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TAX EXEMPT AND
GOVERNMENT ENTITIES
DIVISION

DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
WASHINGTON, D.C. 20224

MAY 25 2004

In re:

Company =

Dear

This letter constitutes notice that with respect to the above-named defined benefit pension plan, your request for a waiver of the minimum funding standard for the plan year ended , has been denied. Please also note that, because the minimum funding standard for the plan year ended , was not satisfied, the conditional waiver for the plan year ended , previously granted by letter dated April 23, 2002, is now retroactively null and void.

The information furnished indicates that the Company filed for Chapter 11 bankruptcy protection in and has since shuttered its doors and sold its assets. In addition, the Pension Benefit Guaranty Corporation has issued a Notice of Determination for the purpose of terminating and trusteeing the Plan.

The information furnished failed to demonstrate that the hardship was temporary, and a denial of the request was proposed. Your authorized representative was informed, by telephone call of April 20, 2004, of our tentative denial and was offered a conference of right. Your authorized representative, by telephone call of May 13, 2004, declined our offer of a conference of right. Therefore, our tentative denial is now final.

This ruling is directed only to the taxpayer that requested it. Section 6110(k)(3) of the Code provides that it may not be used or cited by others as precedent.

A copy of this letter is also being sent to the Manager, Employee Plans Classification in . A copy of this letter is also being furnished to your authorized representative pursuant to a power of attorney (Form 2848) on file.

If you have any questions on this ruling letter, please contact

Sincerely yours,

A handwritten signature in black ink, appearing to read "Carol D. Gold". The signature is fluid and cursive, with the first name "Carol" being more legible than the last name "Gold".

Carol D. Gold, Director
Employee Plans