

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Dennis Black, *et al.*,

Plaintiffs,

v.

Pension Benefit Guaranty Corporation,

Defendant.

Case No. 2:09-cv-13616

Hon. Arthur J. Tarnow

Magistrate Judge Mona K. Majzoub

**PLAINTIFFS' SECOND REQUEST TO DEFENDANT PBGC
FOR PRODUCTION OF DOCUMENTS
PURSUANT TO THE COURT'S SEPTEMBER 1, 2011 SCHEDULING ORDER**

Plaintiffs, by counsel and pursuant to Fed. R. Civ. P. 34, request that Defendant, Pension Benefit Guaranty Corporation ("PBGC"), within thirty (30) days of service hereof, (a) serve a response to each of the requests set forth below; and (b) forward copies of the requested documents and things, or, in the alternative, produce the required documents and things for photocopying and/or inspection, at the offices of Miller & Chevalier, Chartered (attn. Anthony F. Shelley, Esq.), 655 Fifteenth Street, N.W., Suite 900, Washington, D.C. 20005.

INSTRUCTIONS AND DEFINITIONS

General Instructions

1. If you object to any of these document requests, then you shall state the reasons for your objections. If you object to any part of a document request, then you shall further specify the part. Similarly, if you do not object to a particular document request, but are unable to comply fully with that request, then you shall comply to the fullest extent possible and provide an explanation for your lack of full compliance.

2. If any requested document is unavailable because it has been lost, discarded, or destroyed, please summarize for each such document: its date, author, addressee, signatory, type, content, and length; the date and circumstances under which it was lost, discarded, or destroyed; the identity of any persons who ordered or directed it to be discarded or destroyed, or the identity of any person who has knowledge of the circumstances under which the document was lost, discarded, or destroyed.

3. All of these document requests are directed not only to those documents in the possession, custody, or control of you or your directors, officers, agents, employees, consultants, representatives and attorneys, but also to those documents in the possession, custody, or control of any "person" (as defined herein) whom you control. For any documents whose location is unknown, state the names and addresses of any persons who might possess, or know the location of, such documents.

4. When information is withheld from discovery on a claim that it is privileged, subject to protection as trial preparation materials, or otherwise privileged or protected from disclosure, the claim shall be made expressly and shall be supported by a description of the nature of the document, communications, or things not produced that is sufficient to enable the propounding party to contest the claim of privilege, as provided in Fed. R. Civ. P. 26(b)(5).

5. You shall produce all documents in a form which renders the documents susceptible of copying. Further, you shall either identify all documents according to the specific requests to which the documents are responsive or produce the documents as they are kept in the usual or ordinary course of business.

6. Where originals of documents are not available, authentic copies of such documents may be produced; but, if a document has been prepared in separate copies, or

additional copies have been made and the copies are not identical (whether by reason of subsequent modification, addition of notations or otherwise), each non-identical copy is a separate document and should be identified or produced.

7. Your responses to these requests should be amended or supplemented in accordance with Fed. R. Civ. P. 26(e).

General Definitions

1. "Document" and "documents" shall have the same meaning as used in Fed. R. Civ. P. 34 and shall include "writings" and "recordings" as those terms are defined in Fed. R. Evid. 1001. "Documents" shall also mean all data compilations and information which can be recorded by any sound, visual or electronic means and from which information can be obtained or translated through detection devices into reasonably usable form. For example, and without limiting the definition of the terms in any way, "document" and "documents" shall include the following: electronic mail ("e-mail") (in both electronic and printed form), text messages (in both electronic and printed form), instant messages (in both electronic and printed form), facsimiles (in both electronic and printed form), letters, correspondence, notes (in electronic, printed or handwritten form), telegrams, lists, memoranda, diaries, journals, records, contracts, agreements, records, notations of communications, communications, desk pads, desk calendars, electronic calendars, note pads, scratch pads, voicemail recordings in any media, telephone call slips, call logs, telephone memos, telephone bills, microfilm, articles, pamphlets, brochures, studies, notices, summaries, reports, books, teletype messages, accounting entries, accounting records, financial statements, purchasing orders, invoices, tapes, worksheets, video tapes, computer disks, digitized material, computer data, computer-generated compilations and computerized data printouts.

2. "All documents" shall mean and include each and every document that refers, reflects or relates, directly or indirectly, in whole or in part, to the subject matters described in a particular document request.

3. "Things" shall mean and include "tangible things" (as that term is used in Fed. R. Civ. P. 34, including videotapes, audiotapes, CDs, DVDs, and external hard drives).

4. "Person" shall mean and include any natural person, corporation, limited liability company, partnership, firm, association, joint venture, sole proprietorship, trust, department, division, agency and any other legal, business, or governmental entity.

5. "Communication" means any meeting, statement, document, conversation, transmittal of information or request for information, whether by written, oral, electronic, non-verbal or other means. "Communication" shall include, but is not limited to, electronic mail or "E-mail," text and instant messages.

6. "Relate to" or "relating to" shall mean and include constituting, discussing, mentioning, containing, embodying, reflecting, identifying, incorporating, referring to, dealing with, or pertaining to in any way.

7. "Identify" or "identity" with respect to natural or non-natural persons shall mean and require you to state the person's full name (including any aliases, trade names or fictitious names), the person's current (or last known) business affiliation, the person's current (or last known) business address, email address, and telephone number and the person's current (or last known) residential address, email address and telephone number.

8. "Identify" or "identity" with respect to documents shall mean and require you to state the following:

(a) the date of the document;

- (b) a description of the document sufficient to cause it to be adequately identified;
- (c) the identity of each person who prepared the document;
- (d) the identity of the custodian of the document;
- (e) a general summary of the contents of the document;
- (f) the identity of each person to whom such document was addressed, to whom such document (or copy thereof) was sent and/or who at any time had possession of such document (or copy thereof); and
- (g) if there were drafts of the document prior to the final document, the identity of the custodian of those drafts and the date(s) of those drafts.

9. "Identify" or "identity" with respect to communications (including oral, written, telephonic, electronic or non-verbal communications) shall mean:

- (a) the communications medium, e.g., written, oral, telephonic, electronic or non-verbal;
- (b) the date of each such communication;
- (c) the identity of all persons who were present at each communication;
- (d) the substance and nature of each such communication; and
- (e) the identity of all documents which relate to and reflect the communication.

10. Any request for documents or things "produced" by the PBGC shall include documents and things created, produced, generated, and developed by the PBGC during the specified time period.

11. Any request for documents or things "reviewed" by the PBGC shall mean anything considered, modified, altered, edited, read, or considered by the PBGC during the specified time period.

Specific Definitions

1. The "Pension Benefit Guaranty Corporation," the "PBGC," "Defendant," "you," and "your" shall mean and refer to the Pension Benefit Guaranty Corporation, as well as any directors, officers, employees, trustees, agents, attorneys, accountants, consultants, predecessors in interest, successors in interest, assigns and any other person acting (or purporting to act) on behalf of the Pension Benefit Guaranty Corporation.
2. "Plaintiffs" shall mean and refer to the Plaintiffs listed in the Second Amended Complaint.
3. "Delphi" shall mean and refer to Delphi Corporation, DPH Holdings, and Delphi Automotive LLP, as well as any directors, officers, employees, trustees, agents, administrators, actuaries, attorneys, accountants, consultants, representatives, subsidiaries, predecessors in interest, successors in interest, assigns and any other person acting (or purporting to act) on behalf of them.
4. The "Delphi Pension Plans" shall mean and refer to any defined benefit pension plan sponsored by Delphi.
5. "GM" shall mean and refer to (1) General Motors Corporation; (2) General Motors Co.; (3) General Motors Company; (4) Motors Liquidation Company; and (5) General Motors LLC, as well as any directors, officers, employees, trustees, agents, administrators, actuaries, attorneys, accountants, consultants, subsidiaries, representatives, predecessors in interest, successors in interest, assigns and any other person acting (or purporting to act) on behalf of them.
6. The "Salaried Plan" shall mean and refer to the Delphi Retirement Program for Salaried Employees.

7. "The Hourly Plan" shall mean and refer to the Delphi Hourly-Rate Employees Pension Plan.

8. The "Delphi-PBGC Settlement Agreement" shall mean and refer to the settlement agreement dated as of July 21, 2009 between Delphi and the PBGC.

9. The "Waiver and Release Agreement" shall mean and refer to the waiver and release agreement, dated as of July 21, 2009 between GM and the PBGC.

10. The "Auto Task Force" shall mean and refer to the Presidential Task Force on the Auto Industry and the Auto Team at Treasury, as well as any representatives, directors, officers, employees, trustees, agents, administrators, actuaries, attorneys, accountants, consultants, subsidiaries, predecessors in interest, successors in interest, assigns and any other person acting (or purporting to act) on their behalf.

11. The "Executive Office of the President" shall mean and refer to the Executive Office of the President of the United States, as well as any representatives, directors, officers, employees, trustees, agents, administrators, actuaries, attorneys, accountants, consultants, subsidiaries, predecessors in interest, successors in interest, assigns and any other person acting (or purporting to act) on its behalf.

12. The "Treasury Department" shall mean and refer to the United States Department of Treasury, as well as any directors, officers, employees, trustees, agents, administrators, actuaries, attorneys, accountants, consultants, predecessors in interest, successors in interest, assigns and any other person acting (or purporting to act) on their behalf.

13. The "Department of Labor" shall mean and refer to the United States Department of Labor, as well as any directors, officers, employees, trustees, agents, administrators, actuaries,

attorneys, accountants, consultants, subsidiaries, predecessors in interest, successors in interest, assigns and any other person acting (or purporting to act) on its behalf.

14. The "Federal Executive Branch" shall mean and refer to the Treasury Department, the Auto Task Force, the Labor Department, and the Executive Office of the President.

Documents And Things To Be Produced

Request No. 15. All documents and things the PBGC deemed non-disclosable relating to Miller and Chevalier's September 25, 2009 Freedom of Information Request to the PBGC (see attachment A to this Request).

Response:

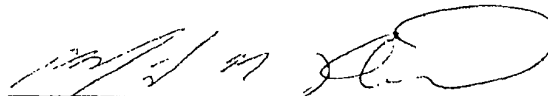
Request No. 16. All documents and things the PBGC redacted, withheld, censored, and otherwise deemed non-disclosable relating to Miller and Chevalier's October 19, 2009 Freedom of Information Request to the PBGC (see attachment B to this Request).

Response:

Request No. 17. All documents and things the PBGC redacted, withheld, censored, and otherwise deemed non-disclosable relating to Miller and Chevalier's June 28, 2010 Freedom of Information Request to the PBGC (see attachment C to this Request).

Response:

Dated: October 14, 2011



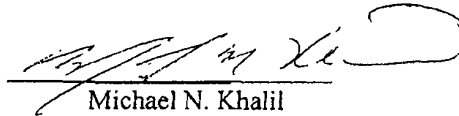
Anthony F. Shelley
Timothy O'Toole
Michael N. Khalil
MILLER & CHEVALIER CHARTERED
655 15th Street, N.W., Suite 900
Washington, D.C. 20005
(202) 626-5800 (phone)
(202) 626-5801 (facsimile)

Counsel for the Plaintiffs

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on this 14th day of October, 2011, a copy of the foregoing was served via electronic mail in pdf format, and by U.S. Mail, first class, postage pre-paid upon the attorneys listed below:

John Menke
Wayne Owen
PENSION BENEFIT GUARANTY CORPORATION
1200 K Street, NW
Suite 340
Washington, DC 20005
(202) 326-4020
Menke.John@pbgc.gov
Owen.Wayne@pbgc.gov


Michael N. Khalil

Attachment A



Michael N. Khalil
(202) 626-5937
mkhalil@milchev.com

September 25, 2009

E. William FitzGerald
Disclosure Officer
Pension Benefit Guaranty Corporation
1200 K Street, N.W., Suite 11101
Washington, D.C. 20005

Re: Freedom of Information Act Request Regarding the Delphi
Retirement Program for Salaried Employees

Dear Mr. FitzGerald:

This correspondence concerns the Delphi Retirement Program for Salaried Employees (the "Plan"). Miller & Chevalier Chartered has been retained to represent Charles Cunningham, a participant in the Plan. Through this letter, and pursuant to our conversation earlier today, I am requesting, on behalf of Mr. Cunningham, certain information related to the PBGC's decision to terminate the Plan. As you are aware, we have already made a request for the administrative record, and pursuant to ERISA § 4042(c)(3)(A), 29 U.S.C. § 1342(c)(3)(A), we also requested a copy of any and all information that the Plan's sponsor and/or the Plan's administrator has provided to the PBGC in connection with the Plan's termination, to the extent that information is not included in the Administrative Record. Pursuant to our conversation, we are reiterating our request under the Freedom of Information Act and its implementing regulations for copies of the following:

Any and all information that the Plan's sponsor and/or the Plan's administrator has provided to the PBGC in connection with the Plan's termination, to the extent that information is not included in the Administrative Record.

