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**FACSIMILE COVER SHEET**

**DATE** January 24, 2005

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**TO** Curtis L. Kennedy

**FAX NUMBER:** 303-843-0360

**FROM** Michael Miller, Legal Assistant to Michael Johnson, AUSA

**SUBJECT/COMMENTS -**

Case: Hull v. US-DOL  
Case No: 04-B-1254

Re: Qwest Pension Plan Vol's. 1 - 7.

Notes: FYI  
Thank You.

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Qwest Pension Plan  
Case File Volume I

Ex	Date	Document	FOIA Exemp.	Comment	Page
2	8-11-99	DOL print-out of status of cases in the Office of Exemptions and Determinations	2 5	Print-out related to internal agency practice. Deliberative Process Privilege: Print-out reveals details about all of the cases in the caseload.	758
3		Form 205: EBSA's Closed case summaries	2 5	Form summarizing details of prior Qwest investigation. Deliberative Process Privilege: Form contains data considered by the agency in reaching its decision.	750-757
4	4-4-01	Articles and DOL e-mail	7(C)	names	743-749
5		Form 205: EBSA's Open Investigation Summaries	7(A)	Contains details about the Qwest case issue under investigation	738-742
6	4-26-01	Letter from DOL to Hillborne	7(A) 7(C)	Case # Inv. ID names	733-737
7	8-7-01	Letter from DOL to Colia	7(A) 7(C)	Case # Inv. ID names	722-732

8		Correspondence from DOL to Qwest requesting information	7 (A)	Correspondence concerns requests for information involving the issue under investigation.	712-721
9	5-22-01	DOL e-mail re participant inquiry	7 (A) 7 (C)	Inv. ID names	711
10		1998 IRS 5500 Sch. SSA	7 (C) 3	names, SSN Schedule SSA not public by law, 26 U.S.C. § 6103 (pages 523-541).	447-710
11		1999 IRS 5500  Sch. SSA Sch. F	7 (A) 7 (C) 7 (C) 3	Inv. ID name, SSN name, SSN Schedule SSA and Schedule F not public by law, 26 U.S.C. § 6103 (pages 371-372, 406, 441, 444)	317-446
12		2000 IRS 5500  Sch. SSA	7 (A) 7 (C) 3	Inv. ID name, SSN Schedule SSA not public by law, 26 U.S.C. § 6103 (pages 212-226, 301-310)	034-316
13		Letters from DOL to Qwest requesting information	7 (A)	Correspondence tracks investigator's development of the case including the issue under investigation.	017-033

14		File Indices	7 (A)	Detailed outline of evidence compiled during the investigation including the unresolved issue.	001-016
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Qwest Pension Plan  
Case File Volume IA

Ex	Date	Document	FOIA Exemp.	Comment	Page
		Case file index	7(A)	Detailed outline of evidence compiled during the investigation including the unresolved issue.	769
1		Audited Financial Statements	7(A)	Inv. ID	1222-1238
2		Audited Financial Statements	7(A)	Inv. ID	1203-1221
3		Audited Financial Statements	7(A)	Inv. ID	1184-1202
4		Audited Financial Statements	7(A)	Inv. ID	1165-1183
5		Audited Financial Statements	7(A)	Inv. ID	1128-1164
6		Audited Financial Statements	7(A)	Inv. ID	1097-1127
7		Audited Financial Statements	7(A)	Inv. ID	1037-1096
8		Form 10-K	7(A)	Inv. ID	1000-1036

9		Custom Agreement for Services between US West and Towers Perrin	4	Confidential Commercial Information	951-999
10		Termination	7 (C) 7 (A)	names Inv. ID	943-950
11		Contract between US West and Bankers Trust	4	Confidential Commercial Information	878-935
12		Terms and Conditions of Engagement Between Watson Wyatt & Company and Qwest	4	Confidential Commercial Information	874-877
13		Project Contracts between Qwest and Towers Perrin	4	Confidential Commercial Information	860-873
14		Fee Schedule	7 (A)	Inv. ID	859
15		Fee Schedule	7 (A)	Inv. ID	856-859
16		response	7 (A)	Inv. ID	812-841
17		response	7 (A)	Inv. ID	811
18		Summary Annual Report	7 (A)	Inv. ID	803-810
19		Summary Annual Report	7 (A)	Inv. ID	795-802
20		Summary Annual Report	7 (A)	Inv. ID	791-794
21		Summary Annual Report	7 (A)	Inv. ID	783-790

22	7-3-02	Correspondence with Senator Harkin's Office	7 (C) 7 (A)	names Inv. ID	781- 782
23	8-2-02	Correspondence with Senator Wellstone's Office	7 (C)	name	777- 780
24	9-4-02	Correspondence with Senator Baucus's Office	7 (C) 7 (A)	names Inv. ID	770- 776

