



2004-R
PREMIUM PAYMENT PACKAGE
PENSION BENEFIT GUARANTY CORPORATION

This Package Contains:

PBGC Form 1
Schedule A
PBGC Form 1-EZ
2004-R Instructions

To All Plan Administrators:

We are enclosing the forms and instructions for your premium payments to the Pension Benefit Guaranty Corporation (PBGC) for the 2004 plan year.

This booklet contains instructions revised to incorporate changes to the Required Interest Rate made by the Pension Funding Equity Act of 2004 ("PFEA"), which was signed into law by the President on April 10, 2004. Under PFEA, the Required Interest Rate for a premium payment year that begins in 2004 or in 2005 is the "applicable percentage" (currently 85 percent) of the annual rate of interest determined by the Secretary of the Treasury on amounts invested conservatively in long-term investment grade corporate bonds (for the month preceding the beginning of the plan year for which premiums are being paid). The new interest rates are on our Web site, www.pbgc.gov. The premium forms have not changed.

You may file PBGC premiums electronically for the 2004 plan year. Our new system, called My Plan Administration Account or My PAA, enables you to exchange premium information with your service providers, notify each other of the next required action, track progress, file and pay, and receive payment confirmation from PBGC, all electronically. Electronic filing saves time and reduces the risk of errors. We invite you to try My PAA. On our home page, click on: [Online Premium Filing \(My PAA\)](#).

PBGC's Web site also contains other pension-related information that you may find useful, including current and prior premium filing booklets, frequently asked questions, interest rates, information on disaster relief, and regulations. If you have a premium-related inquiry, please call our toll-free practitioner number at 1-800-736-2444. If you have a complaint about the service you have received or still need assistance after calling our practitioner number, please contact our Problem Resolution Officer at 1-800-736-2444, ext. 4136 (202-326-4136 for local calls) or by e-mail at practitioner.pro@pbgc.gov.

Your suggestions have helped us improve our customer service (*e.g.*, faster premium refunds) and we continue to seek your input so we can provide you with the best service possible.


Bradley D. Belt
Executive Director
Pension Benefit Guaranty Corporation

CONTACTS

1. PBGC's Web site, www.pbgc.gov, contains pension plan information of interest to the plan administrator and practitioner, such as current and prior premium filing booklets, frequently asked questions, interest rates, regulations, etc.
2. **Where to send premium filings** (including amended filings)
 - a. If you **mail** your premium forms, address them to:
Pension Benefit Guaranty Corporation
Department 4316
Carol Stream, IL 60122-4316
 - b. If you send your premium forms by **delivery service**, address them to:
Bank One Regional Lockbox
2500 Westfield Drive
Department 4316, Mail Code: IL1-6030
Elgin, IL 60123
 - c. If you pay by **check**, write the plan's EIN/PN and the date the premium payment year commenced (PYC) on the check and send the check with your form.
 - d. If you pay by **electronic funds transfer**, send the payment to:
Bank One, NA
Chicago, IL
ABA: 071000013
Account: 656510666
Beneficiary: PBGC
Reference: (give plan's EIN/PN and the date the premium payment year commenced (PYC) in the format "EIN/PN: XX-XXXXXXX/XXX
PYC: MM/DD/YY")
3. For all **premium-related correspondence other than premium filings**, including requests for booklets or forms, premium filing questions, address changes, requests for refunds (that are not submitted via premium filing forms), and requests for reconsideration of premium penalty assessments:
 - a. If you **mail** your correspondence, address it to:
Pension Benefit Guaranty Corporation
Department 4315
Carol Stream, IL 60122-4315
 - b. If you send your correspondence by **delivery service**, address it to the same address as in 2.b. above.
 - c. Or **call** us at: 1-800-736-2444
or (202) 326-4242
 - d. Or **fax** us at: (202) 326-4250
 - e. Or **E-mail** us at: premiums@pbgc.gov
4. For current interest rate information:
Call: (202) 326-4041
Internet: www.pbgc.gov
or write to:
Pension Benefit Guaranty Corporation
CPAD, Suite 240
1200 K Street, NW
Washington, DC 20005-4026
5. For assistance on coverage determination or plan termination:
Call: 1-800-736-2444
(202) 326-4242
E-mail: standard@pbgc.gov
or write to:
Pension Benefit Guaranty Corporation
IOD/Technical Assistance Branch, Suite 930
1200 K Street, NW
Washington, DC 20005-4026
6. If you have a complaint about the service you have received or still need assistance after calling our practitioner telephone numbers listed in items 3 and 5 (1-800-736-2444 or (202) 326-4242), please contact the Problem Resolution Officer (Practitioners):
Call: 1-800-736-2444, ext. 4136
(202) 326-4136
E-mail: practitioner.pro@pbgc.gov
or write to:
Pension Benefit Guaranty Corporation
Problem Resolution Officer (Practitioners), Suite 610
1200 K Street, NW
Washington, DC 20005-4026
7. For assistance with Participant Notice questions:
Call: (202) 326-4161
E-Mail: pnotice@pbgc.gov
8. For assistance with Premium Compliance questions:
Call: (202) 326-4161
E-Mail: pce@pbgc.gov
9. Any vendor requesting approval of automated forms may send a sample (including 3 original forms) to:
Pension Benefit Guaranty Corporation
Vendor Forms Review Office, FOD/CCD, Suite 670
1200 K Street, NW
Washington, DC 20005-4026

Note: TTY/TDD users may call the Federal relay service toll-free at 1-800-877-8339 and ask to be connected to any telephone number in this booklet.

Note: We cannot accept collect calls.

Pension Benefit Guaranty Corporation

Customer Service Plan for Plan Administrators

What is Our Mission?

The Pension Benefit Guaranty Corporation (PBGC) encourages a stable, adequately funded system of private pension plans and provides responsive, timely, and accurate services to plan sponsors, participants in insured plans, and pension practitioners.

Who Are Our Customers and What Services Do We Provide?

As a plan administrator of a pension plan that pays premiums to PBGC, you are one of PBGC's principal customers.

In administering the premium collection program, we:

- Collect premiums from covered plans;
- Issue annual premium forms and instructions packages;
- Answer questions from plan administrators, sponsors, and practitioners about premium payments;
- Process premium-related requests, including requests for refunds and administrative changes;
- Issue past due filing notices and statements of account (premium invoices), as appropriate;
- Make decisions on requests for reconsideration of agency determinations in the premium administration area.

Of course, our dealings with plan administrators, plan sponsors, and pension practitioners go beyond premium collections. Should a defined benefit pension plan terminate, as either a standard or a distress termination, you have dealings with the PBGC to bring the case to closure.

Our Service Pledge

Our customers deserve our best effort as well as our respect and courtesy.

- On the first call from you, our customer, we will say -
 - what we can do immediately and what will take longer,
 - when it will be done, and
 - who will handle your request.
- We will call you if anything changes from what we first said, give you a status report and explain what will happen next.
- We will have staff available from 8:00a.m.-5:00p.m. Eastern Time to answer your calls. If you leave a message, we will return the call within one workday.
- We will acknowledge your letter within one week of receipt.

Survey Results and Service Improvement Efforts

The most recent customer satisfaction surveys of pension professionals tell us we've made refunds and other post-filing matters faster and easier for our customers. We know that to increase satisfaction with PBGC, we will need to continue to speed up and simplify the processes that affect our customers and make our forms and instructions more user-friendly. We are also continuing to clean up historical data in premium accounts to enable us to further improve the accuracy and timeliness of our notices and to get ready for premium e-filing.

Since almost half of all pension plans have an October 15 premium filing deadline, PBGC experiences its peak premium processing season in October through December. Refunds requested during this period will take longer to process due to the increased number of filings received. We continue to seek ways to make our processes more responsive to the needs of the practitioner community.

If you have any questions or complaints, please contact us by telephone, fax, or e-mail at one of the numbers or addresses listed on page ii.

PAPERWORK REDUCTION ACT NOTICE

We need this information to determine the amount of premium due to the PBGC under Title IV of ERISA and to monitor single-employer plans' compliance with the Participant Notice requirement in ERISA section 4011 and 29 CFR Part 4011. You are required to give us this information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has approved this collection of information under control number 1212-0009. Confidentiality is that supplied by the Privacy Act and the Freedom of Information Act.

The estimated burden associated with completing and filing Form 1-EZ or Form 1 (and, for single-employer plans that are not exempt from the variable-rate premium, Schedule A) is shown below. The burden estimates are expressed in hours (for filings done in-house) and in dollar cost (for filings contracted out). (The PBGC assumes that 95% of the burden is contracted out.) The burden estimates are averages for the plans in each of the listed categories. These times will vary depending on the circumstances of a given plan.

| PLAN TYPE | AVERAGE BURDEN |
|--|--------------------------|
| <u>Single-Employer Plans</u> | |
| Plans With Under 500 Participants | |
| Exempt from variable-rate premium..... | 1.0 hour or \$275 |
| Not exempt but fully funded..... | 2.0 hours or \$550 |
| Underfunded..... | 4.5 hours or \$1,238 |
| Plans With 500 or More Participants | |
| Exempt from variable-rate premium..... | 1.0 hour or \$275 |
| Not exempt but fully funded..... | 2.0 hours or \$550 |
| Underfunded..... | 5.5 hours or \$1,513 |
| <u>Multiemployer Plans.....</u> | <u>0.5 hour or \$138</u> |

If you have comments concerning the accuracy of these burden estimates or suggestions for making the forms simpler, please send your comments to Pension Benefit Guaranty Corporation, Office of the General Counsel, Suite 340, 1200 K Street, NW, Washington, DC 20005-4026.

Reminder to Single-Employer Plans About Reportable Events

The plan administrator or contributing sponsor may have to notify the PBGC about certain events:

- 20% reduction in active participants
- Failure to make minimum funding payments
- Inability to pay benefits when due
- Excess distributions to a substantial owner within a 12-month period
- Transfer of 3% or more of benefit liabilities outside the controlled group
- Application for minimum funding waiver
- Transaction involving a change in contributing sponsor or controlled group
- Liquidation or dissolution of a contributing sponsor or a controlled group member
- Declaration of an extraordinary dividend or stock redemption
- Loan default
- Bankruptcy, insolvency, or similar settlements with creditors

In most cases, notice is required within 30 days after the plan administrator or contributing sponsor knows or has reason to know that an event has occurred. In certain cases involving privately-held companies or controlled groups whose pension plans have aggregate unfunded vested benefits of more than \$50 million, the contributing sponsor (but not the plan administrator) must notify the PBGC 30 days before the effective date of certain events. See section 4043 of ERISA and PBGC's regulation on Reportable Events and Certain Other Notification Requirements (29 CFR Part 4043). (From time to time, we also publish technical guidance on our Web site, www.pbgc.gov (under "Legal Information & FOIA" - "Laws & Regulations" - "Technical Updates") about reportable events filing obligations.) Failure to give PBGC timely notice may result in assessment of penalties under section 4071 of ERISA.

NOTE: The PBGC provides Form 10 and Form 10-ADV for notifying PBGC that a reportable event has occurred. These forms are available on the PBGC's Web site (www.pbgc.gov) and can be downloaded.

Reminder to Plan Administrators About 2004 Participant Notice Requirement

The plan administrator of a single-employer plan may be required to issue a Participant Notice for the 2004 plan year - informing participants about the plan's funding status and the limits on the PBGC's guarantee of benefits - if a variable-rate premium (VRP) is payable for the 2004 plan year. The PBGC will issue a Technical Update in mid-2004 describing the requirements for the 2004 Participant Notice and reflecting any legislative changes for 2004.

The premium forms for the 2005 plan year (the next plan year) will include a certification about the Participant Notice for the 2004 plan year (this plan year). (This plan year's premium forms include a certification about the Participant Notice for the 2003 plan year.)

The 2004 Participant Notice is due two months after the due date for the 2003 Form 5500 series, including extensions. Thus, the 2004 Participant Notice is due during the 2004 plan year. For calendar year plans, the 2004 Participant Notice must be given by October 4, 2004, if the 2003 Form 5500 due date is August 2, 2004; by November 15, 2004, if the 2003 Form 5500 due date is September 15, 2004; or by December 15, 2004, if the 2003 Form 5500 due date is October 15, 2004. (Due dates that fall on a weekend or Federal holiday are extended to the next business day.)

EXEMPTIONS: A plan that meets the Deficit Reduction Contribution (DRC) Exception Test for the 2003 plan year or for the 2004 plan year is exempt from having to provide a Participant Notice for the 2004 plan year. Most new and newly-covered plans are also exempt from the Participant Notice requirement.

For more information about the Participant Notice requirement, including information about the DRC Exception Test, see section 4011 of ERISA, the PBGC's regulation on Disclosure to Participants (29 CFR Part 4011), and the PBGC's Technical Update on the 2004 Participant Notice (to be issued in mid-2004). The Technical Update will include a worksheet to help plan administrators determine whether they must issue the 2004 Participant Notice. (Note that although the worksheet does not use the term "DRC Exception Test," it incorporates the requirements of that test.)

The PBGC's regulations are available on the PBGC's Web site, www.pbgc.gov, under "Legal Information & FOIA" - "Laws & Regulations." The PBGC's Technical Updates are available on the PBGC's Web site under "Legal Information & FOIA" - "Laws & Regulations" - "Technical Updates."

Help Us Post Your Premium Filings Promptly And Accurately

- A. Submit Only One Payment with One Filing.** Do NOT combine the premiums for two or more plans into one payment.
- B. Include EIN/PN and PYC on all Payments and Correspondence.**
- C. Send Premium Filings Only to the Premium Filing Addresses** in item 2. under CONTACTS, p. ii.
- D. Send Other Correspondence to the Correspondence Addresses** in item 3. under CONTACTS, p. ii.
- E. Notify PBGC of EIN/PN Changes.** The best way to tell us about this change is on your premium form, which includes space for this information.

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Part A INTRODUCTION AND DEFINITIONS

1. What's New

This 2004-R Premium Payment Package reflects changes brought about by the Pension Funding Equity Act of 2004 (PFEA), which was signed into law by the President on April 10, 2004, after the distribution of the 2004 Premium Payment Package. PFEA changes the rules for determining the Required Interest Rate for a premium payment year beginning in 2004 or 2005. Under the new law, for a premium payment year beginning in 2004 or 2005, the Required Interest Rate is 85 percent of the annual rate of interest determined by the Secretary of the Treasury on amounts invested conservatively in long-term investment-grade corporate bonds for the month preceding the beginning of the plan year for which premiums are being paid. Accordingly, this 2004-R instruction booklet includes a revised definition of "Required Interest Rate" (A.7., p. 5). In addition, the CAUTION note regarding pending legislation in the "Reminder to Plan Administrators About 2004 Participant Notice Requirement" (p. v) in the original 2004 instruction booklet has been removed. (We also clarified the due dates on that page for the 2004 Participant Notice.) PFEA did not result in changes to the Form 1, Schedule A, or the Form 1-EZ, so the forms enclosed in the previously distributed 2004 Premium Payment Package may be filed.

Besides the changes described above, the only difference between this 2004-R instruction booklet and the original 2004 instruction booklet reflects the fact that the new electronic premium filing and payment system called "My Plan Administration Account" ("MyPAA") was introduced in February 2004. MyPAA is accessible through the PBGC's web site (www.pbgc.gov). Plan administrators and other plan professionals who choose to use MyPAA can coordinate the electronic preparation, signing, and submission of premium filings without the need for sending paper forms back and forth between

consultants and plan officials. MyPAA makes it possible to deliver premium filings to the PBGC instantaneously with the click of a mouse and get an immediate filing receipt. Our web site provides information about how to file premiums using MyPAA.

We have recently changed the rules for filing with us. See "When to File" (B.2.e., p. 10) for more information. Under the new rules, your filing date will generally be the date you send your filing.

If you make an amended premium filing that shows an overpayment of more than \$500, attach a statement explaining the specific circumstances or events that caused the overpayment and made the amended filing necessary. See B.6.d., p. 15, for more information.

When providing refund payment instructions, please keep in mind that not all banks accept Automated Clearing House (ACH) or electronic funds transfers.

Remember that your premium forms must be signed and dated. Failure to sign and date your filing can delay processing of your filing (including any refund that may be due). Processing can also be delayed if you fail to submit a separate payment for each plan. Please do not combine payments for two or more plans in one check or electronic funds transfer.

We also remind you not to place correspondence in the envelope with your premium forms. The forms are processed electronically, and correspondence placed in the same envelope may be significantly delayed in reaching its intended destination. Use the address in item 3. under "CONTACTS," p. ii, to send us correspondence other than your premium filing.

In addition, your filing should be sent **without** a cover letter. If you need to submit additional information with your filing, it should be in an attachment (and you should check the attachment box in item 18 of Form 1-EZ or Form 1).

2. Introduction

PBGC premium forms are used to pay premiums to the Pension Benefit Guaranty Corporation (PBGC) as required by sections 4006 and 4007 of the Employee Retirement Income Security Act, as amended (ERISA), and the PBGC's premium regulations (29 CFR Parts 4006 and 4007). There are two kinds of premiums: the flat-rate premium, which applies to all plans, and the variable-rate premium, which applies only to single-employer plans.

Every plan must file Form 1 or Form 1-EZ, whichever applies to the plan. Some plans must also file Schedule A with Form 1. These three forms are included

in this booklet. The table on page 11 shows which form(s) to file, and the instructions in this booklet tell how to complete Form 1, Form 1-EZ, and Schedule A and how to pay the premium due. In addition, some large plans must also file Form 1-ES, which is issued in a separate booklet.

Your premium filing will be considered improper if it is not made in accordance with the premium regulations and the instructions on the form(s) and in this booklet, if it is not accompanied by the required premium payment, or if it is otherwise incomplete.

Subparts 3 through 9 of this Part A tell you the definitions of special terms that are used in these instructions.

Part A.3 Definitions Relating to Laws

3. Definitions Relating to Laws

“**ERISA**” means the Employee Retirement Income Security Act of 1974, as amended (29 U.S.C. 1001 et seq.).

“**Code**” means the Internal Revenue Code of 1986, as amended.

4. Definitions Relating to Parties

“**We**” or “**us**” refers to the Pension Benefit Guaranty Corporation.

“**You**” or “**your**” refers to the administrator of a pension plan.

5. Definitions Relating to Forms and Identifying Numbers

“**Form 1**” means the Annual Premium Payment Form 1 issued by the PBGC and includes, for single-employer plans, the Schedule A.

“**Form 1-EZ**” means the Annual Premium Payment Form 1-EZ for Single-Employer Plans Exempt from the Variable-rate Premium, issued by the PBGC.

“**Form 1-ES**” means the Estimated Premium Payment Form 1-ES issued by the PBGC (in a separate booklet) for estimating the flat-rate premium for certain large single-employer plans and the total premium for certain large multiemployer plans.

“**Schedule A**” means the schedule to the Form 1 that is used by single-employer plans that are not exempt from the variable-rate premium to report unfunded vested benefits and compute the variable-rate premium.

“**Form 5500 series**” means Form 5500, Annual

6. Definitions Relating to Dates

“**Premium payment year**” means the plan year for which the premium is being paid.

“**Premium Snapshot Date**” means the last day of the plan year preceding the premium payment year (e.g., 12/31/2003 for a calendar year plan’s 2004 premium payment year) except as follows:

a. For a new plan or newly covered plan, the premium snapshot date is the first day of the premium payment year, or the first day the plan became effective

“**Premium regulations**” means the PBGC’s regulations on Premium Rates and Payment of Premiums (29 CFR Parts 4006 and 4007). The premium forms and instructions are issued under and implement the premium regulations.

“**Plan sponsor**” means the employer(s), employee organization, association, committee, joint board of trustees, or other entity that maintains a plan.

“**Plan administrator**” means:

- a. the person specifically so designated by the terms of the instrument under which the plan is operated; or
- b. if an administrator is not so designated, the plan sponsor.

Return/Report of Employee Benefit Plan, jointly developed by the Internal Revenue Service, the Department of Labor, and the PBGC. (Copies of this form may be obtained from the Internal Revenue Service or the Department of Labor.)

“**Schedule B**” means Schedule B to the Form 5500 series.

“**EIN**” means Employer Identification Number. It is always a 9-digit number assigned by the Internal Revenue Service for tax purposes.

“**PN**” means Plan Number. This is always a 3-digit number. The plan sponsor assigns this number to distinguish among employee benefit plans established or maintained by the same plan sponsor. A plan sponsor usually starts numbering pension plans at “001” and uses consecutive Plan Numbers for each additional plan. Once a PN is assigned, always use it to identify the same plan. If a plan is terminated, retire the PN - do not use it for another plan.

for benefit accruals for future service, if that is later. (If a newly created plan covered under section 4021 of ERISA is adopted retroactively (*i.e.*, the adoption date of the plan is after its effective date), either the adoption date or the effective date may be used as the premium snapshot date. However, whatever date is used as the premium snapshot date must also be considered the first day of the plan year for purposes of prorating the premium (if you prorate) and for purposes of determining the premium due date. Thus, if you determine the plan’s Final Filing Due Date as the 15th day of the 10th full calendar month that begins on or after the first day of the premium payment

year (*i.e.*, under B.2.b.(i), p. 8), you must use the first day of the premium payment year as the premium snapshot date. Similarly, if you prorate the plan's first-year premium, you must use the premium snapshot date as the first day of the plan year (see B.5., p. 13.)

b. If the plan is the transferee plan in a merger or the transferor plan in a spinoff to a new plan and the transaction meets the conditions described in (i) and (ii) below, the premium snapshot date is the first day of the premium payment year. A plan merger or spinoff (as defined in the regulations under section 414(l) of the Code) is covered by this rule if

- (i) a merger is effective on the first day of the transferee (the continuing) plan's plan year, or a spinoff is effective on the first day of the transferor plan's plan year, and
- (ii) the merger or spinoff is not *de minimis*, as defined in the regulations under section 414(l) of the Code with respect to single-employer plans, or in the PBGC's regulation under ERISA section 4231 (29 CFR Part 4231) with respect to multiemployer plans.

The following examples illustrate the determination of the premium snapshot date. Examples 1 and 2 illustrate the usual rule (where the premium snapshot date is the last day of the plan year preceding the premium payment year). Examples 3 and 4 illustrate the situation for a new plan (where the premium snapshot date is the first day of the premium payment year, or the first day the plan became effective for benefit accruals for future service, if that is later). Examples 5 and 6 illustrate the situation for plans involved in certain mergers and spinoffs (where the premium snapshot date is the first day of the premium payment year).

Example 1 An ongoing plan has a plan year beginning September 1, 2004, and ending August 31, 2005. The premium snapshot date is August 31, 2004.

Example 2 An ongoing plan changes its plan year from a calendar year to a plan year that begins June 1, effective June 1, 2004. For the plan year beginning January 1, 2004, the premium snapshot date is December 31, 2003. For the plan year beginning June 1, 2004, the premium snapshot date is May 31, 2004.

Example 3 A new calendar-year plan is adopted December 10, 2003, effective January 1, 2004. The premium snapshot date is January 1, 2004.

Example 4 A new calendar-year plan is adopted February 18, 2004, retroactively effective as of January 1, 2004. The plan administrator may select either January 1

or February 18, 2004, as the premium snapshot date; the date selected must also be used for purposes of prorating the premium for the plan's first year.

Example 5 Plan A has a calendar plan year and Plan B has a July 1 - June 30 plan year. Effective January 1, 2004, Plan B merges into Plan A (and the merger is not *de minimis*). Plan A's premium snapshot date is January 1, 2004. (Since Plan B did not exist at any time during 2004, it does not owe a premium for the 2004 plan year.)

Example 6 Plan A has a calendar plan year. Effective January 1, 2004, Plan A spins off assets and liabilities to form a new plan, Plan B (and the spinoff is not *de minimis*). Plan A's premium snapshot date is January 1, 2004. (Plan B's premium snapshot date also is January 1, 2004, since it is a new plan that became effective on that date.)

“**First Filing Due Date**” means the date by which the flat-rate premium must be paid by a plan whose participant count for the prior year was 500 or more. For most plans, it is the last day of the 2nd full calendar month following the close of the preceding plan year (the last day of February for calendar-year plans). A different rule applies for plans changing plan years. For more details, see B.2.a. (p. 8) and B.2.c. (p. 9).

“**Final Filing Due Date**” means the date by which:

- a. Flat-rate premiums must be paid by plans to which the First Filing Due Date doesn't apply,
- b. Variable-rate premiums must be paid by all single-employer plans, and
- c. Flat-rate reconciliation filings (if necessary) must be made by plans to which the First Filing Due Date applies.

For most plans, the Final Filing Due Date is the 15th day of the 10th full calendar month following the end of the plan year preceding the premium payment year (October 15 for calendar-year plans). Different rules apply for plans filing for the first time or changing plan years. For more details, see B.2.a. (p. 8), B.2.b. (p. 8), and B.2.c. (p. 9).

