(B) of the Internal Revenue Code and section 302(b)(2)(B) of the Employee Retirement Income Security Act of 1974, has been modified. Your authorized representatives agreed to this modification on February 13, 2017.

Specifically, the Ruling Letter has been modified, in substantive part, to replace the first sentence of the paragraph just below the conditions on page four¹ with the following sentence:

If any one of the conditions provided in the ruling letter dated March 26, 2010, as modified by the ruling letter dated April 10, 2015, is not satisfied, the approval to extend the amortization periods for amortizing the unfunded liabilities shall not apply to any plan year ending on or after the date the condition is not satisfied.

It is our understanding that the Plan will fail to meet one of the conditions in the Ruling Letter during the plan year beginning Year of Failure. Therefore, the approval to extend the amortization periods for amortizing the unfunded liabilities does not apply to the plan year beginning Year of Failure, and all subsequent plan years.

¹ Prior to the modification the sentence read as follows: "If any one of the conditions provided in the Letter Ruling, as modified by this letter, is not satisfied, the approval to extend the amortization periods for amortizing the unfunded liabilities would be retroactively null and void to _____."

The Plan has been in Critical status since the _____ plan year. It is our understanding that the Plan has not failed any of the requirements in paragraphs (2), (3), or (4) of section 4971(g) of the Code. Accordingly, no tax under section 4971 shall be imposed under section 4971 for the Year of Failure plan year and all subsequent plan years in which the Plan is in Critical status and has not failed any of the requirements in paragraphs (2), (3), or (4) of section 4971(g) of the Code.

This modification carries out the purposes of ERISA, and protects participants. The failure to provide this modification to the extension would be a substantial risk to the continuation of the plan and would be adverse to participants' interests.

We have sent a copy of this letter to the Manager, EP Classification in Baltimore, Maryland, to the Manager, EP Compliance Unit in Chicago, Illinois, and to your authorized representatives pursuant to a power of attorney on file in this office.

If you have any questions regarding this matter, please contact
(ID# _____) at (_____) - _____.

Sincerely,

David M. Ziegler, Manager
Employee Plans Actuarial Group 2

cc: