

NOTICE OF APPLICATION FOR AN EXTENSION OF AN AMORTIZATION PERIOD TO EMPLOYEE ORGANIZATIONS (UNIONS), PARTICIPANTS, BENEFICIARIES, AND ALTERNATE PAYEES

This notice is to inform you that an application for an extension of an amortization period for unfunded liability under § 431(d) of the Internal Revenue Code (Code) and § 304(d) of the Employee Retirement Income Security Act of 1974 (ERISA) will be submitted by the Board of Trustees to the Internal Revenue Service (Service) for the Desert States Employers and UFCW Unions Pension Plan for the plan year beginning January 1, 2009.

Under § 431(d)(3)(B) of the Code and § 304(d)(3)(B) of ERISA, the Service will consider any relevant information submitted concerning this application for an extension of the amortization period for unfunded liability. You may send this information to the following address:

Director, Employee Plans
Internal Revenue Service
Attn: SE:T:EP:RA:T:A2
1111 Constitution Avenue, N.W.
Washington, D.C. 20224

Any such information should be submitted as soon as possible after you have received this notice. Due to the disclosure restrictions of § 6103 of the Code, the Service can not provide any information with respect to the extension request itself.

In accordance with § 104 of ERISA, annual financial reports for this plan, which include employer contributions made to the plan for any plan year, are available for inspection at the Department of Labor in Washington, D.C. Copies of such reports may be obtained upon request and upon payment of copying costs from the following address:

Public Disclosure Room
Room N-1513
Employee Benefits Security Administration
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, D.C. 20210

In addition, pension plan actuarial information filed for 2008 and later plan years filed with the Department of Labor may be obtained at <http://dol.gov/ebsa/actuarialsearch.html>.

As required by § 104(b)(2) of ERISA, copies of the latest annual plan report are available for inspection at the principal office of the plan administrator, who is located at Southwest Service Administrators, Inc., 2400 W. Dunlap Ave., Suite 250, Phoenix, AZ 85021-2811. As required under § 101(k)(1) of ERISA, copies of periodic actuarial reports, quarterly, semi-annual, or annual financial reports, and copies of any application for extension under § 304 of ERISA or § 431(d) of the Code may be obtained upon request and upon payment of a copying charge of \$0.25 per page by writing to the plan administrator at the above address.


The following information is provided pursuant to § 304(d)(3) of ERISA and 431(d)(3) of the Code:

Present Value of Vested Benefits \$738,506,907

Present Value of Benefits, calculated as though the plan terminated \$ 1,091,469,354

Fair Market Value of Plan Assets \$450,815,686 (including receivables)

The present value of vested benefits above was calculated using an interest rate of 7.75%. The present value of benefits, calculated as though the plan terminated, was calculated using PBGC interest rates.


James Nygren, Chairman, Director of Labor Relations, Fry's Food Stores


James McLaughlin, President, UFCW Local 99