If for any reason you determine that portions of the requested information are exempt from disclosure under FOIA, please delete the allegedly exempt material, inform me of the basis for the claimed exemption, and furnish me with copies of those portions of the document that you determine not to be exempt. My consent to such deletion at this time is designed to facilitate your prompt response and in no way waives my right to appeal any determination that you may make regarding the applicability of any FOIA exemptions to the requested documents and information.

In compliance with applicable regulations under "Commercial Use Requester," we promise to pay reasonable charges for search, copying and review costs.

Miller & Chevalier Chartered

655 Fifteenth Street, N.W., Suite 900 • Washington, D.C. 20005-5701 • 202-626-5800 • 202-626-5801 FAX • millerchevalier.com

99-4434.1

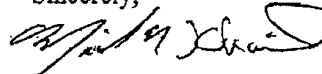
CHEVALIER

Miller & Chevalier
FOIA Request
September 25, 2009
Page 2 of 2

We authorize fees for this request up to a maximum of \$500.00. Please inform me if the estimated fees will exceed this limit before processing my request.

If you have any questions about this request, I may be reached at: (202) 626-5937. I look forward to your response within twenty days, or earlier if possible. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael N. Khalil", written over a horizontal line.

Michael N. Khalil



Pension Benefit Guaranty Corporation
1200 K Street, N.W., Washington, D.C. 20005-4026

FOIA 2009-4451

November 10, 2009

Michael N. Khalil, Esquire
Miller & Chevalier Chartered
655 Fifteenth St., N.W., Suite 900
Washington, DC 20005-5701

Re: Administrative Record for Delphi Retirement Program for Salaried
Employees – PBGC Case No: 20637000

Dear Mr. Khalil:

I am responding to your request dated September 25, 2009, under PBGC's Freedom of Information Act (FOIA) implementing regulations. You requested "any and all information that the Plan's sponsor and/or the Plan's administrator has provided to the PBGC in connection with the Plan's termination, to the extent that information is not included in the Administrative Record".

A search of several thousand agency records has located records containing individual participant-related data. Upon careful review, the records were deemed non-disclosable in their entirety. One exemption was relied upon to withhold this information.

The applicable exemption, 5 U.S.C. § 552(b)(6), exempts from required public disclosure, "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." The records you have requested contain "similar files" within the meaning of the above-cited statutory language and the Pension Benefit Guaranty Corporation's (PBGC) implementing regulation (29 C.F.R. § 4901.21(b)(4)). Disclosure would constitute a clearly unwarranted invasion of personal privacy.

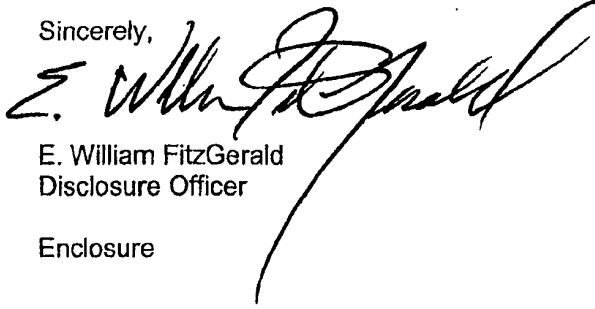
PBGC's regulation on the examination and copying of records provides at 29 C.F.R. § 4901.15 that an applicant whose request for a record or portion thereof has been denied may file an appeal within 30 days from the date of the denial, or, as in this case (partial denial), within 30 days from the date you receive the disclosable material. Your appeal should be in writing and should state the grounds for an appeal, including any supporting statements or arguments.

Michael N. Khalil
Page 2

Please address your appeal to the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, N.W., Washington, D.C. 20005. To expedite processing, each appeal should clearly indicate on the envelope and on the document the following: FOIA Appeal.

A Statement of Charges outlining the fees associated with your request is attached. Please send a copy of the statement along with your payment. I hope these documents prove beneficial to you.

Sincerely,

A handwritten signature in black ink, appearing to read "E. William FitzGerald", is written over the typed name and title. The signature is fluid and cursive.

E. William FitzGerald
Disclosure Officer

Enclosure

Attachment B



Michael Khalil
(202) 626-5937
mkhalil@mllchev.com

October 19, 2009

VIA FACSIMILE AND REGULAR MAIL

E. William FitzGerald
Disclosure Officer
Pension Benefit Guaranty Corporation
1200 K Street, N.W., Suite 11101
Washington, D.C. 20005

**Re: Freedom of Information Act Request Regarding the Delphi
Retirement Program for Salaried Employees**

Dear Mr. FitzGerald:

This correspondence concerns the Delphi Retirement Program for Salaried Employees (the "Plan"). Please provide me with copies of the following materials under the Freedom of Information Act and its implementing regulations:

- o All agendas, meeting minutes, and correspondence relating to the General Motors/PBGC Waiver and Release Agreement (attached hereto);
- o All agendas, meeting minutes, and correspondence covering the Delphi/PBGC settlement agreement (attached hereto);
- o A list of all meetings (date, location, subject, participants) concerning the Delphi pensions with the following parties:
 - Delphi
 - General Motors (New and Old)
 - Auto Task Force
 - US Treasury Department
 - Bankruptcy Court SDNY
 - White House Staff
 - Department of Labor
 - Labor Unions

Miller & Chevalier Chartered

655 Fifteenth Street, N.W., Suite 900 · Washington, D.C. 20005-5701 · 202-626-5800 · 202-626-5801 FAX · millerchevalier.com



E. William FitzGerald
October 19, 2009
Page 2

If for any reason you determine that portions of the requested information are exempt from disclosure under FOIA, please delete the allegedly exempt material, inform me of the basis for the claimed exemption, and furnish me with copies of those portions of the document that you determine not to be exempt. My consent to such deletion at this time is designed to facilitate your prompt response and in no way waives my right to appeal any determination that you may make regarding the applicability of any FOIA exemptions to the requested documents and information.

In compliance with applicable regulations under "Commercial Use Requester," we promise to pay reasonable charges for search, copying and review costs.

We authorize fees for this request up to a maximum of \$500.00. Please inform me if the estimated fees will exceed this limit before processing my request.

If you have any questions about this request, I may be reached at: (202) 626-5937. I look forward to your response within twenty days or earlier if possible. Thank you.

