



June 6, 2011

SUBMITTED VIA E-MAIL

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Office of Regulations and Interpretations  
Employee Benefits Security Administration  
Attn: E-Disclosure RFI  
Room N-5655  
U.S. Department of Labor  
200 Constitution Avenue, NW  
Washington, DC, 20210

Subject: Electronic Disclosure RFI (RIN 1210-AB50)

Massachusetts Mutual Life Insurance Company (“MassMutual”) is pleased to offer comments in response to the Department of Labor’s (“Department’s”) Request for Information Regarding Electronic Disclosure by Employee Benefit Plans (“RFI”). In addition to filing this letter, MassMutual supports the positions enumerated by the American Council of Life Insurers in its comment to the Department.

Founded in 1851, MassMutual is a mutually-owned financial protection, accumulation and income management company headquartered in Springfield, Massachusetts. We are a premier provider of retirement plan products as well as life insurance, annuities, disability income insurance, long term care insurance, income management and other products and services for individuals, business owners, and corporate and institutional markets. MassMutual provides investment and administrative services to over 5,000 retirement plans covering more than 1 million participants. We serve plans of nearly all sizes sponsored by employers and unions in a wide variety of businesses and industries.

MassMutual is firmly committed to furthering Americans’ retirement security by focusing plan sponsors and workers on the value of saving in a qualified plan. We work closely with sponsors of 401(k)s and other employee-directed plans to encourage employees to participate in plans, defer adequate amounts and manage their investments wisely. We also devote significant resources to understanding participant behavior in order to create the most effective plan communications. Based on that experience, we believe changes to the rules on the use of electronic media are warranted and could have significant benefits for plans and participants.

The Department should revise the rules with respect to the use of electronic media for several reasons. First, the rules are outdated and result in unnecessary costs to plans. The requirement that a plan obtain each participant's and beneficiary's consent for electronic delivery of mandated disclosures results in under-utilization of electronic media and is no longer necessary to protect the interests of participants and beneficiaries. An alternative approach allowed for under the rules permits electronic disclosure without consent to participants who access an employer's electronic information system as part of their job responsibilities. However, this alternative is unavailable or unworkable for many plans.

The Department should revise the rules to reflect that email and other forms of electronic communication are now the norm for a significant majority of Americans. Specifically, the Department should allow plans to satisfy their disclosure obligations by posting required disclosures in a conspicuous and easy-to-read format on a website or other electronic media that is continuously available to plan participants. Plans wishing to take advantage of that approach should notify participants of the availability of important information at the website or other electronic location and of each participant's right to request hardcopy of such materials at any time. The notice itself should be delivered in hardcopy, or electronically where receipt by the participant or beneficiary is reasonably assured.

U.S. Census Bureau statistics cited in the RFI demonstrate widespread use of Internet communications among households in the United States. MassMutual's experience supports this data. MassMutual has offered plan participants the option of executing investment transactions via the Internet for more than 10 years. A significant majority of participants now choose Internet over paper for this purpose. Similarly high percentages of participants choose Internet over paper to request loans, make balance inquiries and change their contributions. A recent study by Hewitt Associates found that approximately 87% of participants aged 60 or older, and 92% of all participants, performed plan transactions via the Internet. (*2010 Hewitt Universe Benchmarks Report*, Hewitt Associates)

Other evidence supports MassMutual's belief that most participants have embraced electronic communications as the preferred method of conducting plan business. MassMutual offers plans a variety of programs designed increase plan participation and contributions by participants. Our experience indicates that programs that reach out to participants via email have a 30% higher action rate than programs conducted by U.S. Mail and at a fraction of the cost to plans

The Department's position articulated in Field Assistance Bulletin 2006-03 ("the FAB") provides an ideal template for modernization of the Regulation. The FAB provides that, *"with regard to pension plans that provide participants with continuous access to benefit statement information through one or more secure websites, the Department will view the availability of pension benefit information through such media as good faith compliance with the requirement to furnish benefit statement information, provided that participants and beneficiaries have been furnished notification that explains the availability of the*

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*required pension benefit statement information and how such information can be accessed by the participants and beneficiaries. In addition, the notice must apprise participants and beneficiaries of their right to request and obtain free of charge a paper version of the pension benefit statement information...*” MassMutual believes this, or a similar approach, would work well for all types of required disclosures to participants and beneficiaries.

The FAB approach would enable plans to take much greater advantage of the economic and other benefits of electronic communications while fully protecting the interests of the minority of participants who don't currently use email and other electronic media. By eliminating the overload of paper communications that these participants now receive and replacing it with a concise annual notice alerting them to the importance of the plan information available at a website, we believe more, rather than fewer participants are likely to seek out and pay attention to that information, whether in electronic or paper form.

Rules on the use of electronic media should not favor one form of media over another. Revised rules should set requirements for electronic communications that are adaptable not only to website and telephone communications, but to social media such as Twitter and Linked-in and other modes of electronic communications that will emerge in the future.

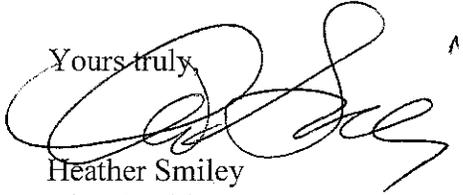
The Department should also take this opportunity to confirm that the various notices and disclosures plans are required to provide to participants and beneficiaries may be combined into a single document or communication. Combining the disclosures required with respect to fees, investments, qualified default investment alternatives, distributions and other matters would reduce the cost of plan administration.

Finally, greater use of electronic media by plans would have the added benefits of conserving America's natural resources and reducing the negative environmental impacts resulting from the production and delivery of hardcopy materials. MassMutual facilitates a number of conservation and recycling programs and recently earned the Leadership in Energy and Environmental Design (LEED) certification for its home office campus in Springfield, Massachusetts. We are proud of these accomplishments and we urge the Department to take environmental issues into consideration when considering changes to the rules on electronic media.

MassMutual commends the Department for its effort to modernize the electronic disclosure rules. We believe revised rules, in line with Americans' increased use of Internet and other electronic communications, would benefit the environment, reduce plan costs and contribute to Americans' retirement security.

RFI Comments  
June 6, 2011

Yours truly,

A handwritten signature in black ink, appearing to read 'Heather Smiley', with a small upward-pointing arrow above the end of the signature.

Heather Smiley  
Vice President  
Retirement Services Marketing  
Massachusetts Mutual Life Insurance Company