Qwest Pension Plan  
Case File Volume II

Ex	Date	Document	FOIA Exemp.	Comment	Page
1		Plan Document	7 (A)	Inv. ID	1613-1738
2		Plan Document	7 (A) 7 (C)	Inv. ID name	1484-1612
3		Plan Document	7 (A)	Inv. ID	1244-1483
4		Plan Document		CD	1243
5		Plan Amendment	7 (A)	Inv. ID	1240-1242
		File Index	7 (A)	Detailed outline of evidence compiled during the investigation including the unresolved issue.	1239

Qwest Pension Plan  
Case File Volume IIA

Ex	Date	Document	FOIA Exemp.	Comment	Page
1		Plan Document	7(A) 7(C)	Inv. ID names	1759- 2140
2		History	7(C) 7(A)	name Inv. ID	1757- 1758
3		Plan changes	7(C) 7(A)	names Inv. ID	1740- 1756
		File Index	7(A)	Detailed outline of evidence compiled during the investigation including the unresolved issue.	1739

Qwest Pension Plan  
Case File Volume III

Ex	Date	Document	FOIA Exemp.	Comment	Page
1		Qwest Plan Document	7 (A)	Inv. ID	2584- 2748
2		U.S. West Pension Trust Agreement	7 (A)	Inv. ID	2566- 2583

3		Selected EBC Meeting Minutes:	7(C) 7(A)  4	names Inv. ID  Plan amendment recommendations not customarily disclosed to the public.  cont. pages 2547-2549.	2294-2565  2298-2303; 2305-2312; 2322-2326; 2337; 2343; 2345-2346; 2349-2352; 2362; 2366; 2380-2382; 2385-2405; 2415; 2419; 2447; 2449-2450; 2452; 2465-2466; 2476-2485; 2496-2503; 2506; 2515-2523; 2529; 2532; 2534-2535; 2537-2540; 2544
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4	4-11-01	Letter from O'Herron to EBC Members	7(A)	Inv. ID	2292-2293
5		US West EBC, By-Laws	7(A)	Inv. ID	2284-2291
6	2-20-98	IRS letter	7(A)	Inv. ID	2275-2283
7		Class Exemption Application			2194-2274
8		Qwest Management Company Annual Report for 2000	4	Designated "Proprietary and Confidential" by Qwest	2165-2193
9		Plan changes	7(C) 7(A)	name Inv. ID	2157-2164
10		Art. V-E			2151-2156
11		1999 Employee Benefits Committee Recommendations pertaining to plan amendments	4	Confidential commercial information not customarily disclosed to the public.	2142-2150
		File Index	7(A)	Detailed outline of evidence compiled during the investigation including the unresolved issue.	2141

Qwest Pension Plan  
Case File Volume IV

Ex	Date	Document	FOIA Exemp.	Comment	Page
1		Fiduciary Liability Insurance Policy	4	Confidential commercial information not customarily disclosed	3372-3451
2		Plan Bond	4	Confidential commercial information not customarily disclosed to the public.	3344-3371
3		Bonding checklist	7 (A) 4	case # Amount of bond is confidential commercial information	3340-3343
4		Employee Handbook	7 (A)	Inv. ID	3076-3339
5		Plan Changes	7 (A) 7 (C)	Inv. ID; name	3067-3075
6		Plan Questions	7 (A) 7 (C)	Inv. ID; name	3028-3066
7		Summary Plan Description on floppy disk	7 (A)	case #	3026-3027
8		Reporting and Disclosure Checklist	7 (A)	case #	3023-3025
9		Investigator's Report of Records Examined	7 (A)	Involves issue under investigation.	3016-3022
10		Report of Interview	7 (A)	Witness statement concerns issue under investigation	3013-3015

11		Report of Interview	7 (A)	Witness statement concerns issue under investigation.	3012
12		Report of Interview	7 (A)	Witness statement concerns issue under investigation	3011
13	7-26-01	Report of Interview	7 (A) 7 (C)	Case # Inv. ID name	3010
14	7-30-01	Report of Interview	7 (A) 7 (C)	Case # names Inv. ID	3008- 3009
15		Report of Interview	7 (A)	Witness statement concerns issue under investigation	3005- 3007
16	9-10-01	Report of Interview	7 (A) 7 (C)	Case number Inv. ID names	3003- 3004
17		Report of Interview	7 (A)	Witness statement concerns issue under investigation	3000- 3002
18		Report of Interview	7 (A)	Witness statement concerns issue under investigation	2998- 2999
19	9-12-01	Report of Interview	7 (A) 7 (C)	Case # Inv. ID names	2996- 2997