Sincerely,

Michael N. Khalil

Enclosures



Pension Benefit Guaranty Corporation
1200 K Street, N.W., Washington, D.C. 20005-4026

FOIA 2010-0179

January 8, 2010

Michael N. Khalil, Esquire
Miller & Chevalier Chartered
655 Fifteenth St., N.W., Suite 900
Washington, DC 20005-5701

Re: Delphi Retirement Program for Salaried Employees – Case No: 20637000

Dear Mr. Khalil:

I am responding to your Freedom of Information Act (FOIA) request dated October 19, 2009, requesting all agendas, meeting minutes, and correspondence covering the GM/PBGC Waiver and Release Agreement and the Delphi/PBGC Settlement Agreement covering the period beginning February 2009 through the date of your request. You also requested a list of all meetings concerning the Delphi pensions with the parties listed in your letter. Pursuant to your request, I am making a partial release of 232 pages consisting of e-mails related to GM/PBGC Waiver and Release Agreement and the Delphi/PBGC Settlement Agreement.

Please note that while preparing this release, we have determined that portions of these documents were deemed non-disclosable. Our rationale for withholding certain material will be explained in our final determination letter and you will be given appeal rights at that time. A Statement of Charges outlining search/review and copying fees associated with processing your request will also be sent at that time. To date, PBGC has expended 42 hours of search/review and provided you with 232 pages of documents. Therefore, charges incurred to date for search/review are approximately \$672.00 and copying fees are approximately \$34.80.

Currently, we are still in the process of retrieving and reviewing documents encompassed by your request, and will provide you with any disclosable portions of those documents as soon as possible.

If you have any questions in the interim, please contact Michelle Chase of my staff at 202-326-4040.

Sincerely,

A handwritten signature in black ink, appearing to read "E. William FitzGerald". The signature is written in a cursive, flowing style.

E. William FitzGerald
Disclosure Officer

Enclosure



Pension Benefit Guaranty Corporation

1200 K Street, N.W., Washington, D.C. 20005-4026

FOIA 2010-0179

January 28, 2010

Michael N. Khalil, Esquire
Miller & Chevalier Chartered
655 Fifteenth St., N.W., Suite 900
Washington, DC 20005-5701

Re: Delphi Retirement Program for Salaried Employees – Case No: 20637000

Dear Mr. Khalil:

This is a second release of documents in response to your Freedom of Information Act (FOIA) request dated October 19, 2009, requesting all agendas, meeting minutes, and correspondence covering the GM/PBGC Waiver and Release Agreement and the Delphi/PBGC Settlement Agreement covering the period beginning February 2009 through the date of your request. Pursuant to your request, I am enclosing a copy of 378 pages consisting of e-mails related to GM/PBGC Waiver and Release Agreement and the Delphi/PBGC Settlement Agreement.

Please note that while preparing this release, we have determined that portions of these documents were deemed non-disclosable. Our rationale for withholding certain material will be explained in our final determination letter and you will be given appeal rights at that time. A Statement of Charges outlining search/review and copying fees associated with processing your request will also be sent at that time. As of the date of this letter, PBGC has expended 58 hours of search/review and provided you with 610 pages of documents. Therefore, charges incurred to date for search/review are approximately \$928.00 and copying fees are approximately \$91.50.

As I informed you in our prior release, we are still in the process of retrieving and reviewing documents encompassed by your request, and will provide you with any disclosable portions of those documents as soon as possible.

If you have any questions in the interim, please contact Betty Gamez or Michelle Chase of my staff at 202-326-4040.

Sincerely,

A handwritten signature in black ink, appearing to read "E. William FitzGerald". The signature is written in a cursive, flowing style. Below the signature, the name "E. William FitzGerald" and the title "Disclosure Officer" are printed in a sans-serif font.

E. William FitzGerald
Disclosure Officer

Enclosure



Pension Benefit Guaranty Corporation
1200 K Street, N.W., Washington, D.C. 20005-4026

VIA FEDERAL EXPRESS

FOIA 2010-0179

April 9, 2010

Michael N. Khalil, Esquire
Miller & Chevalier Chartered
655 Fifteenth St., N.W., Suite 900
Washington, DC 20005-5701

Re: Delphi Retirement Program for Salaried Employees – Case No: 20637000

Dear Mr. Kahlil:

This is the final release of documents in response to your Freedom of Information Act request dated October 19, 2009, requesting all agendas, meeting minutes, and correspondence covering the GM/PBGC Waiver and Release Agreement and the Delphi/PBGC Settlement Agreement covering the period beginning February 2009 through the date of your request. I am enclosing a copy of 420 pages consisting of e-mails related to GM/PBGC Waiver and Release Agreement and the Delphi/PBGC Settlement Agreement. A search of agency records failed to locate any agendas and meeting minutes. However, with regard to item number three of your request, I am enclosing a copy of a list of meetings/conference calls between PBGC and the parties listed in your request.

We have determined that some portions of these documents were deemed non-disclosable in part. Two exemptions of the FOIA were relied upon to withhold this information.

The first applicable exemption, 5 U.S.C. § 552(b)(5), deals with internal documents: inter-agency or intra-agency memoranda or letters consisting of judgments, opinions, advice or recommendations which would not be available by law to a party other than an agency in litigation with the Pension Benefit Guaranty Corporation (PBGC) and as such are not required to be disclosed under 5 U.S.C. § 552(b)(5). I believe the disclosure of this material would not further the public interest at this time and would impede the operations of the PBGC.

The second applicable exemption, 5 U.S.C. § 552(b)(6), exempts from required public disclosure, "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." The records you have requested contain "similar files" within the meaning of the above-cited statutory language and the Pension Benefit Guaranty Corporation's (PBGC) implementing regulation (29 C.F.R. § 4901.21(b)(4)). Disclosure would constitute a clearly unwarranted invasion of personal privacy.

Ms. Michael N. Khalil
Page Two

PBGC's regulation on the examination and copying of records provides at 29 C.F.R. §4901.15 that an applicant whose request for a record or portion thereof has been denied may file an appeal within 30 days from the date of the denial, or, as in this case (partial denial), within 30 days from the date you receive the disclosable material. Your appeal should be in writing and should state the grounds for an appeal, including any supporting statements or arguments. Please address your appeal to the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, N.W., Washington, D.C. 20005. To expedite processing, each appeal should clearly indicate on the envelope and on the document the following: FOIA Appeal.

A Statement of Charges outlining the fees associated with your request is attached. Please send a copy of the statement along with your payment. I hope these documents prove beneficial to you.

