

Laborers Local Union No. 35 Pension Plan
Notice of Revised 2010 PPA Certification under PRA 2010

Employer Identification Number: 16-6147774

Plan Number: 001

This is to inform you that on December 29, 2010, the Plan's actuary certified to the U.S. Department of the Treasury and to the Plan Sponsor that the Plan is in "Endangered" Status for the plan year beginning January 1, 2010. This recertification replaces the Plan's original 2010 certification¹ as allowed under the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010 ("PRA 2010"). Federal law requires that you receive this Notice.

Required Actuarial Certification

Under the Pension Protection Act of 2006 ("PPA"), within the first 90 days of each plan year the Plan's actuary must certify whether a plan is in one of the following categories:

- Endangered Status
- Seriously Endangered Status
- Critical status, or
- None of the above

In general, in order to perform this certification, the Plan's actuary must determine if the Plan's funded ratio is at least 80% and whether the Plan will fail to meet the minimum required funding standards in any of the next ten years. The Plan's actuary must also project the Plan's assets, benefit costs, contributions, and unfunded liability to determine if the Plan will be able to pay benefits when due or if the plan is expected to run out of assets.

In accordance with the above, on March 30, 2010 the Plan's actuary certified to the U.S. Department of the Treasury and to the Plan Sponsor that the Plan was in "Seriously Endangered Status" for the plan year beginning January 1, 2010. Further, all Plan participants and beneficiaries, bargaining parties, the Pension Benefit Guaranty Corporation, and the Secretary of Labor were provided appropriate notice of this certification within the 30-day requirement set forth by the PPA.

Redetermined Actuarial Certification for the 2010 Plan Year

On June 25, 2010, President Obama signed PRA 2010 into law. In general, a pension plan that uses the "funding relief" provisions of PRA 2010 will be given more time to reflect the asset losses pension plans suffered in 2008 and 2009. The immediate affect of PRA 2010 will dampen otherwise- required contribution increases and possible benefit modifications.

After carefully analyzing and reviewing the relief's effects on both the short and long-term outlooks of the Plan, the Trustees have elected to apply the special funding rules under PRA 2010. The specifics of the funding relief elected and its impact on the Plan are detailed in a separate Notice².

As allowed under PRA 2010, the Plan Sponsor has requested that the Plan's actuary redetermine the Plan's status for the 2010 plan year, taking into account the application of the special funding rules. Accordingly, the Plan's actuary has now certified that the Plan is in "Endangered" Status for the plan year beginning January 1, 2010.

¹ The plan was originally certified by the plan actuary to be in "Seriously Endangered" Status.

² "Laborers Local Union No. 35 Pension Plan Notice of Funding Relief Election under PRA 2010"

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The Plan is considered to be in "Endangered" Status as a result of the determination by the Plan's actuary that (a) the Plan's funded percentage as of January 1, 2010 is less than 80% and (b) the Plan is projected to meet the Internal Revenue Service's rules for "minimum required funding standards" in each of the next seven years. After reflecting the special funding rules, the Plan's PPA funded percentage as of January 1, 2010 is 76% (as compared to 71% as originally certified) and the plan is not projected to have an Internal Revenue Service-computed "Accumulated Funding Deficiency" within the next seven years.

Under PRA 2010, the redetermined certification status will be treated as the certified status for the entire 2010 plan year since the following requirements have been met:

1. A revised certification of the Plan's status for the 2010 plan year has been made and sent to the Plan Sponsor and the U.S. Department of the Treasury by the end of the 2010 plan year (the revised certification was sent on December 29, 2010),
2. The revised certification otherwise satisfies all certification requirements, and
3. Notice of the revised certification was provided to participants and beneficiaries, the bargaining parties, the PBGC, and the Secretary of Labor within 30 days after the revised certification was made,

Since the Plan is now certified as in "Endangered" Status, the Trustees reviewed the progress that has been made under the Plan's "Funding Improvement Plan," reflecting the provisions of the PRA 2010. No changes were needed to the Funding Improvement Plan.

Looking Ahead

The Plan's funding status must be reviewed and certified annually; the next certification is due to the Trustees and the IRS by March 31, 2011. In addition to reviewing the 2011 actuarial certification, the Plan's Trustees will continue to analyze the short and long-term outlooks of the Plan, monitor the applicable minimum funding standards, and issue all required Plan notices.

Where to Get More Information

If, after reviewing this notice, you have any questions or concerns, please feel free to contact the Board of Trustees:

<p>Board of Trustees Laborers Local Union No. 35 Pension Plan c/o Richard Poulaino Insurance Programmers, Inc. P.O. Box 5817 Wallingford, CT 06492-7617 Toll-free (866) 749-0644</p>
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**Board of Trustees,
Laborers Local Union No. 35 Pension Plan**

cc: U.S. Department of Labor
Pension Benefit Guaranty Corporation