

Pension Benefit Guaranty Corporation

80-17

October 2, 1980

REFERENCE:

[*1] 4007 Payment of Premiums
29 CFR 2602 Payment of Premiums

OPINION:

This is in response to your letter of September 12, 1980, inquiring how to determine who are plan participants under the Payment of Premiums Regulation, 29 C.F.R. § 2602.2.

Without a specimen plan document, we are unable to give you specific guidance. Section 2602.2(d) of the Payment of Premiums Regulation provides that those defined as participants in a plan are also participants for premium payment purposes. Premiums must be paid for all individuals who fall within the plan's definition of participant, notwithstanding the fact they are not accruing benefits. For example, in an "excess only" defined benefit plan, premiums would be owed for all employees who have met the plan's age and service requirements, including participants whose compensation rate may be less than the plan's integration level.

Henry Rose
General Counsel