

checking box 5 in part II (Alternative Premium Funding Target Election) of the comprehensive premium filing for the first plan year to which the election applies.<sup>3</sup> If an election to use the alternative premium funding target is not in effect, the plan must calculate its VRP using the standard premium funding target.<sup>4</sup>

For 2008 and 2009 plan years, over ninety-five percent of the plans that used the alternative method filed valid elections to do so. However, some plans that used the alternative method did not make a valid election to do so and later requested that PBGC treat them as having made a valid election. In response, on June 16, 2010, PBGC issued Technical Update 10–2, under which a plan was deemed to have made a valid election if certain conditions were met.

Most plans with box 5 errors for 2008 or 2009 plan years were eligible for the Technical Update 10–2 relief or were granted similar relief upon reconsideration based on the facts and circumstances. PBGC spent considerable time reviewing requests for reconsideration to ensure that due process was followed, that plans with similar situations were treated consistently, and that discretion was exercised fairly and reasonably. To date, PBGC has denied fewer than 50 requests for reconsideration with respect to box 5 errors in 2008 or 2009 plan years.

Premium payers and pension professionals requested further relief from box 5 errors, including relief for plan years starting after 2009 and relief for plans that did not qualify for the Technical Update 10–2 relief for 2008 and 2009 plan years.

#### Relief for Plan Years Beginning After 2009

PBGC has taken steps to reduce box 5 errors for 2010 and later plan years. The agency has modified its online Premium Filing application (MyPAA) to provide additional “error check” or “alert” notices. PBGC assists vendors with their systems and encourages vendors to have similar error check and alert notices as MyPAA. PBGC urges all filers to check filings to avoid making errors, pay close attention to the MyPAA warnings, and print and save

receipts showing that filings are actually submitted.

Despite these efforts, PBGC still occasionally finds box 5 errors. PBGC is providing relief similar to, but more expansive, than the relief provided in Technical Update 10–2 for plan years beginning after 2009. Specifically, relief is available where the plan used the alternative method to determine the VRP for the applicable plan year without filing a valid election to do so for the applicable plan year or a prior plan year. Similar relief is available where the plan used the standard method, but inadvertently made an election to use the alternative method for the applicable plan year (e.g., box 5 was checked because of an errant mouse click).

In either case, PBGC bases its determination of which method was used to determine the VRP for the applicable plan year solely on the information reported in line 7d(1) of part III (Premium Information). For example, if “alternative” is checked, PBGC determines that the alternative method was used.

If an election to use the alternative method is invalid solely because the filing was submitted after the due date, relief is available only if the filing is not an amendment of a timely filing in which the plan used the standard method to determine the VRP and the filing is submitted by the earlier of:

- The 90th day after the filing due date.
- The 30th day after the date of any PBGC notification that no filing has been received.<sup>5</sup>

PBGC is contacting plans entitled to this relief to explain the options and actions required, if any (e.g., whether the inconsistent filing must be amended). Plans that do not qualify for this relief may seek reconsideration based on the facts and circumstances.

#### Premium Penalty Relief for 2008 and 2009 Plan Years

In situations where a plan with a box 5 error for 2008 or 2009 plan years was not eligible for the Technical Update 10–2 relief and a request for reconsideration was denied (or not submitted), the plan was required to amend the applicable premium filing and recalculate the VRP using the standard method. In some cases, this resulted in additional premium being due. Because the additional premium was paid after the due date, late payment charges (penalties and interest) were assessed on the additional

premium. In many cases, the late payment penalties were equal to 100 percent of the additional premium. In response to concerns of premium payers and pension professionals, PBGC will waive premium penalties in connection with these errors for 2008 and 2009 plan years.

PBGC will also waive premium penalties for plans that used the standard method but inadvertently checked box 5 and were required to recalculate the VRP using the alternative method.

PBGC will contact plans entitled to this penalty relief. If a plan entitled to this relief has already paid the late payment penalty, the penalty amount will be converted into a credit that can be used to offset future premiums. If a plan entitled to this relief has not amended the relevant filing and paid the additional premium due, PBGC will waive the penalty only if the filing is amended and the additional premium paid within 30 days of the notification.

#### Contact information

For questions, contact Robert Callahan of the Financial Operations Department at 202–326–4067, ext. 3258, or [callahan.robert@pbgc.gov](mailto:callahan.robert@pbgc.gov) or Bill O'Neill, at 202–346–4067, ext. 6758, or [oneill.bill@pbgc.gov](mailto:oneill.bill@pbgc.gov).