Sincerely,



E. William FitzGerald
Disclosure Officer

Enclosure

Attachment C



Michael Khalil
(202) 626-5937
mkhalil@milchev.com

June 28, 2010

VIA CERTIFIED MAIL

E. William FitzGerald
Disclosure Officer
Pension Benefit Guaranty Corporation
1200 K Street, N.W., Suite 11101
Washington, D.C. 20005

**Re: Freedom of Information Act Request Regarding the Delphi
Retirement Program for Salaried Employees**

Dear Mr. FitzGerald:

This correspondence concerns the Delphi Retirement Program for Salaried Employees (the "Plan"). Please provide me with copies of the following materials under the Freedom of Information Act and its implementing regulations:

1. A copy of all actuarial reports concerning the Plan that the PBGC has received since January 1, 2005.
2. A copy of all correspondence the PBGC has received from Watson Wyatt concerning the Plan since January 1, 2005
3. A copy of all data sources the PBGC relied upon in calculating that the Plan's liabilities and assets as reported in the Administrative Record, pages, AR 19, AR26, AR34 and AR62. At a minimum, this should include a copy of the following data sources referenced on page AR26 of the Administrative Record: "10/01/07 AVR," "12/31/08 PBO," and "10/01/08 demographic information prepared by Watson Wyatt Worldwide."
4. A description and explanation of any assumptions relied upon in arriving at the Plan's liabilities and assets as reported in the Administrative Record, pages AR 19, AR26,



E. William FitzGerald
June 28, 2010
Page 2

AR34 and AR62, as well as an explanation of how those assumptions were used in calculating the Plan's liabilities and assets.

5. All reports, correspondence, memorandum, spreadsheets or other documents concerning the value, estimated or otherwise, of the "Waterfall Participation" and "Waterfall Right" as those terms are used in the PBGC - GM Waiver and Release Agreement .
6. All reports, correspondence, memorandum or documents discussing whether the grounds for termination of the Plan should include "protection of the interests of participants."
7. All documents, data sources, statements, worksheets, memorandum and assumptions relied upon in the "final statutory lien calculation done prior to the termination of the [] Plan, which showed a total lien amount of \$195.9 million." See Exhibit A to this request, declaration of Neela Ranade.
8. All documents, data sources, statements, worksheets, memorandum, and assumptions relied upon by Ms. Ranade in her declaration in ¶ 10 of Exhibit A, that the PBGC estimates it will pay \$2.1 billion from its own resources to cover the unfunded guaranteed liability."
9. All reports, memorandum, correspondence, worksheets, statements or documents concerning the Plan assets that the PBGC assumed when it became statutory trustee of the Plan. This information should include, at a minimum, a breakdown of the disposition of the assets, by asset allocation and worth, as of the date of trusteeship.
10. All reports, memorandum, correspondence, worksheets, statements, accountings or documents discussing the disposition of the Plan's former assets as of May 1, 2010.
11. All memorandum, correspondence, worksheets, statements or documents concerning PBGC recoveries as to the Plan.
12. All memorandum, correspondence, or documents discussing the Plan, the Delphi Salaried Retiree Association, or the Delphi Bankruptcy proceedings, case No. 05-44481



E. William FitzGerald
June 28, 2010
Page 3

(Bankr. S.D. N.Y.). For purposes of this request number 12, we are requesting information generated between October 1, 2009 and June 28, 2010.

13. All memorandum, correspondence, or other documents discussing whether the supplemental pension payments by General Motors LLC to participants in the Delphi Hourly-Rate Plan conflict with any PBGC policies or procedures, including the PBGC's policy regarding follow-on plans.
14. All organizational charts identifying personnel, both permanent and contract, by name, title and reporting relationship for the time period January 1, 2009 to July 1, 2010.
15. All internal operating rules, procedures and policy statements related to:
 - a. plan terminations;
 - b. valuation of plans assets and liabilities;
 - c. asserting, releasing and executing liens;
 - d. communications with pension plan sponsors.

If for any reason you determine that portions of the requested information are exempt from disclosure under FOIA, please delete the allegedly exempt material, inform me of the basis for the claimed exemption, and furnish me with copies of those portions of the document that you determine not to be exempt. My consent to such deletion at this time is designed to facilitate your prompt response and in no way waives my right to appeal any determination that you may make regarding the applicability of any FOIA exemptions to the requested documents and information.

In compliance with applicable regulations under "Commercial Use Requester," we promise to pay reasonable charges for search, copying and review costs.

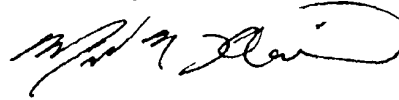
CHEVALIER

E. William FitzGerald
June 28, 2010
Page 4

We authorize fees for this request up to a maximum of \$500.00. Please inform me if the estimated fees will exceed this limit before processing my request.

If you have any questions about this request, I may be reached at: (202) 626-5937. I look forward to your response within twenty days or earlier if possible. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael N. Khalil", with a stylized flourish at the end.

Michael N. Khalil

Enclosure

Enclosure

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DENNIS BLACK, *et al.*,

Plaintiffs,

v.

PENSION BENEFIT GUARANTY
CORPORATION, *et al.*,

Defendants.

Case No. 2:09-cv-13616
Hon. Arthur J. Tarnow
Magistrate Judge Donald A. Scheer

DECLARATION OF NEELA RANADE IN SUPPORT OF PENSION BENEFIT
GUARANTY CORPORATION'S OBJECTION TO THE PLAINTIFF'S MOTION FOR
PRELIMINARY INJUNCTION

Pursuant to 28 U.S.C. § 1746, I, Neela Ranade, declare under penalty of perjury, as follows:

1. I am employed by the Pension Benefit Guaranty Corporation ("PBGC") as the Chief Negotiating Actuary in the Department of Insurance Supervision and Compliance ("DISC"). My office address is 1200 K Street, NW, Washington, DC 20005.

2. I received my undergraduate Bachelor of Science degree at Nagpur University in 1970. I received my Masters in Science post-graduate degree at the Indian Institute of Technology in 1972. I received my Masters in Mathematics degree at Temple University in 1973.

3. I have been employed as an actuary for more than thirty years. I have held my current position as PBGC's Chief Negotiating Actuary for three and a half years. Prior to that, I was Chief Actuary at Congressional Research Service in Washington, DC, for two and a half years. Prior to that position, I was a Senior Vice President at Actuarial Sciences Associates, a consulting company in Somerset, NJ, for eighteen years.

4. I am a Fellow of the Society of Actuaries, which is the highest professional certification available for actuaries. To become a Fellow, I was required to take and pass a series of ten professional examinations over a several year period. I am also an Enrolled Actuary, which is a special certification for actuaries who work on pension issues.

5. In my current position as Chief Negotiating Actuary at PBGC, I supervise a staff of nine actuaries, all but one of whom are credentialed either as Enrolled Actuaries or members of the Society of Actuaries. I am also responsible for overseeing the work of actuarial consulting firms with which PBGC has contracted for additional actuarial services.