“**Filing Due Date**” means either the First Filing Due Date or the Final Filing Due Date.

7. Definitions Relating to Premium Computations

“**Flat-rate premium**” means the portion of the premium determined by multiplying the flat-rate premium charge by the number of participants in the plan on the premium snapshot date. The per-participant flat-rate charge for plan years beginning in 2004 is \$19 for single-employer plans and \$2.60 for multiemployer plans.

“**Variable-rate premium**” means the portion of the single-employer premium based on a plan’s unfunded vested benefits. The variable-rate premium for plan years beginning in 2004 is \$9 for every \$1,000 (or fraction thereof) of unfunded vested benefits.

“**Participant**” in a plan means an individual (whether active, inactive, retired, or deceased) with respect to whom the plan has benefit liabilities.

a. *Benefit liabilities* are all liabilities with respect to employees and their beneficiaries under the plan (within the meaning of Code section 401(a)(2)). Thus, benefit liabilities include liabilities for all accrued benefits, whether or not vested. In addition, a plan’s benefit liabilities include liabilities for ancillary benefits not directly related to retirement benefits, such as disability benefits not in excess of the qualified disability benefit, life insurance benefits payable as a lump sum, incidental death benefits, or current life insurance protection. (See Treasury Regulation § 1.411(a)-7(a)(1)(ii).)

b. An individual is not counted as a participant after all benefit liabilities with respect to the individual are distributed through the purchase of irrevocable commitments from an insurer or otherwise. In addition, a non-vested individual is not counted as a participant after (1) a deemed “zero-dollar cashout,” (2) a one-year break in service under plan rules, or (3) death.

i. *Cashouts*. If the plan has a separate cashout provision for zero benefits, terminated non-vested participants are deemed to be cashed out as of the date specified in the deemed cashout provision or, if no date is specified, as of the employment termination date. If the plan provides that zero benefit amounts will be deemed to be paid as soon as possible, terminated non-vested participants also will be deemed to be cashed out as of the employment termination date.

If the plan does not have a separate cashout provision for zero benefits but does have a mandatory cashout of small benefit amounts (e.g., benefits less than \$5,000), terminated non-vested participants are deemed to be cashed out in the same manner as terminated vested participants. If the plan is silent as to the timing of actual cashouts of terminated vested participants, the plan is deemed to read “as soon as practicable” and the

terminated non-vested participants are deemed to be cashed out immediately upon termination of employment. If the plan specifies a date as of which actual cashouts of terminated vested participants take place (e.g., on the first day of the next month), that rule also would apply to deemed cashouts of terminated non-vested participants. These rules do not apply if, despite plan language, the plan has an obvious pattern or practice of delaying distributions for long periods of time.

For example, suppose a calendar-year plan provides that if a participant terminates employment and the participant’s vested benefit has a value of less than \$5,000, the plan will pay the vested benefit to the participant in a lump sum as of the first of the month following termination of employment. Suppose further that no plan provisions specifically address payment of benefits upon termination of employment by non-vested participants. If a participant with a non-vested accrued benefit terminates employment on December 15, 2003, the participant will be included in the participant count as of December 31, 2003 (because the cashout is deemed to occur on January 1, 2004, the first of the month following termination of employment). If, as is typically the case for a calendar year plan, the plan’s premium snapshot date for 2004 is December 31, 2003, a flat-rate premium must be paid for this participant for 2004.

ii. *Breaks in service*. A terminated non-vested individual ceases to be a participant for premium purposes when the individual incurs a one-year break in service under the plan, regardless of the length of the individual’s absence from employment. For example, suppose that a calendar-year plan provides that a participant who performs 500 or fewer hours of service in a service computation period incurs a one-year break in service for that computation period. An individual might incur a one-year break in service under the plan before December 31, 2003 (the premium snapshot date for the 2004 premium) if the individual left employment on February 1, 2003, and did not perform more than 500 hours of service during a computation period ending on November 30, 2003, even though December 31, 2003, comes before the first anniversary of the individual’s separation from employment. This individual would not be included in the participant count for 2004.

If a non-vested individual incurs a break in service in a service computation period that coincides with the plan year preceding the premium payment year, we treat the individual as not being a participant for purposes of determining the premium for the premium payment year. For example, suppose a calendar-year hours-of-service plan requires more than 500 hours of service in a service computation period to avoid a break in service, and a non-vested participant in the plan earns 440 hours of

service in the service computation period ending December 31, 2003. The PBGC would treat the individual as not being a participant for purposes of the plan's 2004 premium. (For more detail, see the amendment to the premium regulations' definition of "participant," published in the Federal Register on December 1, 2000, at 65 FR 75160.)

"Significant Event" means any of the following events:

- (1) an increase in the plan's actuarial costs (consisting of the plan's normal cost under section 412(b)(2)(A) of the Code, amortization charges under section 412(b)(2)(B) of the Code, and amortization credits under section 412(b)(3)(B) of the Code) attributable to a plan amendment, unless the cost increase attributable to the amendment is less than 5% of the actuarial costs determined without regard to the amendment;
- (2) the extension of coverage under the plan to a new group of employees resulting in an increase of 5% or more in the plan's liability for accrued benefits;
- (3) a plan merger, consolidation, or spinoff that is not *de minimis* pursuant to the regulations under section 414(l) of the Code;
- (4) the shutdown of any facility, plant, store, etc., that creates immediate eligibility for benefits that would not otherwise be immediately payable for participants separating from service;
- (5) the offer by the plan for a temporary period to permit participants to retire at benefit levels greater than that to which they would otherwise be entitled;
- (6) a cost-of-living increase for retirees resulting in an increase of 5% or more in the plan's liability for accrued benefits; and
- (7) any other event or trend that results in a material increase in the value of unfunded vested benefits.

"Required Interest Rate" **Required Interest Rate** for a premium payment year beginning in 2004 or 2005 is the "applicable percentage" (currently 85 percent) of the annual rate of interest determined by the Secretary of the Treasury on amounts invested conservatively in long-term investment-grade corporate bonds for the calendar month preceding the calendar month in which the premium payment year begins.

Note: Section 4006(a)(3)(E)(iii) states that the Required Interest Rate is the "applicable percentage" of the annual yield on 30-year Treasury securities for the calendar month preceding the calendar month in which the premium payment year begins. However, the Pension Funding Equity Act of 2004 temporarily changes the Required Interest Rate for a premium payment year

beginning in 2004 or 2005 by substituting, for the annual yield on 30-year Treasury securities, the annual rate of interest determined by the Secretary of the Treasury on amounts invested conservatively in long-term investment-grade corporate bonds. (The provisions of the Job Creation and Worker Assistance Act of 2002 that had temporarily increased the Required Interest Rate to be used to determine the PBGC's variable-rate premium from 85 percent of the annual yield on 30-year Treasury securities to 100 percent of that yield figure expired at the end of 2003.)

On or about the 15th of each month, the PBGC publishes in the Federal Register a list of the Required Interest Rates for the preceding 12 months. In addition, for your convenience, the Required Interest Rate is posted on the PBGC's web site. The Required Interest Rate also can be obtained by calling (202) 326-4041.

Part A.8 Definitions Relating to Plan Types

8. Definitions Relating to Plan Types

For purposes of determining whether a plan is a multiemployer plan or a single-employer plan, all trades or businesses (whether or not incorporated) that are under common control are considered to be one employer.

“**Multiemployer plan**” means a plan -

- a. to which more than one employer is required to contribute,
- b. which is maintained pursuant to one or more collective bargaining agreements between one or more employee organizations and more than one employer, and
- c. which satisfies such other requirements as the Secretary of Labor may prescribe by regulation.

(The above definition does not apply to a plan that elected on or before September 26, 1981, with PBGC’s

approval, not to be treated as a multiemployer plan (see ERISA section 4303). Such a plan is treated as a single-employer plan.)

“**Single-employer plan**” means any plan that does not meet the above definition of multiemployer plan. A single-employer plan includes a “multiple employer” plan.

“**Multiple employer plan**” means a plan -

- a. to which more than one employer contributes, and
- b. that does not satisfy the definition of multiemployer plan, or that elected on or before September 26, 1981, with PBGC’s approval, not to be treated as a multiemployer plan (see ERISA section 4303).

9. Definitions Relating to Plan Transactions

Plan “**mergers**” and plan “**consolidations**” are transactions in which one or more transferor plans transfer all of their assets and liabilities to a transferee plan and disappear (because they become part of the transferee plan). However, there are important differences between the two kinds of transactions. In a merger, the transferee plan is one that existed before the transaction. In a consolidation, the transferee plan is a new plan that is created in the consolidation. Thus, the plan that exists after a consolidation follows the premium filing rules for new plans. In particular, it need not make an early premium payment with Form 1-ES (no matter how many participants any of the transferor plans had for the prior year(s)) and its filing due date is subject to the special rules for new plans. On the other hand, the transferee plan in a merger follows the normal rules for preexisting, ongoing plans.

In a “**spinoff**,” the transferor plan transfers only part of its assets and/or liabilities to the transferee plan. The transferee plan may be a new plan that is created in the spinoff, or it may be a preexisting plan that simply receives part of the assets and/or liabilities of the transferor plan.

Part B ABCs OF PREMIUM FILING

1. Who Must File

a. All Covered Plans Must File

The plan administrator of each single-employer plan and multiemployer plan covered under section 4021 of ERISA is required annually to file the prescribed premium form(s) and pay the premium due. Most private-sector defined benefit plans that meet tax qualification requirements are covered. If you are uncertain whether your plan is covered under section 4021, you should promptly request a coverage determination. Contact us as described in item 5. under “CONTACTS” on p. ii.

A request for a coverage determination does not extend the due date for any premium that is finally determined to be due. If we determine that the plan is not a covered plan, we will review the plan’s premium payments to determine whether any refunds may be made.

It is the responsibility of the plan administrator to obtain and complete the applicable premium forms and make the premium payment each year.

If your plan is covered under section 4021 of ERISA, you must make a premium filing even if no premium is owed. This may happen if your plan is a new plan that grants no past service credits, so that there are no benefit liabilities on the premium snapshot date. (A plan with no benefit liabilities has no participants for premium purposes (see the instructions for item 13 of Form 1-EZ (p. 23) or Form 1 (p. 29)) and no unfunded vested benefits.) The premium filing certifies that there are no participants and that no premium is owed.

b. One Plan, Or More Than One?

If several unrelated employers participate in a program of benefits wherein the funds attributable to each employer are available to pay benefits to all participants, then there is a single multiple-employer plan and the plan administrator must file a Form 1 or Form 1-EZ (and, if applicable, Form 1-ES) and pay a premium for the plan as a whole. Separate filings and premiums cannot be submitted for each individual employer.

If several employers participate in a program of benefits wherein the funds attributable to each employer are available only to pay benefits to that employer’s employees, then there are several plans (one for each employer) and the plan administrator must file a separate Form 1 or Form 1-EZ (and, if applicable, Form 1-ES) and pay a separate premium for the plan of each individual employer.

If separate plans are maintained for different groups

of employees, regardless of whether each has the same sponsor or the sponsors are part of the same controlled group, then the plan administrator(s) must file a separate Form 1 or Form 1-EZ (and, if applicable, Form 1-ES) and pay a separate premium for each plan.

c. When Filing Obligation Ceases

You must continue to file premium forms and pay premiums through and including the plan year in which any of the following occurs:

i. Plan assets are distributed in satisfaction of all benefit liabilities pursuant to the plan’s termination. (For rules on exemption from the variable-rate premium for terminating plans that have not yet distributed assets, see Part C, item 12(d), p. 22.)

ii. A trustee is appointed for the plan under ERISA section 4042.

iii. The plan disappears by transferring all its assets and liabilities to one or more other plans in a merger or consolidation.

iv. The plan ceases to be a covered plan under section 4021 of ERISA. If this happens, notify us promptly to let us know that we should not expect further premium filings for your plan.

If a plan terminates and a new plan is established, premiums are due for the terminated plan as described above, and premiums are also due for the new plan from the first day of its first plan year (see B.2.b., p. 8).

Example 1 A calendar year plan terminates in a standard termination with a termination date of September 30, 2003. On April 7, 2004, assets are distributed in satisfaction of all benefit liabilities. Since the terminating plan is undergoing a standard termination, no trusteeship is involved. The plan administrator must file and make the premium payments due for the 2003 and 2004 plan years. (The 2004 premium may be prorated. See B.5., p. 13.)

Example 2 A plan with a plan year beginning July 1 and ending June 30 terminates in a distress termination with a termination date of April 28, 2004. On July 7, 2004, a trustee is appointed to administer the plan under ERISA section 4042. Premium forms and payments must be filed for this plan for both the 2003 and 2004 plan years, because a trustee was not appointed until after the beginning of the 2004 plan year. (The 2004 premium may be prorated. See B.5., p. 13.)

2. When to File

NOTE: For disaster relief, see the instructions for the disaster relief check boxes on Form 1-EZ (p. 19) and Form 1 (p. 26).

a. Filing Dates For Most Plans

There are two Filing Due Dates - the First Filing Due Date and the Final Filing Due Date.

For most plans:

- i. The **“First Filing Due Date”** is the last day of the 2nd full calendar month following the close of the preceding plan year (*e.g.*, the last day of February for calendar-year plans), and
- ii. The **“Final Filing Due Date”** is the 15th day of the 10th full calendar month following the end of the plan year preceding the premium payment year (*e.g.*, October 15 for calendar-year plans).

There are special due date rules for plans filing for the first time (see B.2.b., p. 8) and plans changing plan years (see B.2.c., p. 9).

The First Filing Due Date applies only to the flat-rate premium filings for certain large plans. Whether you need to make a flat-rate premium filing and payment by the First Filing Due Date depends on the number of plan participants for whom you were required to pay premiums for the plan year preceding the premium payment year (*i.e.*, for 2004 premiums, the 2003 participant count).

Plans that were required to pay premiums for 500 or more participants for the preceding plan year must file a Form 1-ES by the First Filing Due Date and a Form 1-EZ or Form 1 by the Final Filing Due Date. For single-employer plans, only the flat-rate premium is due by the First Filing Due Date; the variable-rate premium is due by the Final Filing Due Date. For multiemployer plans (which pay only the flat-rate premium), the entire premium is due by the First Filing Due Date.

Example A new calendar-year plan was adopted and effective on January 1, 2003, and had 650 participants on that date. Since the plan was not required to pay premiums for 2002 (because it was not in existence then), it was not required to pay its 2003 flat-rate premium by the First Filing Due Date in 2003 (February 28, 2003). It was required to pay its 2003 flat-rate and variable-rate premiums by the 2003 Final Filing Due Date (October 15, 2003). As a new plan, its 2003 premium snapshot date was January 1, 2003 (the first day of the plan year). The 2003 flat-rate premium was based on a participant count of 650 as of January 1, 2003.

The number of participants decreases during 2003, and the participant count on December 31, 2003, is 450.

For 2004, the participant count (450) is determined as of December 31, 2003, the plan’s 2004 premium snapshot date. The plan must pay a flat-rate premium for 450 participants by the First Filing Due Date (March 1, 2004) because it was required to pay premiums for 650 participants for the preceding year (2003), determined as of January 1, 2003, its 2003 premium snapshot date.

Plans required to pay premiums for fewer than 500 participants for the preceding year are required to file the Form 1-EZ or Form 1 and pay the entire premium due by the Final Filing Due Date.

The following table shows the Filing Due Dates for most plans for the 2004 premium payment year.

| Premium Payment Year Begins | 2004 Filing Due Dates | |
|-----------------------------|-----------------------------------|--|
| | First Filing Due Date (Form 1-ES) | Final Filing Due Date (Form 1 and Form 1-EZ) |
| 01/01/2004 | 03/01/2004* | 10/15/2004 |
| 01/02 - 02/01/2004 | 03/31/2004 | 11/15/2004 |
| 02/02 - 03/01/2004 | 04/30/2004 | 12/15/2004 |
| 03/02 - 04/01/2004 | 06/01/2004* | 01/18/2005* |
| 04/02 - 05/01/2004 | 06/30/2004 | 02/15/2005 |
| 05/02 - 06/01/2004 | 08/02/2004* | 03/15/2005 |
| 06/02 - 07/01/2004 | 08/31/2004 | 04/15/2005 |
| 07/02 - 08/01/2004 | 09/30/2004 | 05/16/2005* |
| 08/02 - 09/01/2004 | 11/01/2004* | 06/15/2005 |
| 09/02 - 10/01/2004 | 11/30/2004 | 07/15/2005 |
| 10/02 - 11/01/2004 | 12/31/2004 | 08/15/2005 |
| 11/02 - 12/01/2004 | 01/31/2005 | 09/15/2005 |
| 12/02 - 12/31/2004 | 02/28/2005 | 10/17/2005* |

** NOTE: If your filing is not made by this date, penalty and interest will be calculated from the last day of the month (for Form 1-ES) or the 15th of the month (for Form 1-EZ or Form 1) rather than the following business day -- e.g., from Sunday 05/15/2005 rather than Monday 05/16/2005, or from Saturday 7/31/2004 rather than Monday 8/2/2004.*

b. Plans Filing For The First Time

New and newly covered plans are not required to pay an estimated premium by a First Filing Due Date.

For a plan filing for the first time, the **“Final Filing Due Date”** is the latest of the following dates:

- (i) The 15th day of the 10th full calendar month that begins on or after the first day of the premium payment year,
- (ii) The 15th day of the 10th full calendar month that begins on or after the day on which the plan became

effective for benefit accruals for future service,

- (iii) 90 days after the date of the plan's adoption, or
- (iv) 90 days after the date on which the plan became covered under ERISA section 4021.

If the adoption date of a newly created plan covered under section 4021 of ERISA is after its effective date (*i.e.*, the plan is adopted retroactively), the first day of the premium payment year that you use for purposes of paragraph (i) above must also be used as the premium snapshot date.

The following examples show how the definition of the Final Filing Due Date works for plans filing for the first time.

Example 1 A new plan has a calendar plan year. The plan was adopted October 1, 2003, and became effective for benefit accruals January 1, 2004. The Final Filing Due Date for the 2004 plan year is October 15, 2004.

Example 2 A new plan is adopted on December 1, 2004, and has a July 1 - June 30 plan year. The plan became effective for benefit accruals for future service on December 1, 2004. The Final Filing Due Date for the plan's first year, December 1, 2004, through June 30, 2005, is September 15, 2005. (The 2004 premium may be prorated. See B.5., p. 13.)

Example 3 A newly created plan covered under section 4021 of ERISA has a calendar plan year. The plan was adopted on September 14, 2004, with a retroactive effective date of January 1, 2004. If the plan administrator elects to use January 1, 2004, as the premium snapshot date, the Final Filing Due Date for the 2004 plan year is December 13, 2004 (90 days after the date of the plan's adoption). If the plan administrator elects to use September 14, 2004, as the premium snapshot date, the Final Filing Due Date for the 2004 plan year is July 15, 2005 (the 15th day of the tenth full calendar month that begins on or after September 14, 2004, the first day of the premium payment year). (If September 14, 2004, is used as the first day of the premium payment year, the premium for the short plan year may be prorated. See B.5., p. 13.)

Example 4 A professional service employer maintains a plan with a calendar plan year. If this type of plan has never had more than 25 active participants since September 2, 1974, it is not a covered plan under ERISA section 4021. On October 15, 2004, the plan, which always had 25 or fewer active participants, has 26 active participants. It is now a covered plan and will continue to be a covered plan regardless of how many active participants the plan has in the future. The Final Filing

Due Date for the 2004 plan year is January 13, 2005, 90 days after the date on which the plan became covered. (The premium for the short plan year may be prorated. See B.5., p. 13.)

c. Plans Changing Plan Years

For a plan that changes its plan year, the Filing Due Dates for the short year are unaffected by the change in plan year. For the first plan year under the new plan year cycle:

(i) The "**First Filing Due Date**" is the later of the last day of the 2nd full calendar month following the close of the preceding plan year or 30 days following the date on which a plan amendment changing the plan year was adopted, and

(ii) The "**Final Filing Due Date**" is the later of the 15th day of the 10th full calendar month following the end of the plan year preceding the premium payment year, or 30 days after the date on which a plan amendment was adopted changing the plan year.

The following examples show how the definition of the Final Filing Due Date works for plans changing plan years.

Example 1 By plan amendment adopted on December 1, 2003, a plan changes from a plan year beginning January 1 to a plan year beginning June 1. This results in a short plan year beginning January 1, 2004, and ending May 31, 2004. The plan always has fewer than 500 participants. The Final Filing Due Date for the short plan year is October 15, 2004. The Final Filing Due Date for the new plan year beginning on June 1, 2004, is March 15, 2005. (The premium for the short plan year may be prorated. See B.5., p. 13.)

Example 2 By plan amendment adopted on January 3, 2005, and made retroactively effective to April 1, 2004, a plan changes from a plan year beginning on March 1 to a plan year beginning on April 1. The plan always has fewer than 500 participants. The Final Filing Due Date for the short plan year that began on March 1, 2004, is December 15, 2004. The Final Filing Due Date for the new plan year, which began April 1, 2004, is February 2, 2005, 30 days after the adoption of the plan amendment changing the plan year. (The premium for the short plan year may be prorated. See B.5., p. 13.)

Example 3 By plan amendment adopted on July 5, 2004, and made retroactively effective to May 1, 2004, a plan changes from a plan year beginning February 1 to a plan year beginning May 1. The plan always has 500 or more participants. The First Filing Due Date for the short

Part B.2 When to File

plan year is March 31, 2004, and the Final Filing Due Date is November 15, 2004. The First Filing Due Date for the new plan year, which began May 1, 2004, is August 4, 2004, which is the later of the end of the second full calendar month after the close of the short plan year or 30 days after adoption of the plan amendment. The Final Filing Due Date is February 15, 2005. (The premium for the short plan year may be prorated. See B.5, p. 13.)

d. Saturday, Sunday, And Federal Holiday

i. Filing Due Dates. In computing any period of time described in the premium regulations and these instructions, the day of the event or default from which the period of time begins to run is not counted. The last day of the period is counted, unless it falls on a Saturday, Sunday or Federal holiday, in which case the period runs until the end of the next day which is not a Saturday, Sunday, or Federal holiday.

Example Plans with plan years beginning on August 1, 2004, normally would have a Final Filing Due Date of May 15, 2005. Because that day is a Sunday, the due date is Monday, May 16, 2005.

ii. Interest and Penalty Charges. When computing late payment interest and penalty charges, Saturdays, Sundays, and Federal holidays are included.

e. Filing rules

We have recently changed the rules for filing with us. See 68 FR 61344 (10/28/03), available on the PBGC's Web site, www.pbgc.gov. You may file your Form 1-EZ or Form 1 and make your premium payment (if by check, with your premium form) by hand, mail, or commercial delivery service. In certain circumstances, you may make your premium filing electronically.

The discussion below describes the new rules for filings other than electronic filings. You can find detailed rules on filing methods and on how we determine your filing date for electronic filings (as well as for other filings) on our Web site. See Part B.4.b.ii. of these instructions for information on electronic funds transfers. See "What's New" (A.1. on page 1) for news about MyPAA, our new electronic premium filing method.

Under the new rules, your filing date will be the date you send your filing, provided you meet certain requirements that are summarized below. If you do not meet these requirements, your filing date is the date we receive your submission. However, if we receive your submission after 5:00 p.m. (our time) on a business day, or anytime on a weekend or Federal holiday, we treat it as received on the next business day. (If you file your

submission by hand, your filing date is the date of receipt of your hand-delivered submission at the proper address.)

Filings by mail. If you file your submission using the U.S. Postal Service, your filing date is the date you mail your submission by the last collection of the day, provided the submission: (1) meets the applicable postal requirements; (2) is properly addressed; and (3) is sent by First-Class Mail (or another class that is at least equivalent). (If you mail the submission after the last collection of the day, or if there is no scheduled collection that day, your filing date is the date of the next scheduled collection.) If you meet these requirements, we make the following presumptions:

Legible postmark date. If your submission has a legible U.S. Postal Service postmark, we presume that the postmark date is the filing date.

Legible private meter date. If your submission has a legible postmark made by a private postage meter (but no legible U.S. Postal Service postmark) and arrives at the proper address by the time reasonably expected, we presume that the metered postmark date is your filing date.