Issued in Washington, DC this 9th day of September, 2011.

**Joshua Gotbaum,**

*Director, Pension Benefit Guaranty Corporation.*

[FR Doc. 2011–23692 Filed 9–14–11; 8:45 am]

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## POSTAL REGULATORY COMMISSION

[Docket No. A2011–61; Order No. 842]

### Post Office Closing

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Notice.

**SUMMARY:** This document informs the public that an appeal of the closing of the Etna, New York post office has been filed. It identifies preliminary steps and provides a procedural schedule. Publication of this document will allow the Postal Service, petitioners, and others to take appropriate action.

**DATES:** *Administrative record due (from Postal Service):* September 19, 2011; *deadline for notices to intervene:* October 3, 2011. See the Procedural Schedule in the **SUPPLEMENTARY INFORMATION** section for other dates of interest.

**ADDRESSES:** Submit comments electronically by accessing the “Filing

<sup>3</sup> Premium information must be submitted electronically. PBGC provides on its Web site, <http://www.pbgc.gov>, filing instructions that include an illustrative form with a line number for each data element. This Notice refers to those line numbers.

<sup>4</sup> This Notice will refer to use of the alternative premium funding target as the “alternative method” and to use of the standard premium funding target as the “standard method.”

<sup>5</sup> PBGC generally notifies plans within 30 days of the filing due date.

Online" link in the banner at the top of the Commission's Web site (<http://www.prc.gov>) or by directly accessing the Commission's Filing Online system at <https://www.prc.gov/prc-pages/filing-online/login.aspx>. Commenters who cannot submit their views electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section as the source for case-related information for advice on alternatives to electronic filing. **FURTHER INFORMATION CONTACT** section as the source for case-related information for advice on alternatives to electronic filing.

**FOR FURTHER INFORMATION CONTACT:** Stephen L. Sharfman, General Counsel, at 202-789-6820 (case-related information) or [DocketAdmins@prc.gov](mailto:DocketAdmins@prc.gov) (electronic filing assistance).

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that, pursuant to 39 U.S.C. 404(d), on September 2, 2011, the Commission received a petition for review of the Postal Service's determination to close the Etna post office in Etna, New York. The petition was filed by Heather Marshall (Petitioner) and is postmarked August 24, 2011. The Commission hereby institutes a proceeding under 39 U.S.C. 404(d)(5) and establishes Docket No. A2011-61 to consider Petitioner's appeal. If Petitioner would like to further explain her position with supplemental information or facts, Petitioner may either file a Participant Statement on PRC Form 61 or file a brief with the Commission no later than October 7, 2011.

*Categories of issues apparently raised.* Petitioner contends that: (1) The Postal Service failed to consider whether or not it will continue to provide a maximum degree of effective and regular postal services to the community (see 39 U.S.C. 404(d)(2)(A)(iii)); and (2) the Postal Service failed to adequately consider the economic savings resulting from the closure (see 39 U.S.C. 404(d)(2)(A)(iv)).

After the Postal Service files the administrative record and the

Commission reviews it, the Commission may find that there are more legal issues than those set forth above, or that the Postal Service's determination disposes of one or more of those issues. The deadline for the Postal Service to file the applicable administrative record with the Commission is September 19, 2011. See 39 CFR 3001.113. In addition, the due date for any responsive pleading by the Postal Service to this Notice is September 19, 2011.

*Availability; Web site posting.* The Commission has posted the appeal and supporting material on its Web site at <http://www.prc.gov>. Additional filings in this case and participants' submissions also will be posted on the Commission's Web site, if provided in electronic format or amenable to conversion, and not subject to a valid protective order. Information on how to use the Commission's Web site is available online or by contacting the Commission's webmaster via telephone at 202-789-6873 or via electronic mail at [prc-webmaster@prc.gov](mailto:prc-webmaster@prc.gov).

The appeal and all related documents are also available for public inspection in the Commission's docket section. Docket section hours are 8 a.m. to 4:30 p.m., eastern time, Monday through Friday, except on Federal government holidays. Docket section personnel may be contacted via electronic mail at [prc-dockets@prc.gov](mailto:prc-dockets@prc.gov) or via telephone at 202-789-6846.

