

## Disclaimer

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Superintendent of  
Financial  
Services



Surintendant des  
services  
financiers

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**IN THE MATTER OF** the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the “*PBA*”)

**AND IN THE MATTER OF** of a Notice of Intended Decision of the Superintendent of Financial Services to make an Order under section 69 of the *PBA*, respecting the **SKD Technologies Inc. Pension Plan for Hourly Employees Who are Members of the UAW Local 89**, Registration Number **0474239 (previously C-020958) (the “Plan”)**.

### TO:

Tejash Modi  
Principal  
Morneau Shepell Ltd.  
895 Don Mills Road  
Tower One, Suite 700  
Toronto ON M3C 1W3

Administrator

### AND TO:

Margaret McEnroe  
Director, Global Equity, Retirement Plans  
SKD Technologies Inc. (Continental Can Company Inc.)  
c/o Level 3 Communications  
1025 Eldorado Boulevard  
Broomfield, Colorado, USA 80021

Employer

## NOTICE OF INTENDED DECISION

**I INTEND TO MAKE AN ORDER** under section 69 of the *PBA* that the Plan be partially wound up effective **March 1, 1990** in respect of individuals who were members of the **SKD Company Pension Plan for Hourly Employees Who are Members of the CAW Local 89 Pension Plan**, Registration Number **0948166 (previously C-0100212) (the “Successor Plan”)** and affected by the partial wind up of the Successor Plan as of **March 1, 1990**.

**I INTEND TO MAKE THE ORDER FOR THE FOLLOWING REASONS:**

**The Plan is a predecessor to the Successor Plan.**

**The Successor Plan was partially wound up, effective March 1, 1990.**

**The partial wind up of the Successor Plan should have prompted a partial wind up of the Plan.**

**The partial wind up of the Successor Plan, effective March 1, 1990, was approved on August 9, 1996 by the Financial Services Commission of Ontario (then, the Pension Commission of Ontario).**

**Such further and other reasons as may come to my attention.**

**YOU ARE ENTITLED TO A HEARING** by the Financial Services Tribunal (the "Tribunal") pursuant to section 89(6) of the *PBA*. **To request a hearing, you must deliver to the Tribunal a written notice that you require a hearing, within thirty (30) days after this Notice of Intended Decision is served on you.**<sup>1</sup>

**YOUR WRITTEN NOTICE** must be delivered to:

Financial Services Tribunal  
5160 Yonge Street  
14th Floor  
Toronto, Ontario  
M2N 6L9

Attention: The Registrar

**FOR FURTHER INFORMATION** on a Form for the written notice, please see the Tribunal website at [www.fstontario.ca](http://www.fstontario.ca) or contact the Registrar of the Tribunal by phone at 416-590-7294, toll free at 1-800-668-0128, ext. 7294, or by fax at 416-226-7750.

**IF YOU FAIL TO REQUEST A HEARING WITHIN THIRTY (30) DAYS, I MAY CARRY OUT THE INTENDED DECISION AS DESCRIBED IN THIS NOTICE.**

**DATED** at Toronto, Ontario, this **30th** day of **January, 2013**.

*Original Signed By*

K. David Gordon  
Deputy Superintendent, Pensions

<sup>1</sup>NOTE - Pursuant to section 112 of the *PBA* any Notice, Order or other document is sufficiently given, served or delivered if delivered personally or sent by regular mail and any document sent by regular mail shall be deemed to be given, served or delivered on the fifth day after the date of mailing.