



DP3 Minutes
March 18, 2009
Conference Call

Board Members on Call: Chairman Will Buergey, Vice Chairman Wendell Lewis, Secretary Roger Ross, Treasurer Bill Wirth, Trustees Jim Bomar, Bill Caiazza, John Mills, Jeff Pickett and Tom Seever

Others Present: Attorney Dean Booth

0902 Chairman Buergey convened call.

0905 Chairman Buergey opened meeting with general comments, briefly covering:

- Progress in private discussions with the PBGC.
- Update on discussions with ERISA experts recommended by NRLN, including Jim Wooten, a professor who is an expert on the history of ERISA regulations.
- The 1993 Omnibus Bill and how 401a and 415b limits were changed for the purpose of balancing the federal budget.

0911 Dean Booth joined the call.

0916 The Board moved into closed Executive Session for legal update by Booth. A brief summary of topics discussed:

- The status of a pending DP3 legislative proposal before Congress.
- A meeting was held between the DP3 attorneys and the PBGC the first week in March. The PBGC indicated steady progress toward final benefit calculations, but cautioned it would be mid 2010 at the earliest before completing that process. That timeframe is NOT to be taken as either a goal or a deadline, just a guesstimate based on the status of the process as of now.
- Potential legal issues which may be raised by DP3 after Final Determinations (FD) are issued.
- 401a and 415b lookback issues and how they relate to the Delta PWA.
- Proposed a meeting in late March with the Soaring Eagles (USAir Retired Pilot Group) attorneys to exchange information on legal issues before both groups.
- Update on QDRO calculations and the legal effect of certain mediation agreements recently reached by some retired pilots outside the PBGC venue.
- Possible errors in benefit calculation estimates and how we might be able to resolve them with the PBGC in advance of FD letters.
- The recent interim stock distribution for holders of claims in excess of \$1 million and the amount accrued to the DP3 legal fund as a consequence of that distribution.
- A methodology for providing updates to the DP3 membership regarding the Soaring Eagles litigation which does not violate confidentiality rules or divulge legal strategies.
- ROTH IRA tax related issues with respect to the recent Worker, Retiree, and Employer Recovery Act.
- Possible violations of 1114 Committee agreements by Delta in regards to COBRA/DPMP eligibility and the ability to get Health Coverage Tax Credits (HCTC) by retired pilots who were not on COBRA at the time of bankruptcy.

0952 Dean Booth Departed and Executive Session completed.

0953 General discussion of HCTC issue and options to pursue improvements in the availability of this benefit.

- Expecting a fair minded response from Delta, an administrative solution will be sought first.
- If unsuccessful, consult with the 1114 Committee Law Firm on the availability/advisability of legal action to compel Delta to expand the availability of COBRA/DPMP coverage and therefore HCTC benefits.
- A possible return to bankruptcy court to enforce the spirit and intent of 1114 Committee decisions.

1010 Update by Chairman on upcoming Delta Annual Meeting and NRLN congressional conference.

- DP3 will solicit proxies from the membership.
- DP3 will send a trustee to the annual meeting and to the NRLN conference.
- Motion by Bomar to fund expenses for attending both meetings; Seever second. Passed 9-0.

1025 Committee Reports.

- Wirth gave Treasurers report:
 - Briefing on 2009 income to date.
 - Reported number of annual dues checks received to date and new Honor Roll members. To be included in the Honor Roll after March 31, 2009 all dues and assessments must be current as of that date.
 - Discussion of addressing potential errors in some 1099-R forms issued by the PBGC. Since DP3 is prohibited from giving tax advice, resolved to simply alert membership of potential errors in the document.
- Lewis gave Legislative Committee Report
 - Lewis will attend the annual meeting, as well as the NRLN meeting if the Chairman is unable to attend (based on flexible nature of NRLN meeting date.)
 - DP3 is preparing a letter to the Delta BOD expressing concern for the failure to adhere to the company's bylaws related to Fair Dealing.
- Mills gave Strategic Planning Committee report.
 - The apathy of the general membership toward issues of importance to all retired DP3 members was noted and discussions were held as to how to get more participation by the membership.
 - The nominating committee has not received any nominations for members willing to run for one of the four open board positions in this year's trustee election cycle.
 - Ross provided a list of members culled from the DP3 survey (conducted last fall) who indicated some level of willingness to serve the membership, and a plan was devised to contact those members.
 - The Chairman's report to be issued after the board meeting will remind the membership of the critical need for more volunteer help.
- Seever gave R&I Committee report.
 - A public thank you to Ev Gost and Jim George for assistance in gaining a thorough understanding of the PBGC benefit process.
 - George Leatherbury was welcomed as the newest R&I committee member.
 - Lookback issues were discussed.
 - The effect on PC5 benefits as a result of possible changes to the lookback rules was discussed.

1103 Caiazza left the conference.

- Ross gave Secretary's Report and Communications Committee Report:
 - Motion by Ross to approve Minutes of the 2-11-09 conference call; Bomar second. Passed 9-0.
 - Ross updated board on implementation of the new web site. The upgrade has gone smoothly and the site is working well. The membership seems enthusiastic about the new format. Hundreds of members have already availed themselves of the Credit Card dues payment capability.
 - The Archive page is still under construction, but suffered a significant setback when the Secretary's laptop crashed while on vacation. Pickett made motion to authorize Ross to expend reasonable and necessary funds to recover the lost archive data and development work. Wirth seconded. Passed 9-0.
 - Proposal to add section to web page for Soaring Eagles case progress. The issue of legal privilege was discussed and how it affects how much we can safely offer for public view. The decision was made to authorize our attorneys to provide the board with a monthly summary of the legal action in the case, which they review as a matter of course; the summary will be published for the purpose of updating the membership on the USAir case.
 - Motion by Wirth to expend the funds for legal work in preparing periodic Soaring Eagles Updates. Bomar Second. Passed 9-0.
 - Discussed information that will be included in forthcoming Chairman's update to the membership.

1127 New Business

- Only one DP3 member has asked to opt out of the NRLN email messages. A reminder to the membership will be sent that getting off the NRLN list is a simple matter of clicking the "unsubscribe" link on any email they receive from the NRLN. The membership will be encouraged to review the DP3 policy statement on the web page for information on our email policies.

- Pickett updated the board on the status of the Social Security/Medicare Part B premium issue. Several DP3 members have had their premium increases reviewed and restored to the original levels. The SSI has promised a letter will be sent to each member who objected, but they have not issued a formal announcement of the ruling as of today. We will publish the formal ruling or a copy of the official letter when we get one.
- The Chairman will be contacting the Soaring Eagles board in coming days for an update on their case. He will also contact the United retired pilots group to discuss the status of their PBGC claims.
- Ross is going to seek a means to advise the membership by electronic mailing, possibly using the Constant Contact mail system, of their current membership status and the dues payments required to attain Honor Roll status. The deadline for payment of annual dues remains March 31, 2009. On that date, a new Honor Roll list will be published and will include only those members who have paid all dues and assessments, including the 2009 dues of \$100.
- Discussion of using the Constant Contact survey capability to conduct the next trustee election. Ross will investigate some options for automating the election process and report to the board at the next conference call.
- Motion by Bomar to authorize Seever to contact the attorneys directly for working out the details of the estimated benefit methodology; Pickett second. Passed 9-0.
- Pickett updated progress on the re-write of the DP3 history.
- The next conference call will be April 8, 2009.
- The next board meeting will be May 6, 2009 in Atlanta.

1153 Pickett made motion to adjourn; Bomar second. Passed 9-0. Meeting adjourned.