*Filing of documents.* All filings of documents in this case shall be made using the Internet (Filing Online) pursuant to Commission rules 9(a) and 10(a) at the Commission's Web site, <http://www.prc.gov>, unless a waiver is obtained. See 39 CFR 3001.9(a) and 3001.10(a). Instructions for obtaining an account to file documents online may be found on the Commission's Web site or by contacting the Commission's docket section at [prc-dockets@prc.gov](mailto:prc-dockets@prc.gov) or via telephone at 202-789-6846.

The Commission reserves the right to redact personal information which may infringe on an individual's privacy

rights from documents filed in this proceeding.

*Intervention.* Persons, other than Petitioner and respondent, wishing to be heard in this matter are directed to file a notice of intervention. See 39 CFR 3001.111(b). Notices of intervention in this case are to be filed on or before October 3, 2011. A notice of intervention shall be filed using the Internet (Filing Online) at the Commission's Web site unless a waiver is obtained for hardcopy filing. See 39 CFR 3001.9(a) and 3001.10(a).

*Further procedures.* By statute, the Commission is required to issue its decision within 120 days from the date it receives the appeal. See 39 U.S.C. 404(d)(5). A procedural schedule has been developed to accommodate this statutory deadline. In the interest of expedition, in light of the 120-day decision schedule, the Commission may request the Postal Service or other participants to submit information or memoranda of law on any appropriate issue. As required by the Commission rules, if any motions are filed, responses are due 7 days after any such motion is filed. See 39 CFR 3001.21.

#### *It is ordered:*

1. The Postal Service shall file the applicable administrative record regarding this appeal no later than September 19, 2011.

2. Any responsive pleading by the Postal Service to this notice is due no later than September 19, 2011.

3. The procedural schedule listed below is hereby adopted.

4. Pursuant to 39 U.S.C. 505, Malin Moench is designated officer of the Commission (Public Representative) to represent the interests of the general public.

5. The Secretary shall arrange for publication of this notice and order in the **Federal Register**.

By the Commission.

**Shoshana M. Grove,**  
Secretary.

#### PROCEDURAL SCHEDULE

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|--------------------------|---|
| September 2, 2011 .....  | Filing of Appeal.   |
| September 19, 2011 ..... | Deadline for the Postal Service to file the applicable administrative record in this appeal.  |
| September 19, 2011 ..... | Deadline for the Postal Service to file any responsive pleading.  |
| October 3, 2011 .....    | Deadline for notices to intervene (see 39 CFR 3001.111(b)).   |
| October 7, 2011 .....    | Deadline for Petitioner's Form 61 or initial brief in support of petition (see 39 CFR 3001.115(a) and (b)).   |
| October 27, 2011 .....   | Deadline for answering brief in support of the Postal Service (see 39 CFR 3001.115(c)).   |
| November 14, 2011 .....  | Deadline for reply briefs in response to answering briefs (see 39 CFR 3001.115(d)).   |
| November 21, 2011 .....  | Deadline for motions by any party requesting oral argument; the Commission will schedule oral argument only when it is a necessary addition to the written filings (see 39 CFR 3001.116). |

## PROCEDURAL SCHEDULE—Continued

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| December 22, 2011 ..... | Expiration of the Commission's 120-day decisional schedule (see 39 U.S.C. 404(d)(5)). |
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[FR Doc. 2011-23591 Filed 9-14-11; 8:45 am]

BILLING CODE 7710-FW-P

## POSTAL REGULATORY COMMISSION

[Docket No. A2011-63; Order No. 846]

### Post Office Closing

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Notice.

**SUMMARY:** This document informs the public that an appeal of the closing of the South International Falls, Minnesota post office has been filed. It identifies preliminary steps and provides a procedural schedule. Publication of this document will allow the Postal Service, petitioners, and others to take appropriate action.

**DATES:** *Administrative record due (from Postal Service):* September 21, 2011; *deadline for notices to intervene:* October 4, 2011. See the Procedural Schedule in the **SUPPLEMENTARY INFORMATION** section for other dates of interest.

**ADDRESSES:** Submit comments electronically by accessing the "Filing Online" link in the banner at the top of the Commission's Web site (<http://www.prc.gov>) or by directly accessing the Commission's Filing Online system at <https://www.prc.gov/prc-pages/filing-online/login.aspx>. Commenters who cannot submit their views electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section as the source for case-related information for advice on alternatives to electronic filing.