20		Report of Interview	7 (A)	Witness statement concerns issue under investigation	2993-2995
21		Report of Interview	7 (A)	Witness statement concerns issue under investigation	2991-2992
22		Report of Interview	7 (A)	Witness statement concerns issue under investigation	2987-2990
23		Report of Interview	7 (A)	Witness statement concerns issue under investigation	2981-2986
24	10-12-01	Report of Interview	7 (A) 7 (C)	Case # Inv. ID names	2979-2980
25		Report of Interview	7 (A)	Witness statement concerns issue under investigation	2977-2978
26		Report of Interview	7 (A)	Witness statement concerns issue under investigation	2975-2976
27		Report of Interview	7 (A)	Witness statement concerns issue under investigation	2973-2974

28		Report of Interview	7 (A)	Witness statement concerns issue under investigation	2972
29		Report of Interview	7 (A)	Witness statement concerns issue under investigation	2971
30	11-16-01	Report of Interview	7 (A) 7 (C)	Case # Inv. ID name	2970
31		Report of Interview	7 (A)	Witness statement concerns issue under investigation	2969
32		Report of Interview	7 (A)	Witness statement concerns issue under investigation	2968
33		Investigator's Memorandum re Conference call related to issue under investigation.	7 (A)	Concerns issue under investigation	2967
34		Report of Interview	7 (A)	Witness statement concerns issue under investigation	2966

35		DOL e-mail to Qwest concerning compilation of evidence related to the issue under investigation	7 (A)	Concerns issue under investigation	2963-2965
36	2-27-03	e-mail from O'Herron to DOL	7 (A) 7 (C)	Inv. ID name	2962
37		Qwest e-mail to DOL transmitting evidence related to issue under investigation.	7 (A)	Concerns issue under investigation	2960-2961
38		DOL e-mail to Qwest regarding evidence related to issue under investigation.	7 (A)	Concerns issue under investigation	2959
39	3-12-03	e-mail from Fessner to DOL	7 (A)	Inv. ID	2958
40	3-12-03	e-mail from DOL transmitting plan documents	7 (A)	Inv. ID	2957
41		DOL e-mail DOL re evidence related to issue under investigation.	7 (A)	Concerns issue under investigation	2956
42	3-12-03	e-mail from DOL to Qwest	7 (C) 7 (A)	name Inv. ID	2955
43	3-13-03	e-mail from DOL to Qwest	7 (C) 7 (A)	name Inv. ID	2954
44		e-mail transmitting evidence	7 (A)	Concerns issue under investigation	2953

45		e-mail from DOL to Qwest concerning Investment Comte. Meeting Minutes	4	Contains confidential commercial information.	2950-2952
46	3-25-03	e-mail from O'Herron to DOL	4	Concerns documents that Qwest provided under a promise of confidentiality	2949
47		Investigator's Memorandum of Meeting	7 (A)	Concerns issue under investigation	2947-2948
48	7-8-03	e-mail from DOL to Qwest	7 (C) 7 (A)	names Inv. ID	2946
49	10-17-03	Letter from Mr. Kennedy to Webber			2945
50		Report of Interview	7 (A)	Witness statement concerns issue under investigation	2943-2944
51		DOL e-mail involving issue under investigation	7 (A)		2942
52	2-24-04	Letter from Mr. Kennedy to Webber			2940-2941
53	3-3-04	Letter from Mr. Kennedy to Webber and Canon			2938-2939

54		DOL and Qwest negotiation involving issue under investigation	7 (A)		2929-2937
55		Report of Interview	7 (A)	Witness statement concerns issue under investigation	2927-2928
56		EBC document concerning issue under investigation	7 (A)		2923-2926
57		DOL and Qwest negotiation involving issue under investigation	7 (A)		2919-2922
58		DOL and Qwest negotiation involving issue under investigation	7 (A)		2913-2918
59		Report of Interview	7 (A)	Witness statement concerns issue under investigation	2912
60		Report of Interview	7 (A)	Witness statement concerns issue under investigation	2911
61		DOL and Qwest negotiation involving issue under investigation	7 (A)		2905-2910

62		DOL and Qwest negotiation involving issue under investigation	7 (A)		2896-2904
63		DOL and Qwest negotiation involving issue under investigation	7 (A)		2892-2895
64		DOL and Qwest negotiation involving issue under investigation	7 (A)		2886-2891
65	3-4-04	Letter from Webber to Mr. Kennedy	7 (A)	Inv. ID	2884-2885
66	4-8-04	Letter from Webber to Senator Baucus	7