Filings using a commercial delivery service. If you file your submission using a commercial delivery service, your filing date is the date you deposit your submission by the last scheduled collection of the day for the type of delivery you use (such as two-day delivery or overnight delivery) with the commercial delivery service, provided that the submission meets the applicable requirements of the commercial delivery service and is properly addressed, and the delivery service meets one of the requirements listed below. If you deposit it later than that last scheduled collection of the day, or if there is no scheduled collection that day, your filing date is the date of the next scheduled collection. The delivery service must meet one of the following requirements:

Delivery within two days. It must be reasonable to expect your submission will arrive at the proper address by 5:00 p.m. on the second business day after the next scheduled collection; or

Designated delivery service. You must use a "designated delivery service" under section 7502(f) of the Internal Revenue Code (Title 26, USC). Our Web site, www.pbgc.gov, lists those designated delivery services. You should make sure that both the provider and the particular type of delivery (such as two-day delivery) are designated.

f. Relationship Between Form 1-EZ or Form 1 And Form 5500 Series

i. Due Dates. For most plans, the deadline for filing the Form 1-EZ or Form 1 and the Form 5500 series will coincide. This occurs when a corporate plan sponsor

applies for the 2 1/2-month extension for filing its Form 5500. Note: Extensions of time to file the Form 5500 series beyond the Form 1-EZ or Form 1 filing deadline do not extend the Filing Due Dates for the PBGC forms.

Example A calendar year plan has a Final Filing Due Date for the Form 1 of October 15. The corporate plan sponsor applies for the 2 1/2-month Form 5500 extension. This would make the due date for the Form 5500 series (which is normally July 31 for a calendar year plan) also October 15.

ii. Plan Years Covered By Forms. Although the

filing deadlines for the premium forms and for the Form 5500 series typically coincide, and the participant counts for the premium forms and for item 7 of the Form 5500 series are generally determined as of the same date, *i.e.*, the last day of the plan year preceding the year of the filing, there is a critical difference between the two filings. The Form 1-EZ or Form 1 is filed for the current plan year and the Form 5500 series is filed for the previous plan year. (For example, if the plan sponsor of a plan whose plan year begins February 1 applies for the 2 1/2-month extension for filing Form 5500, the 2004 Form 1-EZ or Form 1 and 2003 Form 5500 must be filed by November 15, 2004.)

3. What to File

a. General

You must make your final premium filing by the Final Filing Due Date using the following form(s):

| Type of plan | Form(s) to use |
|--|------------------------|
| Multiemployer plan | Form 1 alone |
| Single-employer plan that claims an exemption from the variable rate premium | Form 1-EZ alone |
| Single-employer plan that does not claim an exemption from the variable-rate premium (even if the variable-rate premium is zero) | Form 1 with Schedule A |

In addition, the flat-rate premium for a plan in any of these three categories must be paid by the First Filing Due Date if the plan had 500 or more participants for the plan year preceding the premium payment year. These filings may be made on an estimated basis using Form 1-ES (issued in a separate booklet). If all the information needed to file Form 1-EZ or Form 1 is known before the First Filing Due Date, you may file a Form 1-EZ or Form 1 instead of a Form 1-ES. If you file a Form 1-ES, you will still be required to file a Form 1-EZ or Form 1 by the Final Filing Due Date.

Plans that were required to report 500 or more participants on their Form 1 for 2003 use the 2004 Form 1-ES, which is issued in a separate booklet, to make initial 2004 payments of the flat-rate premium based on an estimated participant count. These plans use Form 1-EZ or Form 1 to make a subsequent reconciliation filing based on an actual participant count.

b. Cover letters

Your filing should be sent **without** a cover letter. If you need to submit additional information with your filing, it should be in an attachment (and you should check the attachment box in item 18 of Form 1-EZ or Form 1).

c. Exemption From Variable-rate Premium

A single-employer plan may claim an exemption from the variable-rate premium only if it meets the requirements for one of the exemptions described in the instructions for item 12 of Form 1-EZ in Part C. Having a variable-rate premium of zero is not the same as being exempt from the variable-rate premium. To be exempt, the plan must meet the requirements for one of the exemptions. Briefly, the exemptions in item 12 of Form 1-EZ are for:

- i. Plans with no vested participants;
- ii. Section 412(i) plans;
- iii. Fully funded small plans;
- iv. Plans terminating in standard terminations; and
- v. Plans at the full funding limit.

For a more complete description, see the instructions for item 12 of Form 1-EZ in Part C, p. 21.

d. Plans With A Variable-rate Premium Of Zero That Also Qualify For An Exemption

If your plan has a variable-rate premium of zero and also qualifies for an exemption from the variable-rate premium, you may either file Form 1-EZ (claiming the exemption) or file Form 1 and Schedule A (reporting a variable-rate premium of zero). In general, it will be easier to file Form 1-EZ.

(For example, a new plan that has no benefit liabilities on the premium snapshot date will have no unfunded vested benefits and thus will also qualify for the exemption for plans with no vested participants and, if it is a small plan, for the exemption for fully funded small plans.)

Part B.4 Where to File

e. **Where To Obtain Forms**

Forms are included in the Premium Payment Package. You may also use forms downloaded from the PBGC Web site (www.pbgc.gov) or computer-generated forms provided by a vendor that has received PBGC approval for automated (computer-generated) versions of the forms. In addition, for premium payment years beginning after 2001, we will accept photocopies of the forms. The forms you file must have original signatures.

It is your responsibility as plan administrator to obtain the necessary forms and submit filings on time. (You should ensure that you maintain an updated address with the PBGC so that we can mail your next Premium Payment Package to you. See Part C, item 2, or Part D, item 2, and B.6.e., p. 16.)

i. **Premium Payment Package.** We will mail a 2004 Premium Payment Package containing Form 1-EZ, Form 1, and Schedule A, and, as appropriate, a 2004 Estimated Premium Payment Package containing Form 1-ES, to the plan administrator of each plan for which a 2003 Form 1-EZ or Form 1 was filed, unless you have indicated that you do not want forms and instructions sent to you. We mail these packages to the address shown in item 2 of the 2003 Form 1-EZ or Form 1. We mail the Premium Payment Package seven months before the expected Final Filing Due Date, and the Estimated Premium Payment Package two months before the expected First Filing Due Date.

If you are a plan administrator and you do not receive a Premium Payment Package and/or Estimated Premium Payment Package, or if you need extra copies, contact us as described in item 3. under "CONTACTS" on p. ii.

You may also obtain extra copies of the Premium Payment Package and/or Estimated Premium Payment Package and forms from the Employee Benefits Security Administration of the U.S. Department of Labor (see addresses at the end of this Premium Payment Package).

If you are a pension practitioner serving many covered plans, you may wish to receive a bulk shipment of the Premium Payment Package and/or Estimated Premium Payment Package and forms. If so, complete the order

blank at the end of this Premium Payment Package. Check the applicable box on the order blank.

ii. **Computer-Generated Forms.** There are some companies that will provide software that generates PBGC-approved forms. These forms have been given a 6-digit approval number that appears on each form. These forms are acceptable for submission. In addition, you may download premium forms from the PBGC Web site (www.pbgc.gov).

To achieve the best results when printing computer-generated or downloaded forms, use a laser or inkjet printer with resolution of 300 DPI (dots per inch) or higher. Please make sure that you have adequate toner in your printer cartridge. Thermal or dot matrix (9 or 24 pin) printers are not recommended for printing the premium forms. Do not use any printing options, such as "Fit to Page," that may tend to enlarge or reduce the size of the image. Please make sure no part of the form is missing after it is printed. Please also make sure the forms print with the proper number of pages: the Form 1-EZ, Form 1, and Schedule A require two pages each; the Form 1-ES requires one page.

Any vendor requesting approval of automated forms may send a sample to the address in item 9. under "CONTACTS" on p. ii. Include 3 original forms produced by your software and a brief note requesting PBGC review of the forms.

iii. **Forms For Prior Years.** If you are filing for a previous year, you must use the proper year's form(s). To obtain the form(s), you may use the Premium Payment Package Order Form at the end of this package or contact us as described in item 3. under "CONTACTS" on p. ii.

f. **How to Fill Out Forms**

The premium forms are in Optical Character Recognition (OCR) format. This enables PBGC to process your plan information quickly and accurately. The OCR process requires that you print data clearly within the boxes provided on the forms.

ii. **Delivery Service.** Alternatively, if you use a delivery service that does not deliver to a P.O. Box, your premium forms, along with your premium payment (if you pay by check), may be hand-delivered to:
Bank One Regional Lockbox
2500 Westfield Drive
Department 4316, Mail Code: IL 1-6030
Elgin, IL 60123

4. **Where to File**

a. **Where to File Forms.**

i. **Mail Service.** Mail your premium forms with your premium payment (if you pay by check) to:
Pension Benefit Guaranty Corporation
Department 4316
Carol Stream, IL 60122-4316

Do not use this address for any purpose except to mail your premium forms and your premium payment check(s).

- b. Where to Send Payments.
- i. Checks. If you pay by check, write the EIN/PN (from item 3(a) and (b) of Form 1-EZ, Form 1 or Form 1-ES) and the date the premium payment year commenced (PYC) on the check and send the check with your premium forms to the applicable address above.
- ii. Electronic funds transfers. If you pay by electronic funds transfer, make the transfer to:
- Bank One, NA
Chicago, IL

ABA: 071000013
Account: 656510666
Beneficiary: PBGC
Reference: (give plan’s EIN/PN and the date the premium payment year commenced (PYC))

Report the EIN/PN from item 3(a) and (b) of Form 1-EZ, Form 1, or Form 1-ES and the date the premium payment year commenced (PYC), in the payment ID line of the electronic funds transfer in the format “EIN/PN: XX-XXXXXXX/XXX PYC: MM/DD/YY.”

5. Prorating Your Premium

- a. General. You are allowed to pay a prorated premium for certain short plan years:
- a short first year of a new or newly covered plan;
 - a short year created by an amendment that changes the plan year (but note that an amendment is not considered to change the plan year if the plan merges into or consolidates with another plan or otherwise ceases its independent existence either during the short plan year or at the beginning of the full plan year following the short plan year);
 - a short year created by distribution of plan assets pursuant to plan termination; or
 - a short year created by the appointment of a trustee for a single-employer plan under ERISA section 4042.
- The proration is based on the number of full and partial months in the short plan year. Alternatively, you may pay a full year’s premium and either (1) request that the PBGC compute and pay a partial refund or (2) claim a credit in a future premium filing. (No premium proration is allowed where a plan disappears by merger or consolidation into another plan.) The short year need not have ended by the time you pay a prorated premium, but if the plan year turns out to be longer than you anticipated, you will have to make up any premium underpayment (which will be subject to interest and penalties).

Form 1 by the following fraction:

$$\frac{12 \text{ minus number of months in short year}}{12}$$

In determining the numerator of the fraction, any partial month in the short plan year must be counted as a full month. See Note - Counting Months for Proration, below.

If the adoption date of a newly created plan covered under section 4021 of ERISA is after its effective date (*i.e.*, the plan is adopted retroactively), the premium snapshot date you use (*i.e.*, either the adoption date or the effective date) must be used as the first day of the premium payment year for purposes of determining the number of months in the plan’s first year.

(3) Enter the result from step (2) (plus any other available credits) in item 15(b) of Form 1-EZ or Form 1.

(4) Subtracting item 15(c) of Form 1-EZ or Form 1 (which includes the amount in item 15(b)) from item 14 of Form 1-EZ or Form 1 will have the effect of prorating the amount in item 14.

For example, suppose your plan year has been changed by amendment from a calendar year to a year beginning July 15, effective July 15, 2004. Assume that your premium for the plan year beginning January 1, 2004, calculated as if there were no short-year proration, would be \$11,400. This is the amount you would enter in item 14 of Form 1-EZ or Form 1 for the plan year beginning January 1, 2004. If you choose to prorate your premium for that year, you would determine your short-year credit by multiplying \$11,400 by 5/12. (The number of full and partial months in your short year - *i.e.*, January through July of 2004 - is 7, so the numerator of the fraction is 5 - *i.e.*, 12 minus 7.) This gives you a short-year credit of \$4,750 (for the five months of August through December of 2004), which you would enter in item 15(b) of Form 1-EZ or Form 1 for the plan year beginning January 1, 2004. Assuming you have no other credits, you would pay \$6,650 (*i.e.*, \$11,400 minus \$4,750) with the Form 1-EZ or Form 1.

- b. How to prorate the premium yourself. To pay a prorated premium, you first determine the premium without proration, then subtract a credit that brings the premium down to the prorated amount:
- (1) The premium amount you enter in item 14 of Form 1-EZ or Form 1 must be calculated as if there were no short-year proration. If you are using Form 1, refer to the amount in item 14(a) if your plan is a multiemployer plan or to item 14(d) if your plan is a single-employer plan.
- (2) To determine the proration credit for the short plan year, multiply the premium in item 14 of Form 1-EZ or

Part B.5 Prorating Your Premium

Note - Counting Months for Proration

Each “plan month” (*i.e.*, each month in the plan year) generally begins on the same day of successive calendar months. For example, if the plan year begins on July 1, the first day of each successive calendar month is the beginning of a new plan month; similarly, if the plan year begins on January 15, the second plan month begins on February 15, the third plan month on March 15, etc. Thus, if a short final year begins on January 1 and ends on June 1, there would be 6 (full or partial) months in the short year. (The last (partial) month, beginning (and ending) on June 1, would count as a full month for purposes of prorating the premium.) Similarly, if a short first year begins on July 31 and ends on December 31, there would also be six (full or partial) months in the short year.

There are two special rules when a plan year begins at or near the end of a calendar month:

- If the plan year begins on the last day of a calendar month, successive plan months begin on the last day of successive calendar months. For example, if the plan year begins on November 30, successive plan months begin on December 31, January 31, the last day of February (the 28th or 29th), March 31, etc.
- If the plan year begins on the 29th or 30th of a calendar month other than February, the plan month beginning in February begins on the last day of February. For example, if the plan year begins on November 29, successive plan months begin on December 29, January 29, the last day of February (the 28th or 29th), March 29, etc. If the plan year begins on December 30, successive plan months begin on January 30, the last day of February (the 28th or 29th), March 30, April 30, etc.

c. How to request a partial refund. To request a partial refund, write promptly, under separate cover, to the address in item 3.a. or 3.b. under “CONTACTS” on p. ii. Enclose a copy of the Form 1-EZ or Form 1 that you filed. We will calculate the amount of your refund. If you want your refund paid by electronic funds transfer, you must include the bank routing number and account number (and any sub-account number) with your request and indicate whether the account is a checking account or savings account.

d. For proration purposes, the short first year of a new plan is treated as beginning on the premium snapshot date, and the short first year of a newly covered plan is treated as beginning on the date when the plan becomes covered under section 4021 of ERISA.

e. For proration purposes, a terminating plan’s final (short) plan year is treated as ending on -

i. for a multiemployer plan that distributed all its assets pursuant to section 4041A of ERISA, the date the distribution is completed; or

ii. for a single-employer plan, the earlier of the dates described in (1) and (2) below:

(1) the date on which the distribution of the plan’s assets in satisfaction of all benefit liabilities was completed; or

(2) the date that a trustee for the terminating plan was appointed under ERISA section 4042.

f. Examples. The following examples illustrate the proration of premiums.

Example 1 A new plan is adopted on December 1, 2004, and has a July 1 - June 30 plan year. The plan became effective for benefit accruals for future service on December 1, 2004. The plan administrator may prorate the 2004 flat-rate premium and pay for only seven months (December 2004 - June 2005). Alternatively, the plan administrator may pay a full year’s premium and either (1) claim a credit on a later premium filing or (2) request a refund for the period of July - November 2004.

Example 2 By plan amendment adopted on December 1, 2003, a plan changes from a plan year beginning January 1 to a plan year beginning June 1. This results in a short plan year beginning January 1, 2004, and ending May 31, 2004. The plan administrator may prorate the premium for the short plan year and pay for only five months (January - May 2004). Alternatively, the plan administrator may pay a full year’s premium and either (1) claim a credit on a later premium filing or (2) request a refund for the period of June - December 2004.

Example 3 On October 15, 2004, the plan administrator of a calendar year plan pays the plan’s premium for the plan year beginning January 1, 2004. The plan administrator expects a plan amendment to be adopted in November 2004, and made retroactively effective to February 1, 2004, changing from a plan year beginning on January 1 to a plan year beginning on February 1. In determining the premium for the plan year beginning January 1, 2004, the plan administrator may anticipate the adoption of the amendment and prorate the premium for the short plan year, paying for only one month (January 2004). (If the amendment is not adopted, an amended filing would have to be made, and the additional amount of premium owed would be subject to interest and penalty.) Alternatively, the plan administrator may pay a full year’s premium and either (1) claim a credit on a later premium filing or (2) request a refund for the period of February - December 2004.

Example 4 By plan amendment adopted on June 5, 2004, and made retroactively effective to April 1, 2004, a plan changes from a plan year beginning January 1 to a plan year beginning April 1. The plan has a short year beginning January 1, 2004, and ending March 31, 2004. The plan administrator may prorate the premium for the short plan year and pay for only three months (January - March 2004). Alternatively, the plan administrator may pay a full year's premium and either (1) claim a credit on a later premium filing or (2) request a refund for the period of April - December 2004.

Example 5 A calendar year plan terminates in a standard termination with a termination date of September 30, 2003. On April 7, 2004, assets are distributed in satisfaction of all benefit liabilities. The plan has a short plan year ending April 7, 2004. The plan

administrator may prorate the 2004 premium and pay for only four months of 2004. Alternatively, the plan administrator may pay a full year's premium and request a refund for the period of May - December 2004.

Example 6 A plan with a plan year beginning July 1 and ending June 30 terminates in a distress termination with a termination date of April 28, 2004. On July 7, 2004, a trustee is appointed to administer the plan under ERISA section 4042. The plan has a short plan year beginning July 1, 2004, and ending July 7, 2004. The 2004 premium may be prorated by taking a credit for 11/12 of the 2004 plan year (for the period of August 2004 - June 2005). Alternatively, a full year's premium may be paid and a refund requested for the period of August 2004 - June 2005.

6. How to Correct a Filing

a. Making Payment Without Filing Form

If you sent in your payment without filing the Form 1-EZ, Form 1, or Form 1-ES, as applicable, send the correct form to the address in item 2.a. or 2.b. under "CONTACTS" on p. ii.

b. Filing Form Without Making Required Payment

If you sent us Form 1-EZ, Form 1, or Form 1-ES without making a required payment, you should send the payment as soon as possible to minimize late payment charges. If you make your payment by check, enclose your check with a copy of the original form and send them to the address in item 2.a. or 2.b. under "CONTACTS" on p. ii. If you make your payment by electronic funds transfer, make the transfer as described in item 2.d. under "CONTACTS" on p. ii.

Report the EIN/PN from item 3(a) and (b) of Form 1-EZ, Form 1, or Form 1-ES and the date the premium payment year commenced (PYC), in the payment ID line of the electronic funds transfer in the format "EIN/PN: XX-XXXXXXX/XXX PYC: MM/DD/YY."

c. Amended Filing - Premium Underpayment

If you discover after you have filed the 2004 Form 1-EZ or Form 1 that you have made an error in your participant count or in the calculation of the variable-rate premium due, you must use a 2004 form to correct your filing. (Underpayment in an earlier year must be corrected using the form(s) for that specific year. See B.3.e.iii., p. 12, for information on obtaining an earlier year's form(s).) Check the box in the heading of the Form 1-EZ or Form 1

to indicate that this is an amended filing. (On prior years' forms without an "Amended Filing" box, print or type "Amended Filing" at the top of the form.) Fill in the Form 1-EZ or Form 1 and Schedule A as you would for your annual filing. Enter the corrected total premium in item 14 of Form 1-EZ or in item 14(a) or 14(d) of Form 1 (as appropriate). In item 15(b) of Form 1-EZ or Form 1, enter the sum of the credits you previously claimed in that item plus the amount you paid with your original filing. The amount due with the amended filing should appear in item 16 of Form 1-EZ or Form 1. This should equal the difference between the new total premium due and the new total credits. Submit your amended Form 1-EZ or Form 1 (and Schedule A, if applicable) with your payment as described in item 2. under "CONTACTS" on p. ii.

d. Amended Filing - Premium Overpayment

If you discover after you have filed the 2004 Form 1-EZ or Form 1 that you overpaid your premium, follow the instructions in B.6.c. above, except that the difference between the new total premium and the new total credits should be entered in item 17 of Form 1-EZ or Form 1. Also, you must check the box in item 17 if you want this amount refunded.

Send your amended Form 1-EZ or Form 1 (with Schedule A if appropriate) promptly to the address in item 2. under "CONTACTS" on p. ii. If you want your refund paid by electronic funds transfer, you must provide the necessary information in item 17. If you are amending your filing to prorate the premium for the short first plan year of a newly created plan that is adopted with a retroactive effective date, make sure that the date used as the first day of the premium payment year for purposes of proration is the same as the premium snapshot date.

Part B.6 How to Correct a Filing

Note: If the overpayment shown on an amended filing (for any year) exceeds \$500, attach a statement explaining the specific circumstances or events that caused the overpayment and made the amended filing necessary. (For example, if your original filing's participant count included employees at a division that is not covered by the plan, the statement would explain why the employees were erroneously counted as participants and how the error was discovered.) Check the box in item 18 on Form 1-EZ or Form 1 to indicate that the statement is attached.

e. How To Correct An Address

See items 1 and 2 of Part C or Part D if you need to correct your address or the plan sponsor's address and are doing so at the same time you are making your premium filing.

However, to keep our records current and to ensure that your forms will be mailed to the correct address, you should provide us with your current address as soon as a change has occurred. You may do so by contacting us either in writing or by phone as described in item 3. under "CONTACTS" on p. ii.

7. Underpayments And Overpayments

a. Underpayments

If you file a premium payment after the Filing Due Date, we will bill the plan for the appropriate Late Payment Charges. The charges include both interest and penalty charges. The charges are based on the outstanding premium amount due on the Filing Due Date. (PBGC also may assess penalties under section 4071 of ERISA for failure to provide premium-related information (see B.8., p. 18).)

i. Interest Charges

The Late Payment Interest Charge is set by ERISA and we cannot waive it. Interest accrues at the rate imposed under section 6601(a) of the Code (the rate for late payment of taxes) and is compounded daily. The rate is established periodically (currently on a quarterly basis) and the PBGC publishes the interest rates on or about the 15th of January, April, July, and October in the Federal Register. The rates are also posted on the PBGC's Web site (www.pbgc.gov).

Late Payment Interest Charges will be assessed for any premium amount not paid when due, whether because of an estimated participant count or an erroneous participant count or other mistake in computing the premium owed.

ii. Penalty Charges

The Late Payment Penalty Charge is established by us, subject to ERISA's restriction that the penalty not exceed 100 percent of the unpaid premium amount. The penalty is a percentage of the unpaid amount for each month (or portion of a month) it remains unpaid. The monthly rate is higher or lower depending on whether the premium underpayment is "self-corrected." The penalty rate is 1% of the late premium payment per month if the late payment is made on or before the date when the PBGC issues a written notification indicating that there is or may be a premium delinquency (e.g., a statement of account (premium invoice), a past-due-filing notice, or a letter initiating an audit). A penalty rate of 5% per month applies to payments made after the PBGC notification date.

iii. PBGC Waivers

Before the Filing Due Date, if you can show substantial hardship and that you will be able to pay the premium within 60 days after the Filing Due Date, you may request that we waive the Late Payment Penalty Charge. If we grant your request, we will waive the Late Payment Penalty Charge for up to 60 days.

To request a waiver, write separately to the address in item 3.a. or 2.b. under "CONTACTS" on p. ii.

Waivers of the Late Payment Penalty Charge may also be granted based on any other demonstration of reasonable cause. If you wish to request such a waiver, write to the address in item 3.a. or 2.b. under "CONTACTS" on p. ii after you receive a statement of account (premium invoice) assessing penalties. This address should also be used to submit requests for reconsideration of late payment penalties and requests for refunds (other than those that are part of a premium filing). Failure to obtain premium forms and instructions from the PBGC is not reasonable cause for a waiver.

iv. Minimizing Late Payment Charges - Final Filing

If you are having difficulty determining your plan's premium before the Final Filing Due Date, you can file your premium forms using an estimate. You can then make an amended filing, reflecting the actual figure (see B.6., p. 15, for procedure). This will minimize the assessment of Late Payment Charges to the plan.

v. Minimizing Late Payment Charges - First Filing

The premium owed for a plan year is based on the number of plan participants as of the premium snapshot date. However, plans may not have an accurate participant count before the First Filing Due Date. For this reason, the Form 1-ES permits plans to compute the amount owed on the basis of an estimated participant count. However, we remind you that for plans required to pay premiums for 500 or more participants for the prior plan year, the total flat-rate premium, in the case of a single-employer plan, or the entire premium, in the case of a multiemployer plan, is due by the First Filing Due Date. If the full amount due is not paid by that date, the plan will be subject to late payment interest charges and may also be subject to late payment penalty charges.

No penalty will be charged (although interest will be charged) if you did not make an estimated premium payment because you erroneously reported fewer than 500 participants for the plan year preceding the premium payment year. In addition, you can avoid a late payment penalty charge (but not the interest) for the flat-rate premium if the premium (based on an estimated participant count) that you pay with the Form 1-ES by the First Filing Due Date equals at least the lesser of:

(a) 90 percent of the premium amount due on the plan's Final Filing Due Date for the \$19 per-participant flat-rate single-employer premium or the \$2.60 per-participant multiemployer premium, or

(b) an amount equal to the participant count for the year before the premium payment year multiplied by \$19

Part B.8 Recordkeeping Requirements; PBGC Audits

for a single-employer plan or \$2.60 for a multiemployer plan. This test will be met if the amount paid is sufficient using either the actual participant count for the plan year preceding the premium payment year or a smaller count that was erroneously reported.