**FOR FURTHER INFORMATION CONTACT:** Stephen L. Sharfman, General Counsel, at 202-789-6820 (case-related information) or [DocketAdmins@prc.gov](mailto:DocketAdmins@prc.gov) (electronic filing assistance).

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that, pursuant to 39 U.S.C. 404(d), on September 6, 2011, the Commission received a petition for review of the Postal Service's determination to close the South International Falls post office in South International Falls, Minnesota. The petition was filed by the Concerned Citizens of South International Falls, Minnesota (Petitioner) and is postmarked August 27, 2011. The Commission hereby institutes a proceeding under 39 U.S.C. 404(d)(5)

and establishes Docket No. A2011-63 to consider Petitioner's appeal. If Petitioner would like to further explain its position with supplemental information or facts, Petitioner may either file a Participant Statement on PRC Form 61 or file a brief with the Commission no later than October 11, 2011.

*Categories of issues apparently raised.* Petitioner contends that the Postal Service failed to consider the effect of the closing on the community. See 39 U.S.C. 404(d)(2)(A)(i).

After the Postal Service files the administrative record and the Commission reviews it, the Commission may find that there are more legal issues than the one set forth above, or that the Postal Service's determination disposes of one or more of those issues. The deadline for the Postal Service to file the applicable administrative record with the Commission is September 21, 2011. See 39 CFR 3001.113. In addition, the due date for any responsive pleading by the Postal Service to this Notice is September 21, 2011.

*Availability; Web site posting.* The Commission has posted the appeal and supporting material on its Web site at <http://www.prc.gov>. Additional filings in this case and participants' submissions also will be posted on the Commission's Web site, if provided in electronic format or amenable to conversion, and not subject to a valid protective order. Information on how to use the Commission's Web site is available online or by contacting the Commission's webmaster via telephone at 202-789-6873 or via electronic mail at [prc-webmaster@prc.gov](mailto:prc-webmaster@prc.gov).

The appeal and all related documents are also available for public inspection in the Commission's docket section. Docket section hours are 8 a.m. to 4:30 p.m., eastern time, Monday through Friday, except on Federal government holidays. Docket section personnel may be contacted via electronic mail at [prc-dockets@prc.gov](mailto:prc-dockets@prc.gov) or via telephone at 202-789-6846.

*Filing of documents.* All filings of documents in this case shall be made using the Internet (Filing Online) pursuant to Commission rules 9(a) and 10(a) at the Commission's Web site, <http://www.prc.gov>, unless a waiver is obtained. See 39 CFR 3001.9(a) and 3001.10(a). Instructions for obtaining an account to file documents online may be

found on the Commission's Web site or by contacting the Commission's docket section at [prc-dockets@prc.gov](mailto:prc-dockets@prc.gov) or via telephone at 202-789-6846.

The Commission reserves the right to redact personal information which may infringe on an individual's privacy rights from documents filed in this proceeding.

*Intervention.* Persons, other than Petitioner and respondent, wishing to be heard in this matter are directed to file a notice of intervention. See 39 CFR 3001.111(b). Notices of intervention in this case are to be filed on or before October 4, 2011. A notice of intervention shall be filed using the Internet (Filing Online) at the Commission's Web site unless a waiver is obtained for hardcopy filing. See 39 CFR 3001.9(a) and 3001.10(a).

*Further procedures.* By statute, the Commission is required to issue its decision within 120 days from the date it receives the appeal. See 39 U.S.C. 404(d)(5). A procedural schedule has been developed to accommodate this statutory deadline. In the interest of expedition, in light of the 120-day decision schedule, the Commission may request the Postal Service or other participants to submit information or memoranda of law on any appropriate issue. As required by the Commission rules, if any motions are filed, responses are due 7 days after any such motion is filed. See 39 CFR 3001.21.

### It is ordered:

1. The Postal Service shall file the applicable administrative record regarding this appeal no later than September 21, 2011.

2. Any responsive pleading by the Postal Service to this notice is due no later than September 21, 2011.

3. The procedural schedule listed below is hereby adopted.

4. Pursuant to 39 U.S.C. 505, Kenneth E. Richardson is designated officer of the Commission (Public Representative) to represent the interests of the general public.

5. The Secretary shall arrange for publication of this notice and order in the **Federal Register**.

By the Commission.

**Ruth Ann Abrams,**  
*Acting Secretary.*