6. My staff and I are a part of DISC, the group that deals with pension plan sponsors in economic distress, including companies that go into bankruptcy. With respect to companies that, like Delphi, are in bankruptcy, our role includes reviewing and estimating the level of underfunding of pension plans on a termination basis (underfunding being defined as the difference between the value of the pension benefits promised under a plan and the assets then in the plan available to pay them). We also analyze funding levels and create funding projections to determine the affordability of pension plans over time. We also review PBGC Form 200 filings by plan sponsors, which report missed minimum funding contributions required by the Internal Revenue Code, and perform calculations for statutory liens which arise if missed

contributions exceed \$1 million. In addition, we calculate due and unpaid employer contributions for pension plans.

6. Since May of 2006, my staff and I have reviewed the funding status of the pension plans sponsored by Delphi Corp. ("Delphi"), including the Delphi Retirement Program for Salaried Employees ("Salaried Plan"). I have reviewed Forms 200 filed by Delphi with respect to the Salaried Plan, and have supervised lien calculations for missed minimum funding contributions with respect to that plan. I have continually monitored Delphi's status, as it has been one of the largest companies in bankruptcy during my tenure with PBGC.

7. While in bankruptcy, Delphi failed on many occasions to make funding contributions to the Salaried Plan, causing statutory liens to arise. I supervised the final statutory lien calculation done prior to the termination of the Salaried Plan, which showed a total lien amount of \$195.9 million.

8. In addition, I supervised my staff, as well as a team of outside actuarial consultants, in the calculation of the estimated underfunding of the Salaried Plan. A plan's underfunding is calculated by determining the difference between the value of the plan's assets and the present value of all the benefits promised by plan sponsor under the plan.

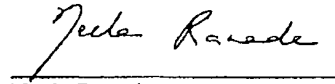
9. As of the date of the Salaried Plan termination, July 31, 2009, we calculated the value of the benefits promised by Delphi to be \$5.2 billion. As of July 31, 2009, Salaried Plan assets were \$2.5 billion. Consequently, we calculated the Salaried Plan's underfunding to be \$2.7 billion.

10. We also recently estimated the amount of PBGC guaranteed liability of the Salaried Plan as of July 31, 2009, to be \$4.6 billion. Guaranteed liability is an estimate of the amount of a plan's benefits that PBGC will pay as guaranteed benefits, taking into account the

legal limits on PBGC's benefit guarantee. Given that the plan assets were only \$2.5 million, PBGC estimates that it will pay \$2.1 billion from its own resources to cover the unfunded guaranteed liability.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 21st day of December, 2009, in Washington, D.C.



Neela Ranade

CERTIFICATE OF SERVICE

I hereby certify that on December 21, 2009 , I electronically filed the foregoing Declaration of Neela Ranade in Support of Pension Benefit Guaranty Corporation's Objection to Plaintiff's Motion for Preliminary Injunction with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Alan J. Schwartz alan@jacobweingarten.com	David M. Glass david.glass@usdoj.gov
<i>Counsel for Plaintiffs</i>	<i>Counsel for Defendant U.S. Treasury Dept.</i>
Edward W. Risko edward.w.risko@gm.com	Robert S. Walker rswalker@jonesday.com
<i>Counsel for Defendants</i>	<i>Counsel for Defendants</i>

s/Ralph L. Landy
Ralph L. Landy
Attorney
Pension Benefit Guaranty Corporation
1200 K Street, N.W.
Washington, D.C. 20005
Phone: (202) 326-4020 ext. 6767
Fax: (202) 326-4112
Emails: landy.ralph@pbgc.gov and
efile@pbgc.gov



Pension Benefit Guaranty Corporation
1200 K Street, N.W., Washington, D.C. 20005-4026

BY FEDERAL EXPRESS

FOIA 2010-3821

July 28, 2010

Michael N. Khalil, Esquire
Miller & Chevalier Chartered
655 Fifteenth St., N.W., Suite 900
Washington, DC 20005-5701

Re: Delphi Retirement Program for Salaried Employees – Case No: 20637000

Dear Mr. Khalil:

This is a partial reply to your Freedom of Information Act (FOIA) request, dated June 28, 2010, concerning the above-referenced subject. I am making a partial disclosure of records (420 pages) that have proven to be responsive to Items 2, 7, and 8 of your request. Enclosed are copies of the following:

- copies of emails received from Watson Wyatt concerning the above-captioned plan.
- copies of the 430(k) Lien Calculation as of June 15, 2009 and Form 200 received on June 25, 2009.
- copies of Memos from Watson Wyatt dated 5/11/2009, 7/9/2009 and 7/31/2009; an e-mail from Norm Campeau of Watson Wyatt to Cynthia Travia of our agency; a Personal Information Profile (PIP), calculated on 12/17/2009; an Actuarial Valuation Report date 10/1/2007, prepared by Watson Wyatt; and two spread sheets containing calculation of benefit cutbacks for retired participants on or before 10/1/2008.

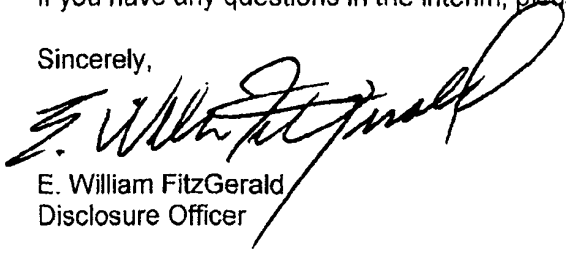
Please note that while preparing this release, we determined that portions of these documents were deemed non-disclosable. Our rationale for withholding certain material will be explained in our final determination letter and you will be given appeal rights at that time. A Statement of Charges outlining search/review and copying fees associated with processing your request will also be sent at that time. To date, we have expended 16 hours of search/review and provided you with 420 pages of documents. Search/review time is \$16.00 per hour and copying fees are \$.15 per page.

Michael Khalil, Esquire
Page two

We are continuing to search for additional records encompassed by your request and will provide you with any disclosable portions of those documents as soon as possible.

If you have any questions in the interim, please contact me at 202-326-4040.

Sincerely,

A handwritten signature in black ink, appearing to read "E. William FitzGerald", is written over the typed name and title.