For purposes of determining whether a penalty is due, the participant count “erroneously reported” refers to the premium filing (or last amended filing) for the plan year preceding the premium payment year made to the PBGC by the First Filing Due Date.

See the Form 1-ES instructions in the Estimated Premium Payment Package for more detail.

If you have an accurate participant count by the First Filing Due Date, you should pay the amount owed by that date. If you do so, you will avoid the interest charge and any penalty charge. If you have all the information needed to file Form 1-EZ or Form 1 on or before the First Filing Due Date, you may file a Form 1-EZ or Form 1. If you file a Form 1-ES, you will still be required to file a Form 1-EZ or Form 1 by the Final Filing Due Date. (A single-employer plan that files a Form 1 with its first payment, but does not include the variable-rate portion of the premium, will have to file another Form 1, identified as an “Amended Filing,” with that payment by the Final Filing Due Date.)

8. Recordkeeping Requirements; PBGC Audits

Plan administrators are required to retain all plan records that are necessary to support or validate PBGC premium payments. The records must include calculations and other data prepared by the plan’s actuary or, for a plan described in section 412(i) of the Internal Revenue Code, by the insurer from which the insurance contracts are purchased. The records are to be kept for six years after the premium due date.

Records that must be retained include, but are not limited to, records that establish the number of plan participants and that reconcile the calculation of the plan’s unfunded vested benefits with the actuarial valuation upon which the calculation was based. Records retained pursuant to this paragraph must be made available or submitted to the PBGC upon request.

We may audit any premium payment. If we determine upon audit that the full amount of the premium due was not paid, late payment interest charges under §4007.7 of the premium regulations and late payment penalty charges under §4007.8 of the premium regulations will apply to the unpaid balance from the premium due date to the date of payment. (See B.7.a., p. 17, for more information on penalties and interest for late payment of

b. Overpayments

If a premium is overpaid for a plan, and any part of another year’s premium or late payment charge is still owing for that plan, the overpayment will be applied toward paying the outstanding amount(s) due.

You may designate which outstanding amount(s) of premium or late payment charge an overpayment is to be applied against (if it has not already been applied). If you do not so designate, we will apply the overpayment first to the outstanding premium, interest, and penalty (in that order) from the earliest plan year, then the next earliest plan year, etc.

An amount of overpayment that is not needed to pay amounts owed may be refunded upon request made within the period specified in the applicable statute of limitations (generally six years after the overpayment was made) or may be claimed as a credit on a Form 1-EZ, Form 1 or Form 1-ES filed within the same period. An overpayment on one plan cannot be applied to offset an underpayment on one or more other plans.

If you request payment of a refund by electronic funds transfer, we will make the transfer through the automated clearing house (ACH) system.

Please note that ERISA does not provide for us to pay interest on premium overpayments.

premiums.) If, in our judgment, the plan’s records fail to establish the number of participants with respect to whom premiums were required for any premium payment year, we may rely on data we obtain from other sources (including the Internal Revenue Service and the Department of Labor) for presumptively establishing the number of plan participants for premium computation purposes. Similarly, if, in our judgment, the plan’s records fail to establish that the unfunded vested benefits were the amount reported in the premium filing, we may rely on data we obtain from other sources for estimating the amount of unfunded vested benefits for premium computation purposes.

In addition to penalties for late payment of premiums, we may assess under section 4071 of ERISA a penalty of up to \$1,100 per day for failure to furnish premium-related information by required due dates. (See 29 C.F.R. Part 4071.) However, under the PBGC’s penalty policy, the penalty rate is generally much less - \$25 per day for the first 90 days and \$50 per day thereafter, with lower rates for small plans. (See PBGC’s Statements of Policy on ERISA section 4071 penalties, 60 Fed. Reg. 36837 (July 18, 1995) and 61 Fed. Reg. 66388 (December 17, 1996).)

PART C ITEM-BY-ITEM INSTRUCTIONS FOR FORM 1-EZ

NOTE: *This part applies only to single-employer plans that claim an exemption from the variable-rate premium.*

To claim an exemption, the plan must meet the requirements for one of the exemptions described in the instructions for item 12 of Form 1-EZ in this part.

Having a variable-rate premium of zero is not the same as being exempt from the variable-rate premium. (See B.3.a., p. 11, for the forms applicable to other types of filers.) If your plan qualifies for an exemption and also has a variable-rate premium of zero, you may either file Form 1-EZ or file Form 1 with Schedule A. See B.3.d., p. 11.

Note: References in these instructions and on Form 1-EZ to the 2003 plan year (and to filings and notices for the 2003 plan year) should be considered to refer to your plan's most recent complete plan year. For example, a plan with a short plan year could have two plan years beginning in calendar 2004. When such a plan makes its premium filing(s) for its second 2004 plan year, the references in these instructions and on Form 1-EZ to the 2003 plan year (and to filings and notices for the 2003 plan year) should be considered to refer to the plan's first 2004 plan year (and to filings and notices for that plan year), because that is the plan's most recent complete plan year. Similarly, if your plan had two plan years beginning in calendar 2003, the references in these instructions and on Form 1-EZ to the 2003 plan year (and to filings and notices for the 2003 plan year) should be considered to refer to the plan's second 2003 plan year, which is the plan's most recent complete plan year.

Check for Amended Filing

If you are amending your 2004 premium filing, check this box and complete the form as explained in B.6., p. 15.

Check for Disaster Relief

From time to time, when major disasters occur, the PBGC grants disaster relief by waiving late filing and payment penalties for certain plans. Disaster relief notices are issued in Technical Updates that are available on the PBGC's Web site (www.pbgc.gov) (under "Legal Information & FOIA" - "Laws & Regulations" - "Technical Updates"). If your plan is covered by a PBGC disaster relief notice for this premium filing, follow the instructions in the disaster relief notice and check this box.

The "Item" numbers below refer to the item or line numbers on the Form 1-EZ.

Item 1 Name of Plan Sponsor

For a single-employer plan with one contributing sponsor, enter the name and address of the contributing sponsor.

For a single-employer plan with two or more contributing sponsors that are all in a single controlled group, enter the name and address of the parent of the controlled group or, if there is no parent, of the largest member of the controlled group (whether or not the parent or largest member is a contributing sponsor).

For a single-employer plan with two or more contributing sponsors that are not all in a single controlled group, first identify the controlled group, or contributing sponsor that is not in a controlled group, that has the most participants in the plan. If you identify a contributing sponsor that is not in a controlled group, enter the name and address of that contributing sponsor. But if you identify a controlled group, then enter the name and address of the parent of that controlled group or, if there is no parent, of the largest member of that controlled group (whether or not the parent or largest member is a contributing sponsor).

For a multiemployer plan, enter the name and address of the association, committee, joint board of trustees, or other entity that establishes or maintains the plan.

Make sure you report the plan sponsor's name and address correctly, especially if there has been a change in the last year. If the plan sponsor's address or name has changed since your last filing, check the first box in the upper right hand corner of item 1.

It is very important that the address shown in item 1 be correct.

If your plan's premium filings are prepared by a consultant, you may not need to receive your own copy of PBGC premium forms and instructions. If you do not want to receive premium forms and instructions next year, check the second box in the upper right hand corner of item 1. An election not to receive the forms and instructions does not relieve the plan administrator of the obligation to file.

Item 2 Name of Plan Administrator

If the name and address of the plan administrator is the same as that of the plan sponsor, check the second box in the upper right hand corner of item 2 and skip to item 3. Otherwise, enter the name and address of the plan administrator.

If the plan administrator's address or name has changed since your last filing, check the first box in the upper right hand corner of item 2.

Part C.3 Item by Item Instructions for Form 1-EZ

It is very important that the plan administrator's name and address be correct, especially if there has been a change in the last year. This is the address we will use to mail your 2005 Premium Payment Package and, as applicable, 2005 Estimated Premium Payment Package.

Item 3 Plan Sponsor's EIN/PN

Item 3(a) EIN For The Plan Sponsor

Enter the EIN for the plan sponsor identified in item 1.

Item 3(b) Plan Number

Enter the Plan Number (PN) for the plan.

Item 3(c) Does EIN/PN Match Form 5500?

In general, the EIN and PN entered in item 3(a) and (b) should be the same as the EIN and PN reported on the Form 5500 series for the plan year preceding the premium payment year.

If the EIN and PN entered in item 3(a) and (b) both match exactly the EIN/PN entered on the Form 5500 series for the plan year preceding the premium payment year, check the "Yes" box.

If either the EIN or PN is not exactly the same, check the "No" box, enter the EIN/PN used for the Form 5500 filing, attach an explanation, and check the box in item 18.

If your plan is a new plan that is not required to file the Form 5500 series for the plan year preceding the premium payment year because the plan did not exist, check the box labeled "2003 Form 5500 not required."

Item 4 Change In EIN/PN

This item should be completed to report a change in EIN or PN since your last premium filing. The EIN of the plan sponsor or the plan's PN may change for a number of reasons.

Item 4(a) Change In EIN

Enter the previous EIN in the space provided.

Item 4(b) Change In PN

Enter the previous PN in the space provided.

Item 4(c) Effective Date

Enter the effective date of the change in EIN/PN.

Item 5 Plan Coverage Status

If the plan is covered under section 4021 of ERISA, check 5(a) "Covered."

If you are not certain whether the plan is covered, check 5(b) "Uncertain." See B.1.a., p. 7.

If you check "Uncertain," you should complete Form 1-EZ and pay the applicable premium as if the plan were covered. Attach a separate sheet to explain why you checked "Uncertain," and check the box in item 18.

Item 6 Is This The First Year's Premium Filing For This Plan?

Check the "No" box if you are filing for the second or subsequent plan year of coverage, and go to item 7. Check the "Yes" box if you are filing for the first plan year of coverage, and complete items 6(a), 6(b), and 6(c).

Item 6(a) Plan Effective Date

Enter the date on which the plan became effective with respect to benefit accruals for future service. This date is considered to be the first day of a new plan's short first year for purposes of prorating the premium (see B.5., p. 13). If the adoption date of a newly created plan covered under section 4021 of ERISA is after its effective date (*i.e.*, the plan is adopted retroactively), you may enter in item 6(a) either the adoption date or the effective date, but the date that you enter here must also be used as the premium snapshot date.

Item 6(b) Plan Adoption Date

Enter the date on which the plan was formally adopted.

Item 6(c) Plan Coverage Date

Enter the date on which the plan became covered under section 4021 of ERISA. If you are unsure whether your plan is covered, check the "Uncertain" box in item 5 and leave item 6(c) blank.

Item 7 Transfers From Disappearing Plans

If a plan other than yours ceased to exist in connection with any transfer of assets or liabilities from that plan to your plan since the last premium filing, check the "Yes" box in item 7. In the case of a plan that is filing for the first time, this includes a transfer of assets or liabilities that was made to the plan when it was established, if the transferor plan ceased to exist in connection with the transfer. If you check "Yes," enter in the spaces provided the EIN/PN of any plan that ceased to exist in connection with the transfer of any assets or liabilities to your plan. Also enter the type and effective date of the transfer.

- The types of transfers are explained in A.9., p.6. For purposes of this item, "M" designates a merger, "C" designates a consolidation, and "S" designates a spinoff. Check the box under the appropriate letter for the type of transfer.

- The effective date of a transfer is determined based

on the facts and circumstances of the particular situation. (For transfers subject to section 414(I) of the Code, report the date determined under 26 CFR 1.414(I)-1(b)(11).)

Example: The merger agreement between Plans A and B provides that participants of Plan A will cease accruing benefits under Plan A and begin coverage and benefit accruals under Plan B as of January 1, 2004, and that the obligation to pay benefits to Plan A participants will pass from Plan A to Plan B as of that date. The agreement also provides that Plan A's assets will be transferred to Plan B's account as soon as practicable. The transfer actually occurs on February 17, 2004. The effective date of the transfer is January 1, 2004.

If you need to report transfers from more than one plan, attach a separate sheet listing the EIN/PN of each additional plan and the effective date and type of each transfer. If you attach a separate sheet, check the box in item 18.

You do not need to report any transfer in this item unless the transferor plan ceased to exist in connection with the transfer - *i.e.*, transferred all of its assets and liabilities to your plan or to two or more plans including your plan. You also do not need to report a transfer in this item if you have no reasonable way of determining whether or not the transferor plan ceased to exist in connection with the transfer.

Note that premium proration is not available for "overlapping" premium payments resulting from a plan merger, consolidation, or spinoff.

NOTE: If we do not receive an expected premium filing from a plan, we normally contact the plan for an explanation. The purpose of item 7 is to avoid the need for such correspondence where the reason the plan is not filing is that it has disappeared as the result of a merger, consolidation or spinoff. However, the item 7 explanation can only have its intended effect if we receive it from the transferee plan before the disappearing plan's next expected premium filing due date. If the transferee plan does not expect to file until after that, the need for correspondence can be avoided by sending us the item 7 information earlier - in writing - as described in item 3. under "CONTACTS," p. ii.

Item 8 Business Code

Enter the 6-digit code that best describes the nature of the employer's business. If more than one employer is involved, enter the business code for the predominant business activity of all employers. Choose one code from

the list in Appendix B at the back of this package.

Item 9 Name of Plan

Enter the complete name of the plan as stated in the plan document. For example, "The ABC Company Pension Plan for Salaried Personnel."

Item 10 Name and Phone Number of Plan Contact

Item 10(a) Name of Plan Contact

Enter the name of the person we may contact if we have any questions concerning this filing. If Form 1-EZ is completed by a plan consultant, you may enter the consultant's name.

Item 10(b) Phone Number of Plan Contact

Enter the phone number of the plan contact named in item 10(a).

Item 11 Plan Year

Item 11(a)

Enter the beginning date of the plan year for which you are making the premium payment.

Item 11(b)

Enter the ending date of the plan year for which you are making the premium payment.

Item 11(c)

Check the box if the month and day on which the plan year begins is not the same as that shown on the last Form 1 or Form 1-EZ you filed with us. Attach a separate sheet with a brief explanation for the change, and check the box in item 18.

Item 11(d)

If you checked the box in item 11(c), enter the adoption date of the plan year change. If the change in the plan year beginning date reflects a 52/53-week plan year, rather than a change in plan year, enter all zeroes in item 11(d).

Item 12 Exempt Status

Each plan using Form 1-EZ must meet the requirements for one of the exemptions from the variable-rate premium that are described below. Check one box in item 12 to indicate the exemption that applies to your plan.

Item 12(a) Plans With No Vested Participants.

Your plan qualifies for this exemption if it has no participants with vested benefits as of the premium snapshot date. If you check this box, your signature in

Part C.12 Item by Item Instructions for Form 1-EZ

item 19 indicates that you are certifying that no participant was entitled to a vested benefit as of the premium snapshot date.

A new plan with no benefit liabilities on the premium snapshot date has no participants (for premium purposes) and thus no participants with vested benefits. Such a plan qualifies for this exemption.

Item 12(b) Section 412(i) Plans.

Your plan qualifies for this exemption if it is described in section 412(i) of the Code and regulations thereunder on the premium snapshot date. If you check this box, your signature in item 19 indicates that you are certifying that the plan was a plan described in section 412(i) of the Code and regulations thereunder on the premium snapshot date.

Item 12(c) Fully Funded Small Plans.

Your plan qualifies for this exemption if the plan has fewer than 500 participants as of the premium snapshot date and no unfunded vested benefits as of that date (valued at the Required Interest Rate described in A.7., p. 5) and an enrolled actuary so certifies in item 20.

Item 12(d) Plans Terminating In Standard Terminations.

Your plan qualifies for this exemption if notices of intent to terminate in a standard termination were issued in accordance with section 4041(a)(2) of ERISA, setting forth a proposed termination date (*i.e.*, the 60- to 90-day prospective date) that is on or before the premium snapshot date. However, if the plan does not ultimately make a final distribution of assets in full satisfaction of its obligations under the standard termination, the right to claim this exemption will be revoked and the premium(s) that would otherwise have been required will be due retroactive to the applicable due date(s). (NOTE: See B.1.c., p. 7, for rules on when your premium obligation ends.)

Item 12(e) Plans At The Full Funding Limit.

Your plan qualifies for this exemption if, as provided below, the plan is at the full funding limit for the plan year preceding the premium payment year and an enrolled actuary so certifies in item 20. Note: The rules below are for PBGC premium purposes only. The rules for tax or other purposes may differ.

A plan may claim this exemption if, on or before the earlier of the Final Filing Due Date (see B.2., p. 8) or the date the Form 1-EZ is filed, the plan's contributing sponsor or contributing sponsors made contributions to the plan for the plan year preceding the premium payment year in an amount not less than the full funding limitation for that preceding plan year under section 302(c)(7) of ERISA and section 412(c)(7) of the Internal Revenue Code.

The determination of whether contributions for the preceding plan year were in an amount not less than the full funding limitation under section 302(c)(7) of ERISA and section 412(c)(7) of the Code for the preceding plan year is based on the method of computing the full funding limitation, including actuarial assumptions and funding methods, used by the plan (provided these assumptions and methods met all requirements, including the requirements for reasonableness, under section 412 of the Code) with respect to the preceding plan year. In the event of a PBGC audit, the plan administrator may be required to provide documentation to establish both the computation methods used and the conformance of those methods with the requirements of Code section 412. The PBGC will report to the Internal Revenue Service any plans using assumptions and methods that appear not to meet the requirements of Code section 412.

A plan may be entitled to this exemption if contributions were rounded down slightly from the amount of the full funding limitation. Thus, any contribution that is rounded down to no less than the next lower multiple of one hundred dollars (in the case of full funding limitations up to one hundred thousand dollars) or to no less than the next lower multiple of one thousand dollars (in the case of full funding limitations above one hundred thousand dollars) is deemed for purposes of this exemption to be in an amount equal to the full funding limitation. (NOTE: Relief may also be available where the plan's actuary rounded off *de minimis* amounts to determine the full funding limit. Whether the exemption applies in such circumstances would be determined under the rule discussed in the preceding paragraph, based on a review of the plan's practice with respect to the computation methods used.)

Generally, section 302(c)(7) of ERISA and Code section 412(c)(7) define the full funding limitation as the excess of a measure of the plan's liabilities over a measure of the plan's assets. PBGC Technical Update 00-4 (set forth below) explains how the PBGC full funding limit exemption works.

TECHNICAL UPDATE 00-4

August 25, 2000

PBGC'S FULL FUNDING LIMIT EXEMPTION FROM THE VARIABLE RATE PREMIUM

Introduction

This technical update explains how the PBGC full funding limit exemption ("PBGC FFL Exemption") from the variable rate premium ("VRP") works in light of the changes the Retirement Protection Act of 1994 ("RPA") made to the full funding limitation under section 412(c)(7) of the Internal Revenue Code of 1986 ("Code"). The RPA added a "90% override" to the full funding limitation. The 90% override provides that the full funding limitation is not less than the excess, if any, of 90% of the plan's current liability over the actuarial value of the plan's assets.

The PBGC has received inquiries about the proper treatment of credit balances in applying the 90% override for purposes of the PBGC FFL Exemption. This update clarifies what the correct result is under the statutory and regulatory framework of Title IV of ERISA.

Guidance

The 90% override does not require greater contributions for the PBGC FFL Exemption than are required for the plan to be at the full funding limitation under Code section 412(c)(7) for funding purposes. Accordingly, a plan qualifies for the PBGC FFL Exemption for a plan year if the sum of contributions to the plan for the prior year (including any interest credited under the funding standard account) and any credit balance in the funding standard account (including interest to the end of the plan year) is not less than the full funding limitation under Code section 412(c)(7).

For purposes of the preceding sentence –

the “full funding limitation under Code section 412(c)(7)” means the full funding limitation as calculated for minimum funding purposes, *i.e.*, the sentence in the PBGC regulations providing that “[p]lan assets shall not be reduced by the amount of any credit balance in the plan’s funding standard account” is inapplicable;

the PBGC rules (see 29 CFR § 4006.5(a)(5)) on rounding down contributions and on counting only contributions made by the earlier of the VRP due date or VRP payment date continue to apply.

See the Appendix to this update for examples of how the PBGC FFL Exemption works.

Effective Date

This guidance is generally effective for PBGC premium purposes for plan years beginning after December 31, 1995.

Effect of Guidance

This guidance will have no effect on the vast majority of plans for which a VRP was paid (see Example 1 in the Appendix). Based on the PBGC’s analysis, there were only 100-200 plans since 1996 for which a VRP may have been paid solely as a result of applying the PBGC FFL Exemption in a manner inconsistent with this technical update (see Examples 2 and 3 in the Appendix). The plan administrator of such a plan may apply for a refund through the PBGC’s normal refund process (*i.e.*, by filing an amended Form 1, including Schedule A, for the applicable year or years). Refunds are subject to the six-year limitations period in ERISA section 4003(f)(5).

For questions about this update, contact Jane Pacelli at 202-326-4080, ext. 6775.

APPENDIX TO TECHNICAL UPDATE 00-4

The following examples show how the PBGC FFL Exemption works. All amounts in the examples include interest to the end of the plan year and assume that actuarial value of assets equals market value of assets.

Example 1

Plan A has a full funding limitation under Code section 412(c)(7) (prior to applying the override) of \$3,000, calculated as the excess of the plan’s accrued liability of \$30,000 over adjusted plan assets of \$27,000 (\$29,000 assets less \$2,000 credit balance). The plan’s 90% override full funding limitation is \$900, calculated as the excess of 90% of the plan’s current liability (\$29,900) over the plan’s full assets of \$29,000. Thus, the plan’s full funding limitation is \$3,000 (the greater of \$3,000 or \$900). Plan A will qualify for the PBGC FFL Exemption if employer contributions equal or exceed \$1,000, because the sum of the contributions and the credit balance will equal or exceed the \$3,000 full funding limitation.

The guidance in this technical update does not affect Plan A. Without this guidance, the actuary for Plan A would have calculated its full funding limitation (using full assets) as \$1,000 -- the greater of \$1,000 (\$30,000 - \$29,000) or \$900 (\$29,900 - \$29,000) -- and

concluded that the plan would qualify for the PBGC FFL Exemption if employer contributions equaled or exceeded \$1,000 (the same result as under the guidance in this technical update).

Example 2

Plan B has a full funding limitation under Code section 412(c)(7) (prior to applying the override) of \$3,000, calculated as the excess of the plan’s accrued liability of \$30,000 over adjusted plan assets of \$27,000 (\$29,000 assets less \$2,000 credit balance). The plan’s 90% override full funding limitation is \$4,000, calculated as the excess of 90% of the plan’s current liability (\$33,000) over the plan’s full assets of \$29,000. Thus, the plan’s full funding limitation is \$4,000 (the greater of \$3,000 or \$4,000). Plan B will qualify for the PBGC FFL Exemption if employer contributions equal or exceed \$2,000, because the sum of the contributions and the credit balance will equal or exceed the \$4,000 full funding limitation.

Without the guidance in this technical update, the actuary for Plan B might have calculated its full funding limitation (using full assets) as the greater of \$1,000 (\$30,000 - \$29,000) or \$4,000 (\$33,000 - \$29,000), and concluded that the plan would not qualify for the PBGC FFL Exemption unless employer contributions equaled or exceeded the \$4,000 full funding limitation.

Example 3

Plan C has a full funding limitation under Code section 412(c)(7) (prior to applying the override) of \$4,000, calculated as the excess of the plan’s accrued liability of \$31,000 over adjusted plan assets of \$27,000 (\$29,000 assets less \$2,000 credit balance). The plan’s 90% override full funding limitation is \$3,000, calculated as the excess of 90% of the plan’s current liability (\$32,000) over the plan’s full assets of \$29,000. Thus, the plan’s full funding limitation is \$4,000 (the greater of \$4,000 or \$3,000). Plan C will qualify for the PBGC FFL Exemption if employer contributions equal or exceed \$2,000, because the sum of the contributions and the credit balance will equal or exceed the \$4,000 full funding limitation.

Without the guidance in this technical update, the actuary for Plan C might have determined the full funding limitation to be \$3,000 -- the greater of the pre-override full funding limitation of \$2,000 (\$31,000 less full assets of \$29,000) and the 90% override full funding limitation of \$3,000 -- and concluded that the plan would not qualify for the PBGC FFL Exemption unless employer contributions equaled or exceeded the \$3,000 full funding limitation.

Item 13 Participant Count

Enter the total number of participants covered by the plan. This is the number on which the plan’s premium is based.

For post-2000 plan years, newly created plans that do not grant past service credits typically have a participant count of zero for premium purposes. See the definition of “participant” in A.7., p. 4.

