Attached please find MassMutual's response to the U.S. Department of Labor, Employee Benefits Security Administration's Request for Information regarding investment advice in individual retirement account. Please contact the following individual should you have any difficulties with this document or questions regarding our response.

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Office of Exemptions and Determinations
Employee Benefits Security Administration
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U.S. Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

To Whom It May Concern:

Massachusetts Mutual Life Insurance Company appreciates this opportunity to respond to the Department of Labor's Request for Information (RFI) regarding investment advice provided to investors in individual retirement accounts and similar plans. Specifically, this is in response to the Department's letter, dated December 13, 2006, to MassMutual's President and Chief Executive Officer, Stuart H. Reese. The letter requested that MassMutual respond to the questions presented in the RFI published at 71 Fed. Reg. 232 (December 4, 2006).

Founded in 1851, MassMutual is a mutually owned insurance company headquartered in Springfield, Massachusetts. Together with its subsidiaries and affiliates, MassMutual has over $460 billion in assets under management. We are a premier provider of life insurance, annuities, disability income insurance, long term care insurance, retirement planning products, income management and other products and services for individuals, business owners, and corporate and institutional markets. MassMutual offers individual retirement annuities, and its mutual fund and trust company subsidiaries offer individual retirement accounts.

Background

The Pension Protection Act of 2006 (PPA or Act) amended the Employee Retirement Income Security Act of 1974 (ERISA) to add a prohibited transaction exemption for the provision of investment advice to participants and beneficiaries of covered employee benefit plans, and certain related transactions, if the investment advice is provided under an "eligible investment advice arrangement"." The term "eligible investment advice arrangement" means an arrangement which either: (1) provides that any fees (including any commissions or other compensation) received by the fiduciary adviser for investment advice or with respect to the sale, holding or acquisition of any security or other property for purposes of investment of plan assets do not vary on the basis of any investment option selected, or (2) uses a computer model under an investment advice program meeting the requirements of the statutory exemption in connection with the provision of investment advice by a fiduciary adviser to a participant or beneficiary of a plan.

The PPA restricts the use of a computer model investment advice program with respect to IRAs. The PPA provides that a computed model investment advice program may not be used in conjunction with an IRA unless the Secretary of Labor, in consultation with the Secretary of the Treasury, determines whether there is any computer model investment advice program which meets the requirements of the PPA including that the program must: (1) utilize relevant information about the beneficiary , which may include age, life expectancy, retirement age, risk tolerance, other assets or sources of income, and preferences as to certain types of investments; (2) take into account the full range of investments including equities and bonds, in determining the options for the investment portfolios of the beneficiary; and (3) allow the beneficiary, in directing the investment, sufficient flexibility in obtaining advice to evaluate and select investment options. The RFI solicit input on a variety of points intended to assist with this determination.

Our responses to the specific questions presented in the RFI are as follows. (The numbering below corresponds to the question numbers in the RFI.)

1. To the best of our knowledge no computer model investment advice program for IRAs meets all of the requirements outlined in the PPA and the RFI. Based on our understanding of these criteria, we are aware of programs that: 1) apply generally accepted investment theories that take into account historic returns of different asset classes over defined periods; 2) utilize relevant information about the beneficiary including preferences as to certain types of investments; 3) operate in a manner that is not biased in favor of investments offered by the fiduciary advisor or an affiliate ("affiliated investments") (assuming this requirement would not preclude programs which allow for investment in only a limited set of investments including affiliated investments); and 4) allow the beneficiary, in directing the investment, sufficient flexibility in obtaining advice to evaluate and select investment options. However, we are not aware of any computer model investment advice program which takes into account the "full range of investments" if that language is intended to refer to all investments available in the marketplace at any point in time.

2. We believe it would be prohibitively costly to develop a computer model investment advice program that could satisfy the "full range" requirement given the breadth and variety of investments available in the marketplace including thousands of mutual funds, stocks, bonds, real estate, commodities, and many other types of investments, even if such a model is technologically feasible. Not only would such a model need to take into account many different types of investments, it would also need to differentiate between hundreds, and in some cases thousands, of specific investments within each category in order to generate a useful recommendation for the beneficiary.

3. As discusses in our response to question 1, we are not aware of any computer model investment advice program which meets all of the requirements set forth in the RFI.

4. Please see our responses to questions 1 through 3 above.

5. We are aware of computer model investment advice programs that, by design or operation, limit the investments modeled by the computer program to a subset of the investment universe. In some cases, the subset of investments available in such IRAs is determined by the IRA custodian or other entity responsible for designing or marketing the IRA. Computer models may or may not allow IRA beneficiaries to modify the model to take the beneficiary's preferences into account. We are not aware whether computer model investment advice programs are available to the beneficiaries of IRAs that are not maintained by persons offering such programs.

6. MassMutual does not currently offer a computer model investment advice program for IRAs based on nonproprietary investment products.

7. As far as MassMutual is aware, computer model investment advice programs available in the context of retirement plans, including IRAs, typically consider only those investment options available within the plan or IRA. Those models may take into account each investment's performance, style, fees and other factors as well as the beneficiary's risk tolerance, age and other personal characteristics. Such information is generally available in prospectuses, Form ADV and other public materials available to beneficiaries.

8. The essential requirements for any computer model investment advice program available to IRA investors should be that the model is: 1) not biased in favor of investments in which the IRA provider has a financial interest except to the extent that the IRA's investment options are limited to such investments; and 2) that the program and the IRA allow for a reasonable range of investment alternatives which allow for diversification.

9. Computer model investment advice programs operate and present advice to IRA beneficiaries in various ways. Some programs use a risk profile questionnaire to determine the beneficiary's risk tolerance. Based on that and other information about the beneficiary, as well as information about the investments available within the IRA, the program may recommend a model portfolio of investments to the beneficiary.

Please contact the undersigned individual if you have any questions regarding this letter.

Respectfully,

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