E. William FitzGerald
Disclosure Officer

Enclosure



Pension Benefit Guaranty Corporation

1200 K Street, N.W., Washington, D.C. 20005-4026

BY FEDERAL EXPRESS

FOIA 2010-3821

August 24, 2010

Michael N. Khalil, Esquire
Miller & Chevalier Chartered
655 Fifteenth St., N.W., Suite 900
Washington, DC 20005-5701

Re: Delphi Retirement Program for Salaried Employees – Case No: 20637000

Dear Mr. Khalil:

This is a second partial release of documents in response your Freedom of Information Act (FOIA) request, dated June 28, 2010, concerning the above-referenced subject. On July 28, 2010, you were provided with a partial disclosure of 420 pages responsive to Items 2, 7, and 8. With this letter, I am providing you with 1,613 pages of documents responsive to the following items of your request:

- Item number 1 – enclosed are copies of the Actuarial Valuation Reports for the years of 2004 through 2008
- Item number 3 – enclosed are copies of the Financial Accounting Standards 87 (FAS 87) disclosure for December 31, 2008, which contains information pertaining to the Projected Benefit Obligation (PBO); and a Memorandum dated May 11, 2009, containing the demographic information prepared by Watson Wyatt Worldwide.
- Item number 4 – enclosed are copies of the Pension Information Profile (PIP) for the Delphi Corporation Pension Plans and section 4044 of ERISA.
- Item number 5 – a search of agency records located two reports responsive to your request; however, these reports were deemed non disclosable in their entirety.
- Item number 6 – a copy of a Memorandum dated April 17, 2009, to Andrea Schneider, Chair of the Trusteeship Working Group.
- Item number 11 – enclosed are copies of the Settlement Agreement between Delphi and the Pension Benefit Guaranty Corporation (PBCG), the Waiver and Release Agreement between General Motors and PBGC, and the Amended and Restated Limited Liability Partnership Agreement of DIP Holdco LLP.

Michael Khalil, Esquire
Page two

A search of agency records failed to locate any worksheets, statements or documents concerning PBGC recoveries as to the plan. The plan recovery process is not yet finalized as of the date of this letter. Please note, the items we are withholding under item number 5 above, are also responsive to item number 11.

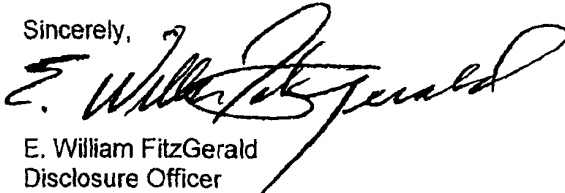
- Item number 14 – enclosed are copies of two organizational charts
- Item number 15, (a) and (c) – enclosed are copies of the Benefit Administration and Payment Department (BAPD) Operations Manual, Directive Number TR-002 Termination and Trusteeship of Single-Employer Pension Plan, and the Coordination Procedures for 412(n) Lien Perfection. With regard to 15, (b), see Section 4044 of ERISA enclosed under item number 4. With regard to 15, (d), a search of agency records failed to locate any internal operating rules, procedures, or policy statements related to communications with pension plan sponsors.

Please note that while preparing this release, we have determined that portions of these documents were deemed non-disclosable. Our rationale for withholding certain material will be explained in our final determination letter and you will be given appeal rights at that time. A Statement of Charges outlining search/review and copying fees associated with processing your request will also be sent at that time. To date, we have expended 42 hours of search/review and provided you with 2,033 pages of documents. Search/review time is \$16.00 per hour and copying fees are \$.15 per page.

We are continuing to search for additional records encompassed by Items 9, 10, 12, 13 of your request and will provide you with any disclosable portions of those documents as soon as possible.

If you have any questions in the interim, please contact me at 202-326-4040.

Sincerely,



E. William FitzGerald
Disclosure Officer

Enclosure



BY FEDERAL EXPRESS

FOIA 2010-3821

September 22, 2010

Michael N. Khalil, Esquire
Miller & Chevalier Chartered
655 Fifteenth St., N.W., Suite 900
Washington, DC 20005-5701

Re: Delphi Retirement Program for Salaried Employees – Case No: 20637000

Dear Mr. Khalil:

This is a third partial release of documents in response your Freedom of Information Act (FOIA) request, dated June 28, 2010, concerning the above-referenced subject. In the two previous releases, you were provided with partial disclosures of 420 and 1,613 pages responsive to Items 1 through 8, 11, 14, and 15. With this letter, I am providing you with 1,202 pages of documents responsive to the following items of your request:

- Item number 9 and 10 – enclosed are copies of Plan Payables Proof, Delphi Holdings Reports, Trial Balances, Purchase and Sales Reports, and Plan Valuation Summaries dating from July 2009 through May 2010
- Item number 13 – enclosed are copies of two emails dated July 22, and July 17, 2009, between Niharika Ramdev of General Motors and Joseph House of the Pension Benefit Guaranty Corporation. A portion of these documents was deemed non-disclosable. Our rationale for withholding certain material will be explained in our final determination letter and you will be given appeal rights at that time.

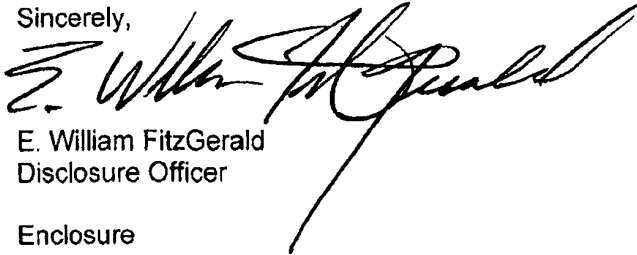
A Statement of Charges outlining search/review and copying fees associated with processing your request will also be sent at that time. To date, we have expended 68 hours of search/review and provided you with 3,235 pages of documents. Search/review time is \$16.00 per hour and copying fees are \$.15 per page. Therefore, charges incurred to date for search/review are approximately \$1,088.00 and copying fees are approximately \$484.95.

We are continuing to search for additional records encompassed by Item 12 of your request and will provide you with any disclosable portions of those documents as soon as possible.

Michael Khalil, Esquire
Page two

If you have any questions in the interim, please contact me at 202-326-4040.

Sincerely,

A handwritten signature in black ink, appearing to read "E. William FitzGerald". The signature is fluid and cursive, with a long, sweeping underline that extends below the printed name.

E. William FitzGerald
Disclosure Officer

Enclosure



Pension Benefit Guaranty Corporation
1200 K Street, N.W., Washington, D.C. 20005-4026

BY FEDERAL EXPRESS

FOIA 2010-3821

November 4, 2010

Michael N. Khalil, Esquire
Miller & Chevalier Chartered
655 Fifteenth St., N.W., Suite 900
Washington, DC 20005-5701

Re: Delphi Retirement Program for Salaried Employees – Case No: 20637000

Dear Mr. Khalil:

This is a final release of documents in response to your Freedom of Information Act (FOIA) request, dated June 28, 2010, concerning the above-referenced subject. In the three previous releases, you were provided with partial disclosures of records consisting of 420 pages on July 28, 2010; 1,613 pages on August 24, 2010; and 1,202 pages on September 22, 2010, in response to Items 1 through 11 and 13 through 15 of your request. After reviewing a total of 3,200 emails, I am providing you with the 853 pages of documents found to be responsive to item number 12 of your request.