Count the number of plan participants as of the premium snapshot date.

The participant count for premium computation purposes for the PBGC Form 1-EZ and the participant count for item 7 of the Form 5500 filed in the same year (*e.g.*, the 2004 Form 1-EZ and 2003 Form 5500) are generally determined as of the same date, *i.e.*, the last day of the plan year preceding the year of the filing. However, the two participant counts may differ. For example -

- For premium purposes, individuals who are earning or retaining credited service but with respect to whom

Part C.14 Item by Item Instructions for Form 1-EZ

a plan has no benefit liabilities are not counted as participants. But individuals who are earning or retaining credited service are considered to be participants for purposes of item 7 of the Form 5500, even if the plan has no benefit liabilities with respect to them.

•There is a difference in the break-in-service rules that apply to Form 1-EZ and to item 7 of Form 5500. For purposes of item 7 of Form 5500, whether a non-vested individual is excluded from the participant count because of a break in service depends upon the plan language; under the provisions of most plans, the instructions for item 7 would require that a separated non-vested individual be counted as a participant until the individual has incurred five or more consecutive one-year breaks in service. For purposes of Form 1-EZ, on the other hand, a non-vested individual is excluded from the participant count because of a break in service when the individual has incurred a one-year break in service under the terms of the plan.

Item 14 Premium

Multiply the participant count you entered in item 13 by \$19 and enter the result in item 14. This is the total premium due.

Item 15 Premium Credits

Item 15(a) Amount Paid by Check or Electronic Funds Transfer With 2004 Form 1-ES

Enter any amounts you previously paid - by check or electronic funds transfer - for the 2004 plan year with Form 1-ES. Do not include any credits claimed in item 7 of Form 1-ES.

Item 15(b) Other credit

Enter the amount of any credit you are entitled to: (1) any available credit claimed in item 7 of your 2004 Form 1-ES, (2) any available credit from item 17 of your 2003 Form 1 or Form 1-EZ, (3) any short-year credit (as explained in B.5. (Prorating Your Premium), p. 13), and (4) any other available credit. Attach an explanation of any credit claimed in item 15(b) (other than an amount entered in item 17 of your 2003 Form 1 or Form 1-EZ) and check the box in item 18.

Item 15(c) Total Credit

Add items 15(a) and 15(b) and enter the result in item 15(c) of the Form 1-EZ. This is the total credit.

Item 16 Premium Due The PBGC

If the amount you entered in item 14 exceeds the amount entered in item 15(c), subtract the amount entered in item 15(c) from the amount entered in item 14 and enter the result in item 16 of the Form 1-EZ. This is the amount you owe the PBGC.

You must pay the premium due by check or by electronic funds transfer. Indicate by checking one of the boxes in item 16 which method you are using.

If you pay by check, write the EIN/PN (from item 3(a) and (b)) and the date the premium payment year commenced (PYC) on the check and file the check with Form 1-EZ.

If you pay by electronic funds transfer, make the transfer as described in item 2.d. under "CONTACTS" on p. ii. Report the EIN/PN from item 3(a) and (b), and the date the premium payment year commenced (PYC), in the payment ID line of the electronic funds transfer in the format "EIN/PN: XX-XXXXXXX/XXX PYC: MM/DD/YY."

To ensure proper credit for your premium payment, the payment must be for the exact amount due for the plan.

Do not combine payments for different plans in a single check or electronic funds transfer.

Item 17 Amount Of Overpayment

If the amount you entered in item 14 is less than the amount entered in item 15(c), subtract the amount entered in item 14 from the amount entered in item 15(c) and enter the result in item 17. This is the amount of your overpayment.

If item 17 shows an overpayment, you may request a refund by checking the first box in item 17. If you want your refund paid by electronic funds transfer, check either the second or the third box in item 17 to indicate whether the account to which the refund is to be credited is a checking account or savings account, and enter in the fourth and fifth boxes of item 17 the bank routing number and account number to which the refund is to be credited. If you want the refund credited to a sub-account within the main account, enter the sub-account number in the sixth box of item 17. See B.7.b., p. 18, for more information on overpayments.

Item 18 Additional Information

If you have used attachments to explain any of your answers, check the box in item 18. Be sure to show your plan's EIN/PN and the date on which the premium payment year commenced (PYC) at the top of each sheet.

Item 19 Certification of Plan Administrator

The plan administrator must sign and date the certification in item 19. The form you file must bear your original signature in item 19, and we may return the filing

if it does not. The certification has two parts. The first part is a general certification that Form 1-EZ has been correctly completed and that any information given to the enrolled actuary is true, correct, and complete. The second part is a certification regarding compliance (for the plan year preceding the premium payment year) with the Participant Notice requirements in ERISA section 4011 and the PBGC's regulation on Disclosure to Participants (29 CFR Part 4011).

For each plan year for which a variable-rate premium is payable for a plan, the plan administrator must issue a notice to participants about the plan's funding status and the limits on the PBGC's guarantee, unless the plan is exempt from the notice requirement under ERISA and the PBGC's regulation on Disclosure to Participants. (Note in particular that the regulation contains an exemption for most new and newly-covered plans.) In addition, some plans were required to issue the notice for the 2003 plan year even if no variable-rate premium was payable for the 2003 plan year; for guidance, see PBGC Technical Update 03-17 (September 5, 2003), available on the PBGC's Web site (www.pbgc.gov) (under "Legal Information & FOIA" - "Laws & Regulations" - "Technical Updates").

The Participant Notice is due no later than two months after due date (or extended due date) for the Form 5500 series for the prior plan year. For example, the 2003 Participant Notice was due two months after the due date (or extended due date) for the 2002 Form 5500 series. For

purposes of determining whether the Participant Notice was timely issued, if any due date (or extended due date) falls on a Saturday, Sunday, or legal holiday, the applicable due date is the next business day.

The certification relates to the Participant Notice requirement for the plan year preceding the premium payment year. **Thus, the certification on the 2004 premium form relates to the Participant Notice for the 2003 plan year, not the 2004 plan year.** A Participant Notice for the 2003 plan year may have been required if either (1) a variable-rate premium (VRP) was payable for the 2003 plan year, or (2) a VRP would have been payable for the 2003 plan year if the required interest rate for calculating the 2003 VRP had been 85 percent of the annual yield on 30-year Treasury securities for the calendar month preceding the calendar month in which the 2003 premium payment year began.

You must check box (a), (b), or (c). If you check box (c) (*e.g.*, because a required Participant Notice was not issued or was issued late), you must attach an explanation and check the box in item 18.

Item 20 Certification of Enrolled Actuary

If the box in item 12(c) or 12(e) is checked, an enrolled actuary must certify in item 20 that the plan qualifies for the applicable exemption. The signature of the enrolled actuary must be filed in original form.

Part D ITEM-BY-ITEM INSTRUCTIONS FOR FORM 1

NOTE: This part applies only to multiemployer plans and to single-employer plans that do not claim an exemption from the variable-rate premium. Unless the plan meets the requirements for one of the exemptions described in the instructions for item 12 of Form 1-EZ in part C, it is not exempt. Having a variable-rate premium of zero is not the same as being exempt from the variable-rate premium. (See B.3.a., p 11, for the forms applicable to other types of filers.) If your plan qualifies for an exemption and also has a variable-rate premium of zero, you may either file Form 1-EZ or file Form 1 with Schedule A. See Part B.3.d., p. 11.

Note: References in these instructions and on Form 1 to the 2003 plan year (and to filings and notices for the 2003 plan year) should be considered to refer to your plan's most recent complete plan year. For example, a plan with a short plan year could have two plan years beginning in calendar 2004. When such a plan makes its premium filing(s) for its second 2004 plan year, the references in these instructions and on Form 1 to the 2003 plan year (and to filings and notices for the 2003 plan year) should be considered to refer to the plan's first 2004 plan year (and to filings and notices for that plan year), because that is the plan's most recent complete plan year. Similarly, if your plan had two plan years beginning in calendar 2003, the references in these instructions and on Form 1 to the 2003 plan year (and to filings and notices for the 2003 plan year) should be considered to refer to the plan's second 2003 plan year, which is the plan's most recent complete plan year.

Check for Amended Filing

If you are amending your 2004 premium filing, check this box and complete the form(s) as explained in B.6., p. 15.

Check for Disaster Relief

From time to time, when major disasters occur, the PBGC grants disaster relief by waiving late filing and payment penalties for certain plans. Disaster relief notices are issued in Technical Updates that are available on the PBGC's Web site (www.pbgc.gov) (under "Legal Information & FOIA" - "Laws & Regulations" - "Technical Updates"). If your plan is covered by a PBGC disaster relief notice for this premium filing, follow the instructions in the notice and check this box.

The "Item" numbers below refer to the item or line

numbers on the Form 1.

Item 1 Name of Plan Sponsor

For a single-employer plan with one contributing sponsor, enter the name and address of the contributing sponsor.

For a single-employer plan with two or more contributing sponsors that are all in a single controlled group, enter the name and address of the parent of the controlled group or, if there is no parent, of the largest member of the controlled group (whether or not the parent or largest member is a contributing sponsor).

For a single-employer plan with two or more contributing sponsors that are not all in a single controlled group, first identify the controlled group, or contributing sponsor that is not in a controlled group, that has the most participants in the plan. If you identify a contributing sponsor that is not in a controlled group, enter the name and address of that contributing sponsor. But if you identify a controlled group, then enter the name and address of the parent of that controlled group or, if there is no parent, of the largest member of that controlled group (whether or not the parent or largest member is a contributing sponsor).

For a multiemployer plan, enter the name and address of the association, committee, joint board of trustees, or other entity that establishes or maintains the plan.

Make sure you report the plan sponsor's name and address correctly, especially if there has been a change in the last year. If the plan sponsor's address or name has changed since your last filing, check the first box in the upper right hand corner of item 1.

It is very important that the address shown in item 1 be correct.

If your plan's premium filings are prepared by a consultant, you may not need to receive your own copy of PBGC premium forms and instructions. If you do not want to receive premium forms and instructions next year, check the second box in the upper right hand corner of item 1. An election not to receive the forms and instructions does not relieve the plan administrator of the obligation to file.

Item 2 Name of Plan Administrator

If the name and address of the plan administrator is the same as that of the plan sponsor, check the second box in the upper right hand corner of item 2 and skip to item 3. Otherwise, enter the name and address of the plan administrator.

If the plan administrator's address or name has changed since your last filing, check the first box in the

upper right hand corner of item 2.

It is very important that the plan administrator's name and address be correct, especially if there has been a change in the last year. This is the address we will use to mail your 2005 Premium Payment Package and, as applicable, 2005 Estimated Premium Payment Package.

Item 3 Plan Sponsor's EIN/PN

Item 3(a) EIN For The Plan Sponsor

Enter the EIN for the plan sponsor identified in item 1.

Item 3(b) Plan Number

Enter the Plan Number (PN) for the plan.

Item 3(c) Does EIN/PN Match Form 5500?

In general, the EIN and PN entered in item 3(a) and (b) should be the same as the EIN and PN reported on the Form 5500 series for the plan year preceding the premium payment year.

If the EIN and PN entered in item 3(a) and (b) both match exactly the EIN/PN entered on the Form 5500 series for the plan year preceding the premium payment year, check the "Yes" box.

If either the EIN or PN is not exactly the same, check the "No" box, enter the EIN/PN used for the Form 5500 filing, attach an explanation, and check the box in item 18.

If your plan is a new plan that is not required to file the Form 5500 series for the plan year preceding the premium payment year because the plan did not exist, check the box labeled "2003 Form 5500 not required."

Item 4 Change In EIN/PN

This item should be completed to report a change in EIN or PN since your last premium filing. The EIN of the plan sponsor or the plan's PN may change for a number of reasons.

Item 4(a) Change In EIN

Enter the previous EIN in the space provided.

Item 4(b) Change In PN

Enter the previous PN in the space provided.

Item 4(c) Effective Date

Enter the effective date of the change in EIN/PN.

Item 5 Plan Coverage Status

If the plan is covered under section 4021 of ERISA, check 5(a) "Covered."

If you are not certain if the plan is covered, check 5(b) "Uncertain." See B.1.a., p. 7.

If you check "Uncertain," you should complete Form 1 and pay the applicable premium as if the plan were covered. Attach a separate sheet to explain why you checked "Uncertain," and check the box in item 18.

Item 6 Is This The First Year's Premium Filing For This Plan?

Check the "No" box if you are filing for the second or subsequent plan year of coverage, and go to item 7. Check the "Yes" box if you are filing for the first plan year of coverage, and complete items 6(a), 6(b), and 6(c).

Item 6(a) Plan Effective Date

Enter the date on which the plan became effective with respect to benefit accruals for future service. This date is considered to be the first day of a new plan's short first year for purposes of prorating the premium (see B.5., p. 13). If the adoption date of a newly created plan covered under section 4021 of ERISA is after its effective date (*i.e.*, the plan is adopted retroactively), you may enter in item 6(a) either the adoption date or the effective date, but the date that you enter here must also be used as the premium snapshot date.

Item 6(b) Plan Adoption Date

Enter the date on which the plan was formally adopted.

Item 6(c) Plan Coverage Date

Enter the date on which the plan became covered under section 4021 of ERISA. If you are unsure whether your plan is covered, check the "Uncertain" box in item 5 and leave this date field blank.

Item 7 Transfers From Disappearing Plans

If a plan other than yours ceased to exist in connection with any transfer of assets or liabilities from that plan to your plan since the last premium filing, check the "Yes" box in item 7. In the case of a plan that is filing for the first time, this includes a transfer of assets or liabilities that was made to the plan when it was established, if the transferor plan ceased to exist in connection with the transfer. If you check "Yes," enter in the spaces provided the EIN/PN of each plan that ceased to exist in connection with the transfer of any assets or liabilities to your plan. Also enter the type and effective date of each transfer.

- The types of transfers are explained in A.9., p.6. For purposes of this item, "M" designates a merger, "C" designates a consolidation, and "S" designates a spinoff. Check the box under the appropriate letter for the type of each transfer.
- The effective date of a transfer is determined based on the facts and circumstances of the particular

Part D.8 Item by Item Instructions for Form 1

situation. (For transfers subject to section 414(I) of the Code, report the date determined under 26 CFR 1.414(I)-1(b)(11).)

Example: The merger agreement between Plans A and B provides that participants of Plan A will cease accruing benefits under Plan A and begin coverage and benefit accruals under Plan B as of January 1, 2004, and that the obligation to pay benefits to Plan A participants will pass from Plan A to Plan B as of that date. The agreement also provides that Plan A's assets will be transferred to Plan B's account as soon as practicable. The transfer actually occurs on February 17, 2004. The effective date of the transfer is January 1, 2004.

If you need to report transfers from more than 2 plans, attach a separate sheet listing the EIN/PN of each additional plan and the effective date and type of each transfer. If you attach a separate sheet, check the box in item 18.

You do not need to report any transfer in this item unless the transferor plan ceased to exist in connection with the transfer - *i.e.*, transferred all of its assets and liabilities to your plan or to two or more plans including your plan. You also do not need to report a transfer in this item if you have no reasonable way of determining whether or not the transferor plan ceased to exist in connection with the transfer.

Note that premium proration is not available for "overlapping" premium payments resulting from a plan merger, consolidation, or spinoff.

NOTE: If we do not receive an expected premium filing from a plan, we normally contact the plan for an explanation. The purpose of item 7 is to avoid the need for such correspondence where the reason the plan is not filing is that it has disappeared as the result of a merger, consolidation or spinoff. However, the item 7 explanation can only have its intended effect if we receive it from the transferee plan before the disappearing plan's next expected premium filing due date. If the transferee plan does not expect to file until after that, the need for correspondence can be avoided by sending us the item 7 information earlier - in writing - as described in item 3. under "CONTACTS," p. ii.

Item 8 Business Code

Enter the 6-digit code that best describes the nature of the employer's business. If more than one employer is involved, enter the business code for the predominant business activity of all employers. Choose one code from the list in Appendix B at the back of this package.

Item 9 Name of Plan

Enter the complete name of the plan as stated in the plan document. For example, "The ABC Company Pension Plan for Salaried Personnel."

Item 10 Name and Phone Number of Plan Contact

Item 10(a) Name of Plan Contact

Enter the name of the person we may contact if we have any questions concerning this filing. If Form 1 is completed by a plan consultant, you may enter the consultant's name.

Item 10(b) Phone Number of Plan Contact

Enter the phone number of the plan contact named in item 10(a).

Item 11 Plan Type

Check the applicable box to show plan type. See A.8., p. 5, for an explanation of the distinction between multiemployer and single-employer plans.

Item 11(a) Multiemployer Plans

Check item 11(a), "Multiemployer Plan," if the plan is a multiemployer plan.

Item 11(b) Single-Employer Plans

Check item 11(b), "Single-Employer Plan," if the plan is not a multiemployer plan.

Item 12 Plan Year

Item 12(a)

Enter the beginning date of the plan year for which you are making the premium payment.

Item 12(b)

Enter the ending date of the plan year for which you are making the premium payment.

Item 12(c)

Check the box if the month and day on which the plan year begins is not the same as that shown on the last Form 1 or Form 1-EZ you filed with us. Attach a separate sheet with a brief explanation for the change, and check the box in item 18.

Item 12(d)

If you checked the box in item 12(c), enter the adoption date of the plan year change. If the change in the plan year beginning date reflects a 52/53-week plan year, rather than a change in plan year, enter all zeroes in item 12(d).

Item 13 Participant Count

Enter the total number of participants covered by the plan. This is the number on which the plan's premium is based.

For post-2000 plan years, newly created plans that do not grant past service credits typically have a participant count of zero for premium purposes. See the definition of "participant" in A.7., p. 4.

Count the number of plan participants as of the premium snapshot date.

The participant count for premium computation purposes for the PBGC Form 1 and the participant count for item 7 of the Form 5500 filed in the same year (*e.g.*, the 2004 Form 1 and 2003 Form 5500) are generally determined as of the same date, *i.e.*, the last day of the plan year preceding the year of the filing. However, the two participant counts may differ. For example -

- For premium purposes, individuals who are earning or retaining credited service but with respect to whom a plan has no benefit liabilities are not counted as participants. But individuals who are earning or retaining credited service are considered to be participants for purposes of item 7 of the Form 5500, even if the plan has no benefit liabilities with respect to them.

- There is a difference in the break-in-service rules that apply to Form 1 and to item 7 of Form 5500. For purposes of item 7 of Form 5500, whether a non-vested individual is excluded from the participant count because of a break in service depends upon the plan language; under the provisions of most plans, the instructions for item 7 would require that a separated non-vested individual be counted as a participant until the individual has incurred five or more consecutive one-year breaks in service. For purposes of Form 1, on the other hand, a non-vested individual is excluded from the participant count because of a break in service when the individual has incurred a one-year break in service under the terms of the plan.

Item 14 Premium**Item 14(a) MULTIPLE EMPLOYER Premium**

For a multiemployer plan, multiply the participant count in item 13 by \$2.60 and enter the result in item 14(a). This is the total multiemployer plan premium.

Item 14(b) SINGLE-EMPLOYER Flat-rate Premium

For a single-employer plan, multiply the participant count in item 13 by \$19 and enter the result in item 14(b). This is the single-employer plan flat-rate premium.

Item 14(c) SINGLE-EMPLOYER Variable-rate Premium

For a single-employer plan, enter in item 14(c) the amount in item 5 of Schedule A. This is the single-employer plan variable-rate premium.

Item 14(d) SINGLE-EMPLOYER Total Premium

For a single-employer plan, add items 14(b) and 14(c) and enter the result in item 14(d). This is the total single-employer plan premium.

Item 15 Premium Credits**Item 15(a) Amount Paid by Check or Electronic Funds Transfer With 2004 Form 1-ES**

Enter any amounts you previously paid - by check or electronic funds transfer - for the 2004 plan year with Form 1-ES. Do not include any credits claimed in item 7 of Form 1-ES.

Item 15(b) Other credit

Enter the amount of any credit you are entitled to: (1) any available credit claimed in item 7 of your 2004 Form 1-ES, (2) any available credit from item 17 of your 2003 Form 1 or Form 1-EZ, (3) any short-year credit (as explained in B.5. (Prorating Your Premium), p.13), and (4) any other available credit. Attach an explanation of any credit claimed in item 15(b) (other than an amount entered in item 17 of your 2003 Form 1 or Form 1-EZ) and check the box in item 18.

Item 15(c) Total Credit

Add items 15(a) and 15(b) and enter the result in item 15(c) of the Form 1. This is the total credit.

Item 16 Premium Due The PBGC

If this is a multiemployer plan and the amount you entered in item 14(a) exceeds the amount entered in item 15(c), subtract the amount entered in item 15(c) from the amount entered in item 14(a) and enter the result in item 16 of Form 1. This is the amount you owe the PBGC.

If this is a single-employer plan and the amount you entered in item 14(d) exceeds the amount entered in item 15(c), subtract the amount entered in item 15(c) from the amount entered in item 14(d) and enter the result in item 16 of the Form 1. This is the amount you owe the PBGC.

You must pay the premium due by check or by electronic funds transfer. Indicate by checking one of the boxes in item 16 which method you are using.

If you pay by check, write the EIN/PN (from item 3(a) and (b) of Form 1) and the date the premium payment year commenced (PYC) on the check and file the check with Form 1.

If you pay by electronic funds transfer, make the

Part D.17 Item by Item Instructions for Form 1

transfer as described in item 2.d. under “CONTACTS” on p. ii. Report the EIN/PN from item 3(a) and (b) of Form 1, and the date the premium payment year commenced (PYC), in the payment ID line of the electronic funds transfer in the format “EIN/PN: XX-XXXXXXX/XXX PYC: MM/DD/YY.”

To ensure proper credit for your premium payment, the payment must be for the exact amount due for the plan. Do not combine payments for different plans in a single check or electronic funds transfer.

Item 17 Amount Of Overpayment

If this is a multiemployer plan and the amount you entered in item 14(a) is less than the amount entered in item 15(c), subtract the amount entered in item 14(a) from the amount entered in item 15(c) and enter the result in item 17. This is the amount of your overpayment.

If this is a single-employer plan and the amount you entered in item 14(d) is less than the amount entered in item 15(c), subtract the amount entered in item 14(d) from the amount entered in item 15(c) and enter the result in item 17. This is the amount of your overpayment.

If item 17 shows an overpayment, you may request a refund by checking the first box in item 17. If you want your refund paid by electronic funds transfer, check either the second or the third box in item 17 to indicate whether

the account to which the refund is to be credited is a checking account or savings account, and enter in the fourth and fifth boxes of item 17 the bank routing number and account number to which the refund is to be credited. If you want the refund credited to a sub-account within the main account, enter the sub-account number in the sixth box of item 17.

See B.7.b., p. 18, for more information on overpayments.

Item 18 Additional Information

If you have used attachments other than the Schedule A to explain any of your answers, check the box in item 18. Be sure to show your plan’s EIN/PN and the date on which the premium payment year commenced (PYC) at the top of each sheet.

Item 19 Certification of Multiemployer Plan Administrator

If your plan is a multiemployer plan, then you, as plan administrator, must sign the Form 1 in this space. Your signature must be filed in original form. We may return your filing if it does not have your signature. Single-employer plans - see items 6 and 7 of Schedule A to Form 1.

Part E ITEM-BY-ITEM INSTRUCTIONS FOR SCHEDULE A

NOTE: *This part applies only to single-employer plans (including new single-employer plans) that do not claim an exemption from the variable-rate premium. Unless the plan meets the requirements for one of the exemptions described in the instructions for item 12 of Form 1-EZ in part C, it is not exempt. Having a variable-rate premium of zero is not the same as being exempt from the variable-rate premium. (See B.3.a., p. 11, for the forms applicable to other types of filers.) If your plan qualifies for an exemption and also has a variable-rate premium of zero, you may either file Form 1-EZ or file Form 1 with Schedule A. See Part B.3.d., p. 11.*

This part explains how to fill out the Schedule A that must be attached to Form 1 for each single-employer plan (including a new single-employer plan) that does not claim an exemption from paying the variable-rate premium. (Paying a zero variable-rate premium is not the same as being exempt from the variable-rate premium.)

You use Schedule A to determine the amount of the variable-rate premium. For some plans, the amount will be \$0. The variable-rate premium (even if it is \$0) must be entered on the Schedule A, item 5, and also on the Form 1, Item 14(c). You, and in some cases an enrolled actuary, must certify that the variable-rate premium is correct, even if the amount is \$0.

The variable-rate premium is \$9 per \$1,000, or fraction thereof, of unfunded vested benefits as of the premium snapshot date. The vested benefits must be valued using the Required Interest Rate (see A.7., p. 5.)

