

NOTICE OF ELECTION TO FREEZE THE PLUMBERS AND PIPEFITTERS LOCAL NO. 396 PENSION PLAN'S FUNDING STATUS FOR THE PLAN'S 2009 PLAN YEAR

To: All Participants, Union, Contributing Employers, Pension Benefit Guaranty Corporation (PBGC), and United States Department of Labor (DOL)

This Notice is to inform you that on September 17, 2009, the Board of Trustees of the Plumbers and Pipefitters Local No. 396 Pension Plan (the "Plan") elected to freeze the Plan's funding status, as permitted by Section 204(a) of the Worker, Retiree and Employer Recovery Act of 2008 ("WRERA") for the Plan Year beginning on July 1, 2009. WRERA requires the Board of Trustees of the Plan to provide notice of this election to the Participants, Union, PBGC and DOL.

Under guidance provided by the Secretary of the Treasury through the Internal Revenue Service, the Plan is required to provide you with the following information relating to the Board of Trustees' decision to freeze the Plan's funding status:

- (a) Name: Plumbers and Pipefitters Local No. 396 Pension Plan
EIN: 34-6727007
Plan No.: 001
- (b) The election has been made under Section 204 of WRERA to treat the Plan as being in endangered status for the Plan Year beginning on July 1, 2009.
- (c) The Plan's actuary, based on the funding requirements of the Internal Revenue Code, as amended by the Pension Protection Act of 2006, certified to the Plan's Board of Trustees that the Plan's funding status for the Plan Year beginning July 1, 2009 is critical.
- (d) This election only applies to the Plan Year beginning July 1, 2009, and does not apply to any future Plan Years.

If the Plan's actuary certifies that the Plan is in endangered or critical status for the Plan Year following this election year, the Board of Trustees will provide notice of the Plan's status—*i.e.*, whether it is endangered or critical—for the following year, and the steps that will be taken to improve the Plan's funding status, which steps may include increases in contributions and reductions in future benefit accruals.

- (e) If the Plan is certified to be in critical status for the Plan Year following this election year, the steps that will have to be taken to improve the Plan's funding status will include a surcharge on employer contributions after notice is provided of the Plan's critical status, and may include amendments to the Plan's Plan of Benefits to reduce early retirement benefits or any other adjustable benefits for Plan Participants.
- (f) For more information about this Notice, you may contact the Plan Office, 33 Fitch Blvd., Austintown, OH 44515-2202, phone (330) 270-0453.

- (g) Since receiving the certification from the Plan's actuary, the Board of Trustees of the Plan have begun a comprehensive review of the Plan's funding status in consultation with the Plan's actuary for purposes of determining what action can be taken during this current freeze Plan Year to improve the Plan's funding status. Rest assured that the Board of Trustees remains committed to operating the Plan on a financially sound basis while meeting all federally mandated requirements. Furthermore, the Board of Trustees intends to continue their commitment to provide all Participants with Pension benefits which will give them an ability to obtain a secure financial future.