I have determined that some of the documents were deemed non-disclosable either in part or in their entirety. Five exemptions of the FOIA were relied upon to withhold this information.

The first applicable exemption, 5 U.S.C. §552(b)(2), permits the exemption from disclosure of matters that are "related solely to the internal personnel rules and practices of an agency". The records you requested contain information that falls within the scope of this exemption and the Pension Benefit Guaranty Corporation's (PBGC) regulation 29 C.F.R. § 4901.21(b)(1) and, therefore, would be exempt from disclosure.

The second applicable exemption, 5 U.S.C. §552(b)(3) relates to material specifically exempted from disclosure by statute (other than Section 552(b) of this title). The applicable statute for disclosure of materials compiled as part of a reportable event is governed by Section 4010 of the Employee Retirement Income Security Act (ERISA) of 1974, as amended, and this section provides in part "any information or documentary material submitted to the corporation pursuant to this section shall be exempt from disclosure under §552, United States Code, and no such information or documentary material may be made public...." Consequently, these records would not be disclosable under FOIA.

Michael Khalil, Esquire
November 4, 2010
Page two

The third applicable exemption, 5 U.S.C. §552(b)(4), permits the exemption from disclosure of matters that are "trade secrets and commercial or financial information obtained from a person and privileged or confidential." The records you have requested contain "commercial or financial information" within the meaning of the above-cited statutory language and the Pension Benefit Guaranty Corporation's (PBGC) regulation 29 C.F.R. §4901.21(b)(2) and, therefore, would be exempt from disclosure.

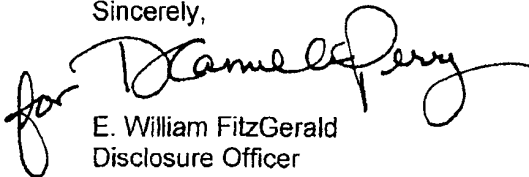
The fourth applicable exemption, 5 U.S.C. § 552(b)(5), deals with internal documents: inter-agency or intra-agency memoranda or letters consisting of judgments, opinions, advice or recommendations which would not be available by law to a party other than an agency in litigation with the Pension Benefit Guaranty Corporation (PBGC) and as such are not required to be disclosed under 5 U.S.C. § 552(b)(5). I believe the disclosure of this material would not further the public interest at this time and would impede the operations of the PBGC.

The fifth applicable exemption, 5 U.S.C §552(b)(6), exempts from required public disclosure, "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." The records you have requested contain "similar files" within the meaning of the above-cited statutory language and the PBGC's implementing regulation (29 C.F.R. § 4901.21(b)(4)). Disclosure would constitute a clearly unwarranted invasion of personal privacy.

PBGC's regulation on the examination and copying of records provides at 29 C.F.R. §4901.15 that an applicant whose request for a record or portion thereof has been denied may file an appeal within 30 days from the date of the denial, or, as in this case (partial denial), within 30 days from the date you receive the disclosable material. Your appeal should be in writing and should state the grounds for an appeal, including any supporting statements or arguments. Please address your appeal to the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, N.W., Washington, D.C. 20005. To expedite processing, each appeal should clearly indicate on the envelope and on the document the following: FOIA Appeal.

A Statement of Charges outlining the fees associated with your request is attached. Please send a copy of the statement along with your payment. I hope these documents prove beneficial to you.

Sincerely,


for E. William FitzGerald
Disclosure Officer

Enclosure



Pension Benefit Guaranty Corporation
1200 K Street, N.W., Washington, D.C. 20005-4026

FOIA 2011-1102

April 14, 2011

Michael N. Khalil, Esquire
Miller & Chevalier Chartered
655 Fifteenth St., N.W., Suite 900
Washington, DC 20005-5701

Re: Pension Benefit Guaranty Corporation (PBGC) Operations Manuals

Dear Mr. Khalil:

This is a final release of documents in response to your Freedom of Information Act (FOIA) request, dated June 28, 2010, concerning the above-referenced subject. In the two previous releases, you were provided with partial disclosures of records consisting of 2,480 pages on January 31, 2011; and 311 pages on February 23, 2011, in response to Items 1, 2, 3, 4, 5, 7, 9 and 11 of your request.

As stated in my February 23, 2011, letter, a search of agency records located an additional record responsive to Item number 5 of your request, which appears to discuss coordination with another federal agency regarding shared information. I have taken the opportunity to consult with that agency, and I am currently waiting their feedback. In an effort to expedite the process of your request, I have decided to provide you with the disclosable portions of this document and to withhold the portions in question. Upon receipt of the other agency's positive disclosure determination, I will provide you with the disclosable portions of the document as promptly as possible. Two exemptions of the FOIA was relied upon to withhold this information.

The applicable exemption, 5 U.S.C. § 552(b)(7)(E), provides protection to all law enforcement information which "would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcements investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law." The records you requested contain information that falls within the scope of this exemption and the Pension Benefit Guaranty Corporation's (PBGC) regulation 29 C.F.R. § 4901.21(b)(5) and, therefore, appears to be exempt from disclosure (this applies to the enclosed Minimum Funding Waiver Procedures).

I have also determined that small portions of the BAPD Operations Manual, provided to you with my January 31, 2011, letter, were deemed non-disclosable.


Michael Khalil, Esquire
April 14, 2010
Page two

The applicable exemption, 5 U.S.C. §552(b)(2), permits the exemption from disclosure of matters that are "related solely to the internal personnel rules and practices of an agency". The records you requested contain information that falls within the scope of this exemption and the Pension Benefit Guaranty Corporation's (PBGC) regulation 29 C.F.R. § 4901.21(b)(1) and, therefore, would be exempt from disclosure.

The regulation of the PBGC provides at 29 C.F.R. § 4901.15 (2010) that, if a disclosure request is denied in whole or in part by the disclosure officer, the requester may file a written appeal within 30 days from the date of the denial or, if later (in the case of a partial denial), 30 days from the date the requester receives the disclosed material. The appeal shall state the grounds for appeal and any supporting statements or arguments, and shall be addressed to the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, N.W., Washington, D.C. 20005. To expedite processing, the words "FOIA appeal" should appear prominently on the envelope and on the request.

A Statement of Charges outlining the fees associated with your request is attached. Please send a copy of the statement along with your payment. I hope these documents prove beneficial to you.

Sincerely,

A handwritten signature in black ink, appearing to read "E. William FitzGerald", is written over the typed name and title.

E. William FitzGerald
Disclosure Officer

Enclosure