We remind filers that, in the preamble to the October 5, 1988, proposed premium regulation, the PBGC stated:

Finally, the PBGC has received inquiries as to

whether to include contingent benefits, such as “30-and-out” and disability benefits, in determining a plan’s vested benefits. Unless a participant has met the requirements for and become entitled to receive a contingent-type benefit, the benefit is not a vested benefit for premium purposes. . . . Thus, 30-and-out benefits and disability benefits for which a participant is not immediately eligible as of the last day of the plan year preceding the premium payment year are not included in vested benefits as of that date.

53 F.R. 39200, 39201-202.

Note: Money amounts entered in items 2, 3, and 4 of Schedule A should be in dollars only (no cents). See rounding instructions under these items.

Note: References in these instructions and on Schedule A to the 2003 plan year (and to filings and notices for the 2003 plan year) should be considered to refer to your plan’s most recent complete plan year. For example, a plan with a short plan year could have two plan years beginning in calendar 2004. When such a plan makes its premium filing(s) for its second 2004 plan year, the references in these instructions and on Schedule A to the 2003 plan year (and to filings and notices for the 2003 plan year) should be considered to refer to the plan’s first 2004 plan year (and to filings and notices for that plan year), because that is the plan’s most recent complete plan year. Similarly, if your plan had two plan years beginning in calendar 2003, the references in these instructions and on Schedule A to the 2003 plan year (and to filings and notices for the 2003 plan year) should be considered to refer to the plan’s second 2003 plan year, which is the plan’s most recent complete plan year.

Item 1 Filing Method

You must check only one box to indicate which filing method you use to calculate the variable-rate premium. There are three filing methods, which are described in detail below. You should check:

Box (a) if you use the General Rule method;

Box (b)(1) if you use the Alternative Calculation Method (ACM) and your participant count as reported in item 13 of Form 1 is less than 500;

Box (b)(2) if you use the ACM and your participant count as reported in item 13 of Form 1 is 500 or more; or

Box (c) if you use the modified ACM for plans in distress or involuntary terminations. In addition, if you use the modified ACM, -
- you must enter in item 1 the proposed date of plan termination (in a distress termination) or the date of plan termination sought by the PBGC (in an involuntary termination), and

Part E.1 Item by Item Instructions for Schedule A

- you must follow the instructions in Part F, which tell you how to modify the ACM instructions in this Part E for items 2 through 5 of Schedule A.

Any plan may use the General Rule method. The General Rule method requires a determination of vested benefits and assets and a determination of unfunded vested benefits by an enrolled actuary as of the premium snapshot date. (A more complete description of the General Rule method is at E.1.a., p. 32.)

To avoid the expense that might be involved in using the General Rule method, you may wish to consider using the Alternative Calculation Method (ACM). The ACM requires only an adjustment of amounts determined as of the first day of the plan year preceding the premium payment year that are required to be reported in the plan's Form 5500, Schedule B. (A more complete description of the ACM is at E.1.b., p. 33.)

If your plan is terminating in a distress or involuntary termination, you may instead use the modified ACM for such plans. The modified ACM uses the Schedule B for the termination plan year or, if unavailable, for the preceding plan year. (A more complete description of the modified ACM is at E.1.c., p. 33.) If you use the modified ACM, you must follow the instructions in Part F, which tell you how to modify the ACM instructions in this Part E for items 2 through 5 of Schedule A.

Your plan may be eligible for more than one filing method. However, you may select only one filing method. Under some filing methods, it may take more time to complete the Schedule A than under others. Some methods require the services of an enrolled actuary. We urge you to review the descriptions of the three filing methods carefully before completing Schedule A in order to take advantage of the filing method that best suits your needs.

a. *General Rule.* Under the General Rule, an enrolled actuary determines the amount of unfunded vested benefits as of the premium snapshot date, in accordance with ERISA section 4006(a)(3)(E)(iii) and generally accepted actuarial principles and practices. The actuary may either perform a valuation as of the premium snapshot date, or adjust the results of a valuation done as of a different date to reflect any differences in plan assets, population, and provisions between the different valuation date and the premium snapshot date so that the adjusted results satisfy all of the requirements for the General Rule method. A plan's unfunded vested benefits equal the excess of: (1) the plan's current liability (within the meaning of ERISA section 302(d)(7)) determined by taking into account only vested benefits and valued at the Required Interest Rate described in A.7., p. 5, over (2) the actuarial value of the

plan's assets determined in accordance with ERISA section 302(c)(2) without a reduction for any credit balance in the plan's funding standard account. (Section 302(d)(7)(C)(ii) of ERISA and Code section 412(l)(7)(C)(ii) require that a plan's current liability be determined using specified mortality tables; e.g., you must use the 1983 Group Annuity Mortality table from Revenue Ruling 95-28, 1995-14 I.R.B. 4, for healthy lives.)

(1) **General Requirements:** The determination under the General Rule must reflect the plan's population and provisions as of the premium snapshot date. Population data may be based on an actual census or a representative sample of the plan's population. The enrolled actuary must make the determination using the same actuarial assumptions and methods used by the plan for purposes of determining the minimum funding contributions under section 302 of ERISA and section 412 of the Code for the plan year in which the premium snapshot date falls, except to the extent that other actuarial assumptions are specifically prescribed by these instructions or are necessary to reflect the occurrence of a Significant Event (as described in A.7., p. 5) between the date of the funding valuation and the premium snapshot date. (If the plan does a funding valuation as of the premium snapshot date, no separate adjustment for Significant Events is needed.)

Under this rule, the determination of the unfunded vested benefits may be based on a plan funding valuation performed as of the first day of the premium payment year, provided that -

(i) the actuarial assumptions and methods used are those used by the plan for purposes of determining the minimum funding contributions under section 302 of the Act and section 412 of the Code for the premium payment year, except to the extent that other actuarial assumptions are specifically prescribed by these instructions or are required to make the adjustment described in paragraph (ii) below; and

(ii) if an enrolled actuary determines that there is a material difference between the values determined under the valuation and the values that would have been determined as of the premium snapshot date using the assumptions and methods for the plan year in which the premium snapshot date falls, the valuation results are adjusted to reflect appropriately the values as of the premium snapshot date using those assumptions and methods. (This adjustment need not be made if the unadjusted valuation would result in greater unfunded vested benefits.)

Part E.1 Item by Item Instructions for Schedule A

(2) Certification Requirement (in addition to plan administrator certification): In all cases under the General Rule, an enrolled actuary must certify to the determination of the variable-rate premium. In addition -

- (i) in the case of a large plan (500 or more participants), if the enrolled actuary -
- determines that the actuarial value of plan assets equals or exceeds the value of all accrued benefits (valued at the Required Interest Rate described in A.7., p. 5, of these instructions); and
 - elects to report the value of accrued benefits in lieu of the value of vested benefits in item 2(b) of Schedule A,

then the enrolled actuary must certify to having done so in item 7(a) of Schedule A.

- (ii) If -
- the interest rate used by the plan to value current liability was not greater than the Required Interest Rate described in A.7., p. 5; and
 - the enrolled actuary reports the value of vested benefits at the plan's interest rate in item 2(b) of Schedule A,
- then the enrolled actuary must certify to the above in item 7(b) of Schedule A.

(3) Size Requirement: Plans with any number of participants may use this method.

(4) Schedule A Filing Method: Check the box for item 1(a).

b. *Alternative Calculation Method.* This method is a simplified method intended to approximate the more precise determinations of the General Rule. It uses two formulas to calculate unfunded vested benefits as of the premium snapshot date.

The first formula adjusts the value of vested benefits for participants in pay status and deferred vested participants, as reported on Schedule B of the Form 5500 as of the first day of the plan year preceding the premium payment year, using the Required Interest Rate prescribed by ERISA. The Required Interest Rate that applies to your plan is determined as described in A.7., p. 5.

The second formula adjusts the resulting unfunded vested benefits figure for the passage of time from the first day of the plan year preceding the premium payment year to the premium snapshot date. The adjustment is necessary because, for premium purposes, unfunded vested benefits are determined as of the premium snapshot date. See the item-by-item instructions for items 2(b) and 4, below, for the two formulas.

If the Alternative Calculation Method is used by a plan that has 500 or more participants as of the premium snapshot date, an enrolled actuary must adjust the unfunded vested benefits to reflect the occurrence of any Significant Event (as described in A.7., p. 5) between the first day of the plan year preceding the premium payment year and the premium snapshot date.

(1) General Requirements: To use the Alternative Calculation Method, a plan must file a Form 5500 and Schedule B, for the plan year preceding the premium payment year, that has -

- (i) vested benefit values reported in items 2b(1), 2b(2), and 2b(3);
- (ii) the interest rate, reported in item 6a(1), used to determine the vested benefit values;
- (iii) the assumed retirement age reported in item 6b; and
- (iv) assets reported in item 1b(2) or 2a.

(2) Certification Requirements (in addition to plan administrator certification): For plans with 500 or more participants, an enrolled actuary must certify in item 7(c) that the unfunded vested benefits have been adjusted for the occurrence, if any, of a Significant Event and that the adjustment is consistent with generally accepted actuarial principles and practices.

(3) Size Requirements: Plans with any number of participants may use this method. However, plans with 500 or more participants that use this method must report unfunded vested benefits that reflect the occurrence, if any, of Significant Events listed in A.7., p. 5.

(4) Schedule A Filing Method: Check the applicable box under item 1(b). If your plan has fewer than 500 participants, check the box for item 1(b)(1). If your plan has 500 or more participants, check the box for item 1(b)(2).

c. *Modified Alternative Calculation Method For Plans Terminating In Distress Or Involuntary Terminations.*

Under this special rule, plans terminating in distress or involuntary terminations may use a modified version of the Alternative Calculation Method. If you use this filing method, you must follow the instructions in Part F that tell you how to modify the ACM filing instructions when completing Schedule A.

(1) General Requirements: The following plans may use this method:

- Plans that issue notices of intent to terminate in a

Part E.2 Item by Item Instructions for Schedule A

distress termination in accordance with ERISA section 4041(a)(2) setting forth a proposed termination date that is on or before the premium snapshot date; or
- Plans for which the PBGC has initiated proceedings for an involuntary termination and has sought a termination date on or before the premium snapshot date.

Some plans terminating in distress or involuntary terminations may not file the Schedule B for the plan year preceding the premium payment year and therefore would not be able to use the Alternative Calculation Method to calculate unfunded vested benefits. This filing method allows such plans to calculate unfunded vested benefits under a variation of the Alternative Calculation Method that uses vested benefit values and asset values from an earlier Schedule B than under the Alternative Calculation Method. The Schedule B used under this special rule must be for the plan year that includes (in the case of a distress termination) the proposed date of termination or (in the case of an involuntary termination) the termination date sought by the PBGC, or, if no Schedule B is filed for that plan year, the Schedule B for the preceding plan year. The Schedule B must have the entries required for the Alternative Calculation Method, as described in these instructions. (NOTE: Item references in the

Alternative Calculation Method instructions are to the 2003 Schedule B. If the Schedule B you are using under this special rule is for an earlier year with different item numbers, use the corresponding item numbers listed in Part F.)

NOTE: This method assumes (in the case of a distress termination) that the PBGC has not disapproved the termination or (in the case of an involuntary termination) that the PBGC's petition for involuntary termination has not been denied, dismissed, or withdrawn. If any of these events occurs, the plan will be treated as an ongoing plan and must file amended premium forms using another permitted filing method. If additional premiums are due, interest and penalties will be charged retroactive to the original due date(s).

(2) Certification Requirement (in addition to plan administrator certification): Same as for Alternative Calculation Method.

(3) Size Requirement: Same as for Alternative Calculation Method.

(4) Schedule A Filing Method: Check the box on Schedule A, item 1(c).

Item 2 Present Value Of Vested Benefits

Round entries that include cents down to the next lower whole dollar amount.

Determination Date

General Rule filers: Enter the date as of which the value of vested benefits was determined for premium purposes. The determination date must be the premium snapshot date.

ACM filers: Enter the date as of which the vested benefits for the 2003 Form 5500, Schedule B, item 2b, were valued. That date must be the first day of the 2003 plan year. If it is not, you cannot use the Alternative Calculation Method.

Assumed Retirement Age

Enter the assumed retirement age used to determine the present value of vested benefits for participants and

beneficiaries not receiving payments. For **ACM** filers, this must be the same as the retirement age actuarial assumption reported on the 2003 Form 5500, Schedule B, item 6b.

Required Interest Rate

Enter the Required Interest Rate (see A.7., p. 5).

General Rule filers use the Required Interest Rate to value vested benefits for premium purposes. **ACM** filers use the Required Interest Rate to determine the adjusted present value of vested benefits.

Accrual Factor

General Rule filers: Leave this item blank.

ACM filers: The accrual factor refers to the benefit accrual adjustment factor of 1.07 that you use in the "Item 2(b) Procedure." Enter 1.07.

Item 2(a) Plan Value of Vested Benefits

General Rule filers: Make no entries in either the "Value" column or the "Interest Rate" column of item 2(a).

ACM filers: Fill out items 2(a)(1), 2(a)(2), and 2(a)(3) as follows:

Item 2(a)(1) Plan Value Of Vested Benefits - Those Receiving Payments (ACM filers only)

In the "Value" column, enter the present value of vested benefits for retirees and beneficiaries receiving payments, determined as of the first day of the 2003 plan year. The amount entered must be the same as the amount reported on the 2003 Form 5500, Schedule B, item 2b(1), in the Vested Benefits column, "Operational information as of beginning of this plan year 'RPA '94' current liability for retired participants and beneficiaries receiving payments."

In the "Interest Rate" column, enter the plan interest rate used to determine the present value of vested benefits.

The interest rate must be the same as the current liability interest rate reported on the 2003 Form 5500, Schedule B, item 6a(1).

Item 2(a)(2) Plan Value of Vested Benefits - Those Not Receiving Payments (ACM filers only)

In the "Value" column, enter the present value of vested benefits for participants not receiving payments, determined as of the first day of the 2003 plan year. This includes all active vested participants and separated participants with deferred vested benefits. The amount entered must be the sum of the following two amounts

Item 2(b) Adjusted Value of Vested Benefits

General Rule filers: Report in item 2(b) the value of the plan's vested benefits, determined in accordance with the requirements set forth in the instructions for item 1 of Schedule A above. The value for retirees and beneficiaries receiving payments goes in item 2(b)(1), the value for participants not receiving payments in item 2(b)(2), and the total value (the sum of items 2(b)(1) and 2(b)(2)) in item 2(b)(3). The following two Relief Rules apply only to General Rule filers. (ACM filers: see instructions following the two Relief Rules for General Rule filers.)

Relief Rule for General Rule Filers Accrued Benefit Relief Rule For Large Plans

This is a special rule providing relief from determining vested benefits for certain plans that had 500 or more participants on the premium snapshot date and that are using the General Rule filing method.

If an enrolled actuary determines that the Total Value of Plan Assets in item 3(d) equals or exceeds the value of all benefits accrued under the plan (using plan assumptions, except that the benefits must be valued at the Required Interest Rate), the enrolled actuary need not determine the values of the plan's vested benefits. The actuary may instead report in item 2(b) the values of

reported on the 2003 Form 5500, Schedule B:

a. Item 2b(2), in the Vested Benefits column, "Operational information as of beginning of this plan year 'RPA '94' current liability for terminated vested participants," and

b. Item 2b(3), in the Vested Benefits column, "Operational information as of beginning of this plan year 'RPA '94' current liability for active participants."

In the "Interest Rate" column, enter the plan interest rate used to determine the present value of vested benefits.

The interest rate must be the same as the current liability interest rate reported on the 2003 Form 5500, Schedule B, item 6a(1).

Item 2(a)(3) Total Plan Value of Vested Benefits (ACM filers only)

Enter the total amount of the present value of vested benefits determined with the plan's actuarial assumptions. This is the total of item 2(a)(1) plus item 2(a)(2). The amount entered must be the same as the amount on the 2003 Form 5500, Schedule B, item 2b(4) in the Vested Benefits column, "Operational information as of beginning of this plan year 'RPA '94' current liability: Total."

accrued benefits adjusted only for the Required Interest Rate.

If you use this rule, the enrolled actuary must check box (a) in item 7.

Relief Rule for General Rule Filers Interest Adjustment Relief Rule

If you use the General Rule filing method and the Required Interest Rate for your plan is equal to or greater than the plan interest rate, the value of benefits you enter in item 2(b) may be determined using the plan interest rate instead of the Required Interest Rate.

If you use this relief rule for item 2(b), the enrolled actuary for the plan must check box (b) in item 7.

ACM filers: Follow the instructions for items 2(b)(1), 2(b)(2), and 2(b)(3) below.

Item 2(b)(1) Adjusted Value of Vested Benefits - Those Receiving Payments

Enter the adjusted present value of vested benefits for retirees and beneficiaries receiving payments, determined by adjusting the amount in item 2(a)(1) of Schedule A to value the benefits using the Required Interest Rate. To adjust the value of the benefits, you must follow the instructions in the "Item 2(b) Procedure" below.

Part E.2 Item by Item Instructions for Schedule A

Item 2(b)(2) Adjusted Value of Vested Benefits - Those Not Receiving Payments

Enter the adjusted present value of vested benefits for participants not receiving payments, determined by adjusting the amount in item 2(a)(2) of Schedule A to add benefit accruals for the plan year preceding the premium payment year and to value the benefits using the Required Interest Rate. The adjustment for benefit accruals is 7% of the amount in item 2(a)(2). To add the benefit accruals and to adjust the value of the benefits using the Required Interest Rate, you must follow the instructions in the “Item 2(b) Procedure” below.

Item 2(b)(3) Total Adjusted Vested Benefits

Enter the total adjusted vested benefits. This amount is the total of item 2(b)(1) plus item 2(b)(2).

Item 2(b) Procedure for ACM filers - How To Compute Adjusted Vested Benefits

Relief Rule for ACM filers If the Required Interest Rate for your plan entered in item 2 is equal to or greater than the plan interest rate entered in items 2(a)(1) and 2(a)(2), you do not have to use the formula below to calculate the adjusted value of vested benefits. However, you must adjust the amount entered in item 2(a)(2) by multiplying it by 1.07, the benefit accrual adjustment factor. Enter in item 2(b)(1) the same amount you entered in item 2(a)(1), and enter in item 2(b)(2) the adjusted item 2(a)(2) amount.

If you use this interest adjustment relief rule for item 2(b), by signing the certification in item 6 you are certifying that the plan interest rate used to value the vested benefits entered in items 2(a)(1) and 2(a)(2) was equal to or less than the Required Interest Rate.

Procedure for ACM filers Use the formula below to compute the adjusted value of vested benefits that you must enter in item 2(b)(1), item 2(b)(2) and item 2(b)(3). Enter all interest rates in the formula as in the following example: Enter 6.75 percent as “6.75,” not as “.0675.”

The formula adjusts the values of vested benefits for retired participants and beneficiaries receiving benefit payments and for other participants not receiving benefits that you entered in item 2(a)(1) and item 2(a)(2) of PBGC Schedule A. This information comes from your 2003 Form 5500, Schedule B. The formula adjusts your plan values to reflect the Required Interest Rate. The formula also adjusts for benefit accruals during the plan year preceding the premium payment year. You may wish to use the spaces provided as a work sheet.

One part of the formula, the expression “.94^(RIR - BIR),” may result in a fractional exponent and will result in a

negative exponent when your plan’s current liability interest rate is higher than the Required Interest Rate. You may use an optional procedure to substitute a factor for this expression. See “Procedure - How To Use Substitution Factors for the term “.94^(RIR - BIR),” below.

Formula for Total Adjusted Vested Benefits (item 2(b)(3)):

$$VB_{adj} = VB_{Pay} \times .94^{(RIR - BIR)} + [VB_{Nonpay} \times .94^{(RIR - BIR)} \times ((100 + BIR) / (100 + RIR))^{(ARA - 50)}]$$

Note: The VB_{Nonpay} amount is the amount entered on Schedule A item 2(a)(2) multiplied by 1.07 (the benefit accrual adjustment factor) to reflect accruals during the preceding plan year.

a. **Item 2(b)(1) amount** - Adjusted Vested Benefits for retirees and beneficiaries receiving payments.

$$\text{Item 2(b)(1)} = VB_{Pay} \times .94^{(RIR - BIR)}$$

b. **Item 2(b)(2) amount** - Adjusted Vested Benefits for participants *not* receiving payments.

$$\text{Item 2(b)(2)} = VB_{Nonpay} \times .94^{(RIR - BIR)} \times ((100 + BIR) / (100 + RIR))^{(ARA - 50)}$$

c. **Definitions.**

1. VB_{adj} is the adjusted vested benefits amount (as of the first day of the plan year preceding the premium payment year) under the Alternative Calculation Method \$ _____
2. VB_{Pay} is the amount entered in item 2(a)(1) \$ _____
3. VB_{Nonpay} is the amount entered in item 2(a)(2) multiplied by 1.07 \$ _____
4. RIR is the Required Interest Rate entered in item 2 _____ %
5. BIR is the current liability interest rate entered in items 2(a)(1) and 2(a)(2) in the “Interest Rate” column _____ %
6. ARA is the assumed retirement age entered in item 2 _____ years

Procedure for ACM filers How To Use Substitution Factors for the term “.94^(RIR - BIR),”

You may use “substitution factors” in the Alternative Calculation Method interest rate adjustment formula to replace the term “.94^(RIR - BIR).” The use of the “substitution factors” is *not* required; it is *optional*.

The use of the “substitution factors” may slightly overstate the present value of vested benefits and may overstate the amount of the variable-rate premium. The PBGC has rounded all substitution factors up or down to produce the higher value of vested benefits. The impact of this rounding is minimal. At most, the rounding would overstate the value of vested benefits by less than 1%.

The substitution factors are in Appendix A. Use the substitution factor in Table A when RIR is equal to or greater than BIR rounded to the nearest hundredth. Use

the substitution factor in Table B when BIR, rounded to the nearest hundredth, is greater than RIR.

Item 3 Value Of Plan Assets

Item 3(a) Value Of Plan Assets As Of Determination Date

All filers: Enter the determination date you entered in item 2.

General Rule filers: Enter the actuarial value of the plan's assets determined in accordance with ERISA section 302(c)(2) without a reduction for any credit balance in the funding standard account. Round an entry that includes cents up to the next higher whole dollar amount. You may not include in item 3(a) contributions for the premium

payment year or later, whether or not made. Adjust all receipts and disbursements for interest.

ACM filers: Enter the value of assets as reported on the 2003 Schedule B, item 1b(2), *if* the date reported on the 2003 Schedule B, item 1a, is the first day of the 2003 plan year. *But*, if that date is *not* the first day of the 2003 plan year, enter the value of assets as of the first day of the 2003 plan year, as reported in item 2a of the same Schedule B. Round an entry that includes cents up to the next higher whole dollar amount.

Item 3(b) Contribution Receivables In Item 3(a)

All filers: Enter the sum of employer and employee contribution receivables that were included in the item 3(a) amount. Round an entry that includes cents down to the next lower whole dollar amount.

For plans using the **ACM** that file Schedule H to Form 5500 for 2003, this amount is the sum of items

1b(1)(a) and 1b(2)(a) on Schedule H, current value of plan assets, receivables for employer and participant contributions as of the beginning of the plan year. For plans that do not file Schedule H for 2003, you must calculate the contribution receivables amount (keep a record of your calculations).

Item 3(c) Discounted Paid Contributions

All filers: For plans with fewer than 500 participants, this item is optional; you may go to item 3(d). If you do not complete this item, you may understate the adjusted value of assets you will report in item 3(d). If this would affect the amount of the variable-rate premium that the plan owes, you may wish to complete item 3(c).

Enter in item 3(c) the discounted value of those employer and employee contributions paid for plan years before the premium payment year that either were reported in item 3(b) (because they were included as receivables in the item 3(a) amount) or were not included (as receivables or otherwise) in the item 3(a) amount. Round an entry that includes cents up to the next higher whole dollar amount. Do not include in item 3(c) any contributions that are for the premium payment year or any contributions that have not been paid on or before the earlier of the due date for the variable-rate premium or the date that premium is paid.

We remind filers that the plan year for which a contribution is made is the plan year for which the contribution is credited to the funding standard account as "the amount considered contributed by the employer to or

under the plan for the plan year" pursuant to section 412(b)(2)(A) of the Code and section 302(b)(2)(A) of ERISA. (See the preamble to the July 10, 1989, final premium regulation, 54 F.R. 28944, 28949.)

The contributions must be discounted back to the determination date entered in item 3.

General Rule filers: Discount the contributions using the plan asset valuation rate, on a simple or compound basis in accordance with the plan's discounting rules.

ACM filers: Discount the contributions using the formula in the "Item 3 Procedure" below.

Procedure for ACM filers Item 3 Procedure - How To Discount Contributions

You must use the formula below to discount each contribution included in item 3(c) from the date paid back to the date entered in item 3(a). The sum of the discounted contributions is entered in item 3(c).

Each "discounted contribution" (DC) is computed by dividing the contribution paid by the "discount interest rate factor" for the discount period. The computation of the

Part E.4 Item by Item Instructions for Schedule A

“discount interest rate factor” is based on the Required Interest Rate (RIR) entered in item 2. Thus, for example, if the RIR is 6.30%, the “discount interest rate factor” is 1.0630. The “discount period” (DP) is the number of days from the date the contribution was paid back to the date entered in item 3(a). As part of the exponent in the formula, the “discount period” adjusts the “discount interest rate factor” for periods of different durations. One year is 365/365 or 1. (The formula assumes a 365-day year.)

$$\text{Discounted Contribution (DC)} = \frac{\text{Contribution}}{[(1 + (\text{RIR} / 100))^{(\text{DP} / 365)}]}$$

where:

1. RIR is the Required Interest Rate entered in item 2 _____ %
2. DP is the discount period expressed as the number of days from the date the contribution was paid back to the date entered in item 3(a); for example, one year and 183 days would be 548 days _____

2004 premium payment year received a \$1,000 contribution on July 2 of the premium payment year for the prior plan year. The discount period is July 2 of the premium payment year to January 1 of the prior plan year, or 548 days. Assume that the RIR for the premium payment year is 6.30%. When Contribution = \$1,000, RIR = 6.30%, and the Discount Period (DP) = 548 days, the amount of the Discounted Contribution (DC) is computed as follows:

$$\begin{aligned} \text{DC} &= \$1,000 / [(1 + (6.30/100))^{(548 / 365)}] \\ \text{DC} &= \$1,000 / [(1 + 0.0630)^{(1.50137)}] \\ \text{DC} &= \$1,000 / [(1.0630)^{(1.50137)}] \\ \text{DC} &= \$1,000 / 1.096065 \\ \text{DC} &= \$912.35 \end{aligned}$$

If the discount period for a contribution includes a partial year, instead of using this formula for the entire period, you may use simple interest for the partial year and this formula for the full year(s), if any, in the discount period, and add the two results.

Example A calendar year plan paying its premium for the

Item 3(d) Adjusted Value Of Plan Assets

All filers: Enter the combined amount of item 3(a), minus item 3(b), plus item 3(c).

Item 4 Adjusted Unfunded Vested Benefits

General Rule filers: The adjusted unfunded vested benefits is the excess, if any, of the Total Adjusted Vested Benefits entered in item 2(b)(3) over the Adjusted Value of Plan Assets entered in item 3(d).

If item 2(b)(3) is less than item 3(d), enter \$0; if not, subtract item 3(d) from item 2(b)(3), round up to the next \$1,000, and enter here.

An enrolled actuary must certify that the determination of unfunded vested benefits was made in a manner consistent with generally accepted actuarial principles and practices. The certification is made by signing and completing item 7.

ACM filers: The Adjusted Unfunded Vested Benefits is the excess, if any, of the Total Adjusted Vested Benefits entered in item 2(b)(3) over the Adjusted Plan Assets entered in item 3(d), further adjusted for the passage of time from the determination date entered in item 2 to the premium snapshot date and (for plans with 500 or more participants) for the occurrence of significant events. To determine Adjusted Unfunded Vested Benefits, use the

“Item 4 Procedure” below. You may wish to use the space provided as a work sheet.

Plans with fewer than 500 participants compute the Adjusted Unfunded Vested Benefits by using Step 1 and Step 2 of the “Item 4 Procedure” below and entering the result (UVB_{adj}) in item 4.

Plans with 500 or more participants compute the Adjusted Unfunded Vested Benefits by using Step 1, Step 2 and Step 3 of the “Item 4 Procedure” below and entering the result (UVB_{adj}) in item 4.

Procedure for ACM filers Item 4 Procedure - How To Compute Adjusted Unfunded Vested Benefits
Step 1. Unfunded Vested Benefits.

Compute the amount of Unfunded Vested Benefits as of the determination date entered in item 2 as follows:

1. Total Adjusted Vested Benefits from item 2(b)(3)..... \$ _____
2. *Minus:* Adjusted Value of Plan Assets from item 3(d) \$ _____
3. Unfunded Vested Benefits (1 minus 2, but not less than zero) \$ _____
4. If the plan has fewer than 500 participants and the

Unfunded Vested Benefits entered above are zero, then skip Steps 2 and 3, enter \$0 in item 4, and go to item 5. Otherwise, go to Step 2.

Step 2. Passage Of Time.

Adjust the Unfunded Vested Benefits entered above to reflect the passage of time from the determination date entered in item 2 using the following formula:

$$UVB_{adj} = (VB_{adj} - A_{adj}) \times (1 + RIR / 100)^Y;$$

where -

1. UVB_{adj} is the amount of the plan's Unfunded Vested Benefits adjusted to reflect the passage of time \$ _____
2. VB_{adj} is the value of the Total Adjusted Vested Benefits entered in item 2(b)(3) \$ _____
3. A_{adj} is the Adjusted Value Of Plan Assets entered in item 3(d) \$ _____
4. RIR is the Required Interest Rate entered in item 2 %
5. Y is deemed to be equal to 1 (unless the plan year preceding the premium payment year is a short plan year, in which case Y is the number of days in the short plan year (counting both the first day and the last day of the short plan year) divided by 365, expressed as a decimal fraction of 1.0 with two digits to the right of the decimal point)

6. If you have a plan with fewer than 500 participants, round UVB_{adj} up to the next \$1,000 and enter in item 4, then skip Step 3 and go to item 5. Otherwise, go to Step 3.

Step 3. Significant Event Adjustment.

If you have a plan with 500 or more participants, an enrolled actuary must certify to either A or B below by completing the certification in item 7 (including, in particular, box (c) of Item 7) of the Schedule A.

A. No Significant Event, as described in A.7., p.5, occurred during the plan year preceding the premium payment year. If this is the case, round UVB_{adj} from Step 2 above up to the next \$1,000 and enter in item 4 of Schedule A.

B. One or more Significant Events occurred during the plan year preceding the premium payment year, and the enrolled actuary has made appropriate adjustments to UVB_{adj} from Step 2 above to reflect the occurrence of the Significant Event(s) in accordance with generally accepted actuarial principles and practices. If this is the case, you may use the following worksheet:

1. Enter UVB_{adj} from Step 2 above \$ _____
2. Enter the adjustment to UVB_{adj} to reflect Significant Events (if negative, place in parentheses)..... \$ _____
3. Combine 1 and 2, round up to the next \$1,000, and enter here and in item 4 of Schedule A..... \$ _____

Item 5 Variable-rate Premium

All filers: Enter in item 5 and on Form 1, item 14(c), the variable-rate premium. You have two alternatives:

- a. If your plan has NO Adjusted Unfunded Vested

Benefits shown in item 4, enter \$0 in item 5.

- b. Otherwise, multiply the adjusted unfunded vested benefit amount in item 4 by 0.009 and enter the result in item 5.

Item 6 Plan Administrator Certification

All filers: As plan administrator, you must sign and date the certification in the space provided. The form you file must bear your original signature, and we may return the filing if it does not.

The certification has two parts. The first part is a general certification that your premium forms and attachments have been correctly completed and that any information given to the enrolled actuary is true, correct, and complete. The second part is a certification regarding compliance (for the plan year preceding the premium payment year) with the Participant Notice requirements in ERISA section 4011 and the PBGC's regulation on Disclosure to Participants (29 CFR Part 4011).

For each plan year for which a variable-rate premium is payable for a plan, the plan administrator must issue a notice to participants about the plan's funding status and the limits on the PBGC's guarantee, unless the plan is exempt from the notice requirement under ERISA and the PBGC's regulation on Disclosure to Participants. (Note in particular that the regulation contains an exemption for most new and newly-covered plans.) In addition, some plans were required to issue the notice for the 2003 plan year even if no variable-rate premium was payable for the 2003 plan year; for guidance, see PBGC Technical Update 03-17 (September 5, 2003), available on the PBGC's Web site (www.pbgc.gov) (under "Legal Information & FOIA" - "Laws & Regulations" - "Technical Updates").

The Participant Notice is due no later than two

Part E.7 Item by Item Instructions for Schedule A

months after due date (or extended due date) for the Form 5500 series for the prior plan year. For example, the 2003 Participant Notice was due two months after the due date (or extended due date) for the 2002 Form 5500 series. For purposes of determining whether the Participant Notice was timely issued, if any due date (or extended due date) falls on a Saturday, Sunday, or legal holiday, the applicable due date is the next business day.

The certification relates to the Participant Notice requirement for the plan year preceding the premium payment year. **Thus, the certification on the 2004 premium form relates to the Participant Notice for the 2003 plan year, not the 2004 plan year.** A Participant Notice for the 2003 plan year may have been required if either (1) a variable-rate premium (VRP) was payable for the 2003 plan year, or (2) a VRP would have been payable for the 2003 plan year if the required interest rate for calculating the 2003 VRP had been 85 percent of the annual yield on 30-year Treasury securities for the calendar month preceding the calendar month in which the 2003 premium payment year began.

You must check box (a), (b), or (c). If you check box (c) (*e.g.*, because a required Participant Notice was not

issued or was issued late), you must attach an explanation and check the box in item 18.

Item 7 Enrolled Actuary Certification

General Rule filers: An enrolled actuary must personally sign, date and enter his or her enrollment number and address in the space provided on the certification in item 7. The signature of the enrolled actuary must be filed in original form. If the Accrued Benefit Relief Rule for item 2 was used, the enrolled actuary must check box (a) in item 7. If the Interest Adjustment Relief Rule for item 2 was used, the enrolled actuary must check box (b) in item 7.

ACM filers: If the plan has 500 or more participants, an enrolled actuary must sign, date and enter his or her enrollment number and address in the space provided on the certification, and must check box (c) in item 7. The signature of the enrolled actuary must be filed in original form.

Part F MODIFIED ALTERNATIVE CALCULATION METHOD FOR PLANS TERMINATING IN DISTRESS OR INVOLUNTARY TERMINATIONS

If you check the box in item 1(c) of Schedule A to indicate that you are using the modified Alternative Calculation Method (ACM) for plans terminating in distress or involuntary terminations, you must follow the instructions in this Part F, which modify the instructions for items 2 through 5 of Schedule A in Part E for ACM filers. The date you enter in item 1 of Schedule A is referred to in this Part F as the “DOPT.”

The item-by-item instructions for items 2 through 5 of the Schedule A are the same as under the Alternative Calculation Method (See Part E of these instructions) subject to the modifications described below. However, under this Distress/Involuntary Termination Method, you will generally be using data from a Schedule B for a plan year earlier than the plan year preceding the premium payment year.

Most of the relevant item numbers on Schedule B for 1994 and earlier years are different from those on the 1995 through 2003 Schedule B, as indicated in the table below.

| <u>Corresponding Schedule B Item Numbers</u> | |
|--|-----------------------------|
| <u>1995 - 2003 Schedule B</u> | <u>1989-1994 Schedule B</u> |
| 1a | 8b (date) |
| 1b(2) | 8b (value) |
| 2a | 6c |
| 2b | 6d |
| 2b(1) | 6d(i) |
| 2b(2) + 2b(3) | 6d(ii) + 6d(iii) |
| 2b(4) | 6d(iv) |
| 6a(1)* | 12c(i) |
| 6b** | 12d |

* Item 6c(1) on 1995 Schedule B’s.

** Item 6e on 1995 Schedule B’s.

If you are able to use the same Schedule B as under the Alternative Calculation Method, which is the 2003 Schedule B for the 2004 premium payment year, the Distress/Involuntary Termination Method and the Alternative Calculation Method are almost identical; the only difference is that the Distress/Involuntary Termination Method may result in a smaller adjustment for accruals during the plan year preceding the premium payment year, since it would adjust only up to the DOPT. (See Modification 2 below.) Thus, if you use the Distress/Involuntary Termination Method with a Schedule B for the plan year preceding the premium payment year, you may ignore Modifications 1 and 3 below, and apply only Modification 2 to the Alternative Calculation Method.

The modifications, which are generally designed to reflect and to adjust for the fact that the Schedule B data

were determined as of an earlier date, are as follows:

Modification 1.

Substitute the first day of the plan year of the Schedule B you are using for the first day of the Alternative Calculation Method Schedule B year.

Example A calendar year plan is paying its 2004 premium.

The plan has a DOPT of September 1, 2003, and a premium snapshot date of December 31, 2003, and is using data from its 2002 Schedule B to calculate the variable-rate portion of its premium. For this plan -

1. the determination date to be entered in item 2 must be January 1, 2002;
2. the Plan Value of Vested Benefits to be entered in the “Value” column of item 2(a), as well as the Adjusted Value of Vested Benefits to be entered in item 2(b), must be determined as of January 1, 2002;
3. the determination date to be entered in item 3 must be January 1, 2002;
4. the Value of Plan Assets to be entered in item 3(a) must be determined as of January 1, 2002;
5. the Contribution Receivables to be entered in item 3(b) are those that were included as receivables in the item 3(a) entry as of January 1, 2002;
6. the Discounted Paid Contributions to be entered in item 3(c) are those contributions for plan years prior to the premium payment year that were either included as receivables, or not included (as receivables or otherwise), in the item 3(a) entry as of January 1, 2002 (provided they were paid on or before the earlier of the date the 2002 premium is due or paid);
7. the Discounted Paid Contributions to be entered in item 3(c) must be discounted from the date paid back to January 1, 2002;
8. the Adjusted Value of Plan Assets to be entered in item 3(d) must be determined as of January 1, 2002;
9. the Adjusted Unfunded Vested Benefits to be entered in item 4 is determined as of December 31, 2003; and
10. if the plan has 500 or more participants, the Adjusted Unfunded Vested Benefits to be entered in item 4 must reflect any Significant Events occurring between January 1, 2002, and December 31, 2003.

Part F Modified Alternative Calculation Method for Plans Terminating in Distress or Involuntary Terminations

Modification 2.

Substitute “the sum of 1 plus the product of .07 times the number of years (rounded to the nearest hundredth of a year) from the date of the Schedule B data to the DOPT” for “1.07” (the benefit accrual adjustment factor) in the Item 2(b) interest adjustment “Relief Rule” and the interest rate adjustment formula under the “Item 2(b) Procedure.”

To compute the number of years, count the number of days from and including the date of the Schedule B data to and including the DOPT and divide by 365.

Under the Alternative Calculation Method, the benefit accrual adjustment factor of 1.07 referred to under the “Item 2(b) Procedure” serves as a surrogate for accruals during the plan year preceding the premium payment year.

This surrogate assumes that there has been exactly one year of accruals (e.g., in the case of a calendar year plan paying its 2004 premium, accruals from January 1, 2003, through December 31, 2003). Under the Distress/Involuntary Termination Method, however, the accrual period will run from the date of the Schedule B data to the DOPT.

Using the rule stated in Modification 2, and continuing with the hypothetical plan in Modification 1-

1. Determine VB_{Nonpay} in the “Item 2(b) Procedure” interest rate adjustment formula by multiplying the total of the amounts entered in the Vested Benefits column in items 2b(2) and 2b(3) of the 2002 Schedule B by the following benefit accrual adjustment factor (AC) instead of 1.07 -

$AC = 1 + (.07 \times (\text{the number of days from January 1, 2002 to September 1, 2003}) / 365)$

$AC = 1 + (.07 \times 1.67)$

$AC = 1 + .12$

$AC = 1.12$

2. If the plan is using the item 2(b) interest adjustment “Relief Rule,” the Schedule A item 2(b)(2) amount is determined by multiplying the Schedule A item 2(a)(2) amount by 1.12. If the plan cannot use the Relief Rule, the VB_{Nonpay} amount (c.3. under the “Item 2(b) Procedure”) is the amount entered in item 2(a)(2) of Schedule A multiplied by 1.12.

3. Enter the benefit accrual adjustment factor of 1.12 as the accrual factor on Schedule A, item 2.

Modification 3.

Use “the number of years (rounded to the nearest hundredth of a year) between the date of the Schedule B data and the premium snapshot date” as the value for the exponent “Y,” in the time adjustment formula under the “Item 4 Procedure” rather than the value described in the “Item 4 Procedure.”

To compute the number of years, count the number of days from and including the date of the Schedule B data to and including the premium snapshot date and divide by 365 in Step 2 of the “Item 4 Procedure.”

Under the Alternative Calculation Method, the exponent, “Y,” in the time adjustment formula in Step 2 of the “Item 4 Procedure” represents the length of time from the date of the Schedule B data to the premium snapshot date. Because that length of time is generally exactly one year under the Alternative Calculation Method, Y is defined simply as (generally) being “equal to 1.” The length of time under the Distress/Involuntary Termination Method will generally be longer than 1 year. Thus, using the rule stated in Modification 3, and continuing with the hypothetical plan in Modification 1, “Y” would equal 2 (the number of years between January 1, 2002, and December 31, 2003).

APPENDIX A Optional Substitution Factors for the term “.94^(RIR - BIR)”

You may use optional “substitution factors” in the Alternative Calculation Method interest rate adjustment formula to replace the term “.94^(RIR - BIR)”. The use of the factors is not required; it is optional. The instructions for the formula and for use of the tables below are in Part E, item 2.

Use the substitution factor in Table A when RIR is equal to or greater than BIR rounded to the nearest hundredth. Use the substitution factor in Table B when BIR, rounded to the nearest hundredth, is greater than RIR.

TABLE A**When RIR is Equal To Or Greater Than BIR**

| If RIR minus BIR (rounded to the nearest hundredth) is: | | The substitution factor is: | If RIR minus BIR (rounded to the nearest hundredth) is: | | The substitution factor is: |
|---|----------------------|-----------------------------|---|----------------------|-----------------------------|
| <u>At Least</u> | <u>But less than</u> | | <u>At Least</u> | <u>But less than</u> | |
| 0.00 | 0.10 | 1.0000 | 3.00 | 3.10 | 0.8306 |
| 0.10 | 0.20 | 0.9938 | 3.10 | 3.20 | 0.8255 |
| 0.20 | 0.30 | 0.9877 | 3.20 | 3.30 | 0.8204 |
| 0.30 | 0.40 | 0.9816 | 3.30 | 3.40 | 0.8153 |
| 0.40 | 0.50 | 0.9756 | 3.40 | 3.50 | 0.8103 |
| 0.50 | 0.60 | 0.9695 | 3.50 | 3.60 | 0.8053 |
| 0.60 | 0.70 | 0.9636 | 3.60 | 3.70 | 0.8003 |
| 0.70 | 0.80 | 0.9576 | 3.70 | 3.80 | 0.7954 |
| 0.80 | 0.90 | 0.9517 | 3.80 | 3.90 | 0.7905 |
| 0.90 | 1.00 | 0.9458 | 3.90 | 4.00 | 0.7856 |
| 1.00 | 1.10 | 0.9400 | 4.00 | 4.10 | 0.7807 |
| 1.10 | 1.20 | 0.9342 | 4.10 | 4.20 | 0.7759 |
| 1.20 | 1.30 | 0.9284 | 4.20 | 4.30 | 0.7711 |
| 1.30 | 1.40 | 0.9227 | 4.30 | 4.40 | 0.7664 |
| 1.40 | 1.50 | 0.9170 | 4.40 | 4.50 | 0.7617 |
| 1.50 | 1.60 | 0.9114 | 4.50 | 4.60 | 0.7570 |
| 1.60 | 1.70 | 0.9057 | 4.60 | 4.70 | 0.7523 |
| 1.70 | 1.80 | 0.9002 | 4.70 | 4.80 | 0.7477 |
| 1.80 | 1.90 | 0.8946 | 4.80 | 4.90 | 0.7430 |
| 1.90 | 2.00 | 0.8891 | 4.90 | 5.00 | 0.7385 |
| 2.00 | 2.10 | 0.8836 | 5.00 | 5.10 | 0.7339 |
| 2.10 | 2.20 | 0.8781 | 5.10 | 5.20 | 0.7294 |
| 2.20 | 2.30 | 0.8727 | 5.20 | 5.30 | 0.7249 |
| 2.30 | 2.40 | 0.8673 | 5.30 | 5.40 | 0.7204 |
| 2.40 | 2.50 | 0.8620 | 5.40 | 5.50 | 0.7160 |
| 2.50 | 2.60 | 0.8567 | 5.50 | 5.60 | 0.7115 |
| 2.60 | 2.70 | 0.8514 | 5.60 | 5.70 | 0.7072 |
| 2.70 | 2.80 | 0.8461 | 5.70 | 5.80 | 0.7028 |
| 2.80 | 2.90 | 0.8409 | 5.80 | 5.90 | 0.6985 |
| 2.90 | 3.00 | 0.8357 | 5.90 | 6.00 | 0.6942 |

TABLE B

When BIR is Greater Than RIR

| If BIR (rounded to the nearest hundredth) minus RIR is: | | The substitution factor is: | If BIR (rounded to the nearest hundredth) minus RIR is: | | The substitution factor is: |
|---|----------------------|-----------------------------|---|----------------------|-----------------------------|
| <u>At Least</u> | <u>But less than</u> | | <u>At Least</u> | <u>But less than</u> | |
| 0.00 | 0.10 | 1.0062 | 3.00 | 3.10 | 1.2114 |
| 0.10 | 0.20 | 1.0125 | 3.10 | 3.20 | 1.2190 |
| 0.20 | 0.30 | 1.0187 | 3.20 | 3.30 | 1.2265 |
| 0.30 | 0.40 | 1.0251 | 3.30 | 3.40 | 1.2341 |
| 0.40 | 0.50 | 1.0314 | 3.40 | 3.50 | 1.2418 |
| 0.50 | 0.60 | 1.0378 | 3.50 | 3.60 | 1.2495 |
| 0.60 | 0.70 | 1.0443 | 3.60 | 3.70 | 1.2573 |
| 0.70 | 0.80 | 1.0507 | 3.70 | 3.80 | 1.2651 |
| 0.80 | 0.90 | 1.0573 | 3.80 | 3.90 | 1.2729 |
| 0.90 | 1.00 | 1.0638 | 3.90 | 4.00 | 1.2808 |
| 1.00 | 1.10 | 1.0704 | 4.00 | 4.10 | 1.2888 |
| 1.10 | 1.20 | 1.0771 | 4.10 | 4.20 | 1.2968 |
| 1.20 | 1.30 | 1.0838 | 4.20 | 4.30 | 1.3048 |
| 1.30 | 1.40 | 1.0905 | 4.30 | 4.40 | 1.3129 |
| 1.40 | 1.50 | 1.0973 | 4.40 | 4.50 | 1.3211 |
| 1.50 | 1.60 | 1.1041 | 4.50 | 4.60 | 1.3293 |
| 1.60 | 1.70 | 1.1109 | 4.60 | 4.70 | 1.3375 |
| 1.70 | 1.80 | 1.1178 | 4.70 | 4.80 | 1.3458 |
| 1.80 | 1.90 | 1.1248 | 4.80 | 4.90 | 1.3542 |
| 1.90 | 2.00 | 1.1317 | 4.90 | 5.00 | 1.3626 |
| 2.00 | 2.10 | 1.1388 | 5.00 | 5.10 | 1.3710 |
| 2.10 | 2.20 | 1.1458 | 5.10 | 5.20 | 1.3795 |
| 2.20 | 2.30 | 1.1529 | 5.20 | 5.30 | 1.3881 |
| 2.30 | 2.40 | 1.1601 | 5.30 | 5.40 | 1.3967 |
| 2.40 | 2.50 | 1.1673 | 5.40 | 5.50 | 1.4054 |
| 2.50 | 2.60 | 1.1745 | 5.50 | 5.60 | 1.4141 |
| 2.60 | 2.70 | 1.1818 | 5.60 | 5.70 | 1.4229 |
| 2.70 | 2.80 | 1.1892 | 5.70 | 5.80 | 1.4317 |
| 2.80 | 2.90 | 1.1965 | 5.80 | 5.90 | 1.4406 |
| 2.90 | 3.00 | 1.2040 | 5.90 | 6.00 | 1.4495 |

APPENDIX B Codes for Principal Business Activity.

These business titles and definitions are based, in general, on the North American Industry Classification System. They are designed to classify an enterprise by the type of activity in which it is engaged. You must use a code from the following list.

Agriculture, Forestry, Fishing and Hunting

Crop Production
 111100 Oilseed & Grain Farming
 112120 Vegetable & Melon Farming (including potatoes & yams)
 111300 Fruit & Tree Nut Farming
 111400 Greenhouse, Nursery, & Floriculture Production
 111900 Other Crop Farming (including tobacco, cotton, sugarcane, hay, peanut, sugar beet & all other crop farming)
 Animal Production
 112111 Beef Cattle Ranching & Farming
 112112 Cattle Feedlots
 112120 Dairy Cattle & Milk Production
 112210 Hog & Pig Farming
 112300 Poultry & Egg Production
 112400 Sheep & Goat Farming
 112510 Animal Aquaculture (including shellfish & finfish farms & hatcheries)
 112900 Other Animal Production
 Forestry and Logging
 113110 Timber Tract Operations
 113210 Forest Nurseries & Gathering of Forest Products
 113310 Logging
 Fishing, Hunting and Trapping
 114110 Fishing
 114210 Hunting & Trapping
 Support Activities for Agriculture and Forestry
 115110 Support Activities for Crop Production (including cotton ginning, soil preparation, planting, & cultivating)
 115210 Support Activities for Animal Production
 115310 Support Activities For Forestry

Mining

211110 Oil & Gas Extraction
 212110 Coal Mining
 212200 Metal Ore Mining
 212310 Stone Mining & Quarrying
 212320 Sand, Gravel, Clay, & Ceramic & Refractory Minerals Mining & Quarrying
 212390 Other Nonmetallic Mineral Mining & Quarrying
 213110 Support Activities for Mining

Utilities

221100 Electric Power Generation, Transmission & Distribution
 221210 Natural Gas Distribution
 221300 Water, Sewage & Other Systems

Construction

Construction of Buildings
 236110 Residential Building Construction
 236200 Nonresidential Building Construction
 Heavy and Civil Engineering Construction
 237100 Utility System Construction
 237210 Land Subdivision
 237310 Highway, Street, & Bridge Construction
 237990 Other Heavy & Civil Engineering Construction
 Specialty Trade Contractors
 238100 Foundation, Structure, & Building Exterior Contractors (including framing carpentry, masonry, glass, roofing, & siding)
 238210 Electrical Contractors
 238220 Plumbing, Heating, & Air-conditioning Contractors
 238290 Other Building Equipment Contractors
 238300 Building Finishing Contractors (including drywall, insulation, painting, wallcovering, flooring, tile, and finish carpentry)
 238900 Other Specialty Trade Contractors (including site preparation)

Manufacturing

Food Manufacturing
 311110 Animal Food Mfg
 311200 Grain & Oilseed Milling
 311300 Sugar & Confectionery Product Mfg
 311400 Fruit & Vegetable Preserving & Specialty Food Mfg
 311500 Dairy Product Mfg
 311610 Animal Slaughtering and Processing
 311710 Seafood Product Preparation & Packaging
 311800 Bakeries & Tortilla Mfg
 311900 Other Food Mfg (including coffee, tea, flavorings & seasonings)
 Beverage and Tobacco Product Manufacturing
 312110 Soft Drink & Ice Mfg
 312120 Breweries
 312130 Wineries
 312140 Distilleries
 312200 Tobacco Manufacturing
 Textile Mills and Textile Product Mills
 313000 Textile Mills
 314000 Textile Product Mills
 Apparel Manufacturing
 315100 Apparel Knitting Mills
 315210 Cut & Sew Apparel Contractors
 315220 Men's & Boys' Cut & Sew Apparel Mfg
 315230 Women's & Girls' Cut & Sew Apparel Mfg
 315290 Other Cut & Sew Apparel Mfg
 315990 Apparel Accessories & Other Apparel Mfg
 Leather and Allied Product Manufacturing
 316110 Leather & Hide Tanning & Finishing
 316210 Footwear Mfg (including rubber & plastics)
 316990 Other Leather & Allied Product Mfg
 Wood Product Manufacturing
 321110 Sawmills & Wood Preservation
 321210 Veneer, Plywood, & Engineered Wood Product Mfg
 321900 Other Wood Product Mfg
 Paper Manufacturing
 322100 Pulp, Paper, & Paperboard Mills
 322200 Converted Paper Product Mfg
 Printing and Related Support Activities
 323100 Printing & Related Support Activities
 Petroleum and Coal Products Manufacturing
 324110 Petroleum Refineries (including integrated)
 324120 Asphalt Paving, Roofing, & Saturated Materials Mfg
 324190 Other Petroleum & Coal Products Mfg
 Chemical Manufacturing
 325100 Basic Chemical Mfg
 325200 Resin, Synthetic Rubber, & Artificial & Synthetic Fibers & Filaments Mfg
 325300 Pesticide, Fertilizer, & Other Agricultural Chemical Mfg
 325410 Pharmaceutical & Medicine Mfg
 325500 Paint, Coating, & Adhesive Mfg
 325600 Soap, Cleaning Compound, & Toilet Preparation Mfg
 325900 Other Chemical Product & Preparation Mfg
 Plastics and Rubber Products Manufacturing
 326100 Plastics Product Mfg
 326200 Rubber Product Mfg
 Nonmetallic Mineral Product Manufacturing
 327100 Clay Product & Refractory Mfg
 327210 Glass & Glass Product Mfg
 327300 Cement & Concrete Product Mfg
 327400 Lime & Gypsum Product Mfg
 327900 Other Nonmetallic Mineral Product Mfg
 Primary Metal Manufacturing
 331110 Iron & Steel Mills & Ferroalloy Mfg
 331200 Steel Product Mfg from Purchased Steel
 331310 Alumina & Aluminum Production & Processing
 331400 Nonferrous Metal (except Aluminum) Production & Processing
 331500 Foundries
 Fabricated Metal Product Manufacturing
 332110 Forging & Stamping
 332210 Cutlery & Handtool Mfg
 332300 Architectural & Structural Metals Mfg

332400 Boiler, Tank, & Shipping Container Mfg
 332510 Hardware Mfg
 332610 Spring & Wire Product Mfg
 332700 Machine Shops; Turned Product; & Screw, Nut, & Bolt Mfg
 332810 Coating, Engraving, Heat Treating, & Allied Activities
 332900 Other Fabricated Metal Product Mfg
 Machinery Manufacturing
 333100 Agriculture, Construction, & Mining Machinery Mfg
 333200 Industrial Machinery Mfg
 333310 Commercial & Service Industry Machinery Mfg
 333410 Ventilation, Heating, Air-Conditioning, & Commercial Refrigeration Equipment Mfg
 333510 Metalworking Machinery Mfg
 333610 Engine, Turbine & Power Transmission Equipment Mfg
 333900 Other General Purpose Machinery Mfg
 Computer and Electronic Product Manufacturing
 334110 Computer & Peripheral Equipment Mfg
 334200 Communications Equipment Mfg
 334310 Audio & Video Equipment Mfg
 334410 Semiconductor & Other Electronic Component Mfg
 334500 Navigational, Measuring, Electromedical, & Control Instruments Mfg
 334610 Manufacturing & Reproducing Magnetic & Optical Media
 Electrical Equipment, Appliance, and Component Manufacturing
 335100 Electric Lighting Equipment Mfg
 335200 Household Appliance Mfg
 335310 Electrical Equipment Mfg
 335900 Other Electrical Equipment & Component Mfg
 Transportation Equipment Manufacturing
 336100 Motor Vehicle Mfg
 336210 Motor Vehicle Body & Trailer Mfg
 336300 Motor Vehicle Parts Mfg
 336410 Aerospace Product & Parts Mfg
 336510 Railroad Rolling Stock Mfg
 336610 Ship & Boat Building
 336990 Other Transportation Equipment Mfg
 Furniture and Related Product Manufacturing
 337000 Furniture & Related Product Manufacturing
 Miscellaneous Manufacturing
 339110 Medical Equipment & Supplies Mfg
 339900 Other Miscellaneous Manufacturing

Wholesale Trade

Merchant Wholesalers, Durable Goods
 423100 Motor Vehicle & Motor Vehicle Parts & Supplies
 423200 Furniture & Home Furnishings
 423300 Lumber & Other Construction Materials
 423400 Professional & Commercial Equipment & Supplies
 423500 Metals & Minerals (except Petroleum)
 423600 Electrical & Electronic Goods
 423700 Hardware, Plumbing & Heating Equipment & Supplies
 423800 Machinery, Equipment, & Supplies
 423910 Sporting & Recreational Goods & Supplies
 423920 Toy & Hobby Goods & Supplies
 423930 Recyclable Materials
 423940 Jewelry, Watches, Precious Stones, & Precious Metals
 423990 Other Miscellaneous Durable Goods
 Merchant Wholesalers, Nondurable Goods
 424100 Paper & Paper Products
 424210 Drugs & Druggists' Sundries
 424300 Apparel, Piece Goods, & Notions
 424400 Grocery & Related Products
 424500 Farm Product Raw Materials
 424600 Chemical & Allied Products
 424700 Petroleum & Petroleum Products
 424800 Beer, Wine, & Distilled Alcoholic Beverages
 424910 Farm Supplies
 424920 Books, Periodicals & Newspapers

424930 Flowers, Nursery Stock, & Florists' Supplies
 424940 Tobacco & Tobacco Products
 424950 Paint, Varnish, & Supplies
 424990 Other Miscellaneous Nondurable Goods
 Wholesale Electronic Markets and Agents and Brokers
 425110 Business to Business Electronic Markets
 425120 Wholesale Trade Agents & Brokers

Retail Trade

Motor Vehicle and Parts Dealers
 441110 New Car Dealers
 441120 Used Car Dealers
 441210 Recreational Vehicle Dealers
 441221 Motorcycle Dealers
 441222 Boat Dealers
 441229 All Other Motor Vehicle Dealers
 441300 Automotive Parts, Accessories, & Tire Stores
 Furniture and Home Furnishings Stores
 442110 Furniture Stores
 442210 Floor Covering Stores
 442291 Window Treatment Stores
 442299 All Other Home Furnishings Stores
 Electronics and Appliance Stores
 443111 Household Appliance Stores
 443112 Radio, Television, & Other Electronics Stores
 443120 Computer & Software Stores
 443130 Camera & Photographic Supplies Stores
 Building Material and Garden Equipment and Supplies Dealers
 444110 Home Centers
 444120 Paint & Wallpaper Stores
 444130 Hardware Stores
 444190 Other Building Material Dealers
 444200 Lawn & Garden Equipment & Supplies Stores
 Food and Beverage Stores
 445110 Supermarkets and Other Grocery (except Convenience) Stores
 445120 Convenience Stores
 445210 Meat Markets
 445220 Fish & Seafood Markets
 445230 Fruit & Vegetable Markets
 445291 Baked Goods Stores
 445292 Confectionery & Nut Stores
 445299 All Other Specialty Food Stores
 445310 Beer, Wine, & Liquor Stores
 Health and Personal Care Stores
 446110 Pharmacies & Drug Stores
 446120 Cosmetics, Beauty Supplies, & Perfume Stores
 446130 Optical Goods Stores
 446190 Other Health & Personal Care Stores
 Gasoline Stations
 447100 Gasoline Stations (including convenience stores with gas)
 Clothing and Clothing Accessories Stores
 448110 Men's Clothing Stores
 448120 Women's Clothing Stores
 448130 Children's & Infants' Clothing Stores
 448140 Family Clothing Stores
 448150 Clothing Accessories Stores
 448190 Other Clothing Stores
 448210 Shoe Stores
 448310 Jewelry Stores
 448320 Luggage & Leather Goods Stores
 Sporting Goods, Hobby, Book, and Music Stores
 451110 Sporting Goods Stores
 451120 Hobby, Toy, & Game Stores
 451130 Sewing, Needlework, & Piece Goods Stores
 451140 Musical Instrument & Supplies Stores
 451211 Book Stores
 451212 News Dealers & Newsstands
 451220 Prerecorded Tape, Compact Disc, & Record Stores
 General Merchandise Stores
 452110 Department Stores
 452900 Other General Merchandise Stores
 Miscellaneous Store Retailers
 453110 Florists
 453210 Office Supplies & Stationery Stores
 453220 Gift, Novelty, & Souvenir Stores
 453310 Used Merchandise Stores
 453910 Pet & Pet Supplies Stores
 453920 Art Dealers
 453930 Manufactured (Mobile) Home Dealers
 453990 All Other Miscellaneous Store Retailers (including tobacco, candle, & trophy shops)

Nonstore Retailers
 454110 Electronic Shopping & Mail-Order Houses
 454210 Vending Machine Operators
 454311 Heating Oil Dealers
 454312 Liquefied Petroleum Gas (Bottled Gas) Dealers
 454319 Other Fuel Dealers
 454390 Other Direct Selling Establishments (including door-to-door retailing, frozen food plan providers, party plan merchandisers, & coffee-break service providers)

Transportation and Warehousing

Air, Rail, and Water Transportation
 481000 Air Transportation
 482110 Rail Transportation
 483000 Water Transportation
 Truck Transportation
 484110 General Freight Trucking, Local
 484120 General Freight Trucking, Long-distance
 484200 Specialized Freight Trucking
 Transit and Ground Passenger Transportation
 485110 Urban Transit Systems
 485210 Interurban & Rural Bus Transportation
 485310 Taxi Service
 485320 Limousine Service
 485410 School & Employee Bus Transportation
 485510 Charter Bus Industry
 485990 Other Transit & Ground Passenger Transportation
 Pipeline Transportation
 486000 Pipeline Transportation
 Scenic & Sightseeing Transportation
 487000 Scenic & Sightseeing Transportation
 Support Activities for Transportation
 488100 Support Activities for Air Transportation
 488210 Support Activities for Rail Transportation
 488300 Support Activities for Water Transportation
 488410 Motor Vehicle Towing
 488490 Other Support Activities for Road Transportation
 488510 Freight Transportation Arrangement
 488990 Other Support Activities for Transportation
 Couriers and Messengers
 492110 Couriers
 492210 Local Messengers & Local Delivery
 Warehousing and Storage
 493100 Warehousing & Storage Facilities (except lessors of miniwarehouses & self storage units)

Information

Publishing Industries (except Internet)
 511110 Newspaper Publishers
 511120 Periodical Publishers
 511130 Book Publishers
 511140 Directory & Mailing, Publishers
 511190 Other Publishers
 511210 Software Publishers
 Motion Picture and Sound Recording Industries
 512100 Motion Picture & Video Industries (except video rental)
 512200 Sound Recording Industries
 Broadcasting (except Internet)
 515100 Radio & Television Broadcasting
 515210 Cable & Other Subscription Programming
 Internet Publishing and Broadcasting
 516110 Internet Publishing & Broadcasting
 Telecommunications
 517000 Telecommunications (including paging, cellular, satellite, cable & other program distribution, resellers & other telecommunications)
 Internet Service Providers, Web Search Portals, and Data Processing Services
 518111 Internet Service Providers
 518112 Web Search Portals
 518210 Data Processing, Hosting, & Related Products
 Other Information Services
 519100 Other Information Services (including news syndicates & libraries)

Finance and Insurance

Depository Credit Intermediation
 522110 Commercial Banking
 522120 Savings Institutions
 522130 Credit Unions

522190 Other Depository Credit Intermediation
 Nondepository Credit Intermediation
 522210 Credit Card Issuing
 522220 Sales Financing
 522291 Consumer Lending
 522292 Real Estate Credit (including mortgage bankers & originators)
 522293 International Trade Financing
 522294 Secondary Market Financing
 522298 All Other Nondepository Credit Intermediation
 Activities Related to Credit Intermediation
 522300 Activities Related to Credit Intermediation (including loan brokers)
 Securities, Commodity Contracts, and Other Financial Investments and Related Activities
 523110 Investment Banking & Securities Dealing
 523120 Securities Brokerage
 523130 Commodity Contracts Dealing
 523140 Commodity Contracts Brokerage
 523210 Securities & Commodity Exchanges
 523900 Other Financial Investment Activities (including portfolio management & investment advice)
 Insurance Carriers and Related Activities
 524140 Direct Life, Health, & Medical Insurance & Reinsurance Carriers
 524150 Direct Insurance & Reinsurance (except Life, Health & Medical) Carriers
 524210 Insurance Agencies & Brokerages
 524290 Other Insurance Related Activities
 Funds, Trusts, and Other Financial Vehicles
 525100 Insurance & Employee Benefit Funds
 525910 Open-End Investment Funds (Form 1120-RIC)
 525920 Trusts, Estates, & Agency Accounts
 525930 Real Estate Investment Trusts (Form 1120-REIT)
 525990 Other Financial Vehicles (including closed-end investment funds)
 "Offices of Bank Holding Companies" and "Offices of Other Holding Companies" are located under Management of Companies (Holding Companies)

Real Estate and Rental and Leasing

Real Estate
 531110 Lessors of Residential Buildings & Dwellings
 531114 Cooperative Housing
 531120 Lessors of Nonresidential Buildings (except Miniwarehouses)
 531130 Lessors of Miniwarehouses & Self-Storage Units
 531190 Lessors of Other Real Estate Property
 531210 Offices of Real Estate Agents & Brokers
 531310 Real Estate Property Managers
 531320 Offices of Real Estate Appraisers
 531390 Other Activities Related to Real Estate
 Rental and Leasing Services
 532100 Automotive Equipment Rental & Leasing
 532210 Consumer Electronics & Appliances Rental
 532220 Formal Wear & Costume Rental
 532230 Video Tape & Disc Rental
 532290 Other Consumer Goods Rental
 532310 General Rental Centers
 532400 Commercial & Industrial Machinery & Equipment Rental & Leasing
 Lessors of Nonfinancial Intangible Assets (except Copyrighted Works)
 533110 Lessors of Nonfinancial Intangible Assets (except Copyrighted Works)

Professional, Scientific, and Technical Services

Legal Services
 541110 Offices of Lawyers
 541190 Other Legal Services
 Accounting, Tax Preparation, Bookkeeping, and Payroll Services
 541211 Offices of Certified Public Accountants
 541213 Tax Preparation Services
 541214 Payroll Services
 541219 Other Accounting Services
 Architectural, Engineering, and Related Services
 541310 Architectural Services
 541320 Landscape Architecture Services
 541330 Engineering Services

| | | | | | |
|--------|---|--------|--|--------|---|
| 541340 | Drafting Services | 621410 | Family Planning Centers | 812111 | Barber Shops |
| 541350 | Building Inspection Services | 621420 | Outpatient Mental Health & Substance Abuse Centers | 812112 | Beauty Salons |
| 541360 | Geophysical Surveying & Mapping Services | | | 812113 | Nail Salons |
| 541370 | Surveying & Mapping (except Geophysical) Services | 621491 | HMO Medical Centers | 812190 | Other Personal Care Services (including diet & weight reducing centers) |
| 541380 | Testing Laboratories | 621492 | Kidney Dialysis Centers | 812210 | Funeral Homes & Funeral Services |
| | Specialized Design Services | 621493 | Freestanding Ambulatory Surgical & Emergency Centers | 812220 | Cemeteries & Crematories |
| 541400 | Specialized Design Services (including interior, industrial, graphic, & fashion design) | 621498 | All Other Outpatient Care Centers | 812310 | Coin-Operated Laundries & Drycleaners |
| | Computer Systems Design and Related Services | | Medical and Diagnostic Laboratories | 812320 | Drycleaning & Laundry Services (except Coin-Operated) |
| 541511 | Custom Computer Programming Services | 621510 | Medical & Diagnostic Laboratories | 812330 | Linen & Uniform Supply |
| 541512 | Computer Systems Design Services | | Home Health Care Services | 812910 | Pet Care (except Veterinary) Services |
| 541513 | Computer Facilities Management Services | 621610 | Home Health Care Services | 812920 | Photofinishing |
| 541519 | Other Computer Related Services | | Other Ambulatory Health Care Services | 812930 | Parking Lots & Garages |
| | Other Professional, Scientific, and Technical Services | 621900 | Other Ambulatory Health Care Services (including ambulance services & blood & organ banks) | 812990 | All Other Personal Services |
| 541600 | Management, Scientific, & Technical Consulting Services | | Hospitals | | Religious, Grantmaking, Civic, Professional, and Similar Organizations |
| 541700 | Scientific Research & Development Services | 622000 | Hospitals | 813000 | Religious, Grantmaking, Civic, Professional, & Similar Organizations |
| 541800 | Advertising & Related Services | | Nursing and Residential Care Facilities | 813930 | Labor Unions and Similar Labor Organizations |
| 541910 | Marketing Research & Public Opinion Polling | 623000 | Nursing & Residential Care Facilities | 921000 | Governmental instrumentality or Agency |
| 541920 | Photographic Services | | Social Assistance | | |
| 541930 | Translation & Interpretation Services | 624100 | Individual & Family Services | | |
| 541940 | Veterinary Services | 624200 | Community Food & Housing, & Emergency & Other Relief Services | | |
| 541990 | All Other Professional, Scientific & Technical Services | 624310 | Vocational Rehabilitation Services | | |
| | | 624410 | Child Day Care Services | | |

Management of Companies (Holding Companies)

| | |
|--------|------------------------------------|
| 551111 | Offices of Bank Holding Companies |
| 551112 | Offices of Other Holding Companies |

Administrative and Support and Waste Management and Remediation Services

| | |
|--------|--|
| | Administrative and Support Services |
| 561110 | Office Administrative Services |
| 561210 | Facilities Support Services |
| 561300 | Employment Services |
| 561410 | Document Preparation Services |
| 561420 | Telephone Call Centers |
| 561430 | Business Service Centers (including private mail centers & copy shops) |
| 561440 | Collection Agencies |
| 561450 | Credit Bureaus |
| 561490 | Other Business Support Services (including repossession services, court reporting, & stenotype services) |
| 561500 | Travel Arrangement & Reservation Services |
| 561600 | Investigation & Security Services |
| 561710 | Exterminating & Pest Control Services |
| 561720 | Janitorial Services |
| 561730 | Landscaping Services |
| 561740 | Carpet & Upholstery Cleaning Services |
| 561790 | Other Services to Buildings & Dwellings |
| 561900 | Other Support Services (including packaging & labeling services, & convention & trade show organizers) |
| | Waste Management and Remediation Services |
| 562000 | Waste Management & Remediation Services |

Educational Services

| | |
|--------|--|
| 611000 | Educational Services (including schools, colleges, & universities) |
|--------|--|

Health Care and Social Assistance

| | |
|--------|---|
| | Offices of Physicians and Dentists |
| 621111 | Offices of Physicians (except mental health specialists) |
| 621112 | Offices of Physicians, Mental Health Specialists |
| 621210 | Offices of Dentists |
| | Offices of Other Health Practitioners |
| 621310 | Offices of Chiropractors |
| 621320 | Offices of Optometrists |
| 621330 | Offices of Mental Health Practitioners (except Physicians) |
| 621340 | Offices of Physical, Occupational & Speech Therapists, & Audiologists |
| 621391 | Offices of Podiatrists |
| 621399 | Offices of All Other Miscellaneous Health Practitioners |
| | Outpatient Care Centers |

Arts, Entertainment, and Recreation

| | |
|--------|--|
| | Performing Arts, Spectator Sports, and Related Industries |
| 711100 | Performing Arts Companies |
| 711210 | Spectator Sports (including sports clubs & racetracks) |
| 711300 | Promoters of Performing Arts, Sports, & Similar Events |
| 711410 | Agents & Managers for Artists, Athletes, Entertainers, & Other Public Figures |
| 711510 | Independent Artists, Writers, & Performers |
| | Museums, Historical Sites, and Similar Institutions |
| 712100 | Museums, Historical Sites, & Similar Institutions |
| | Amusement, Gambling, and Recreation Industries |
| 713100 | Amusement Parks & Arcades |
| 713200 | Gambling Industries |
| 713900 | Other Amusement & Recreation Industries (including golf courses, skiing facilities, marinas, fitness centers, & bowling centers) |

Accommodation and Food Services

| | |
|--------|---|
| | Accommodation |
| 721110 | Hotels (except casino hotels) & Motels |
| 721120 | Casino Hotels |
| 721191 | Bed & Breakfast Inns |
| 721199 | All Other Traveler Accommodation |
| 721210 | RV (Recreational Vehicle) Parks & Recreational Camps |
| 721310 | Rooming & Boarding Houses |
| | Food Services and Drinking Places |
| 722110 | Full-Service Restaurants |
| 722210 | Limited-Service Eating Places |
| 722300 | Special Food Services (including food service contractors & caterers) |
| 722410 | Drinking Places (Alcoholic Beverages) |

Other Services

| | |
|--------|---|
| | Repair and Maintenance |
| 811110 | Automotive Mechanical & Electrical Repair & Maintenance |
| 811120 | Automotive Body, Paint, Interior, & Glass Repair |
| 811190 | Other Automotive Repair & Maintenance (including oil change & lubrication shops & car washes) |
| 811210 | Electronic & Precision Equipment Repair & Maintenance |
| 811310 | Commercial & Industrial Machinery & Equipment (except Automotive & Electronic) Repair & Maintenance |
| 811410 | Home & Garden Equipment & Appliance Repair & Maintenance |
| 811420 | Reupholstery & Furniture Repair |
| 811430 | Footwear & Leather Goods Repair |
| 811490 | Other Personal & Household Goods Repair & Maintenance |
| | Personal and Laundry Services |

EMPLOYEE BENEFITS SECURITY ADMINISTRATION OFFICES

In addition to being able to obtain PBGC premium forms and instructions from the PBGC (see item 3. under "CONTACTS" on p. ii), you may obtain our forms and instructions through the following offices of the Employee Benefits Security Administration (EBSA) of the U.S. Department of Labor:

CALIFORNIA

San Francisco 94105
71 Stevenson Street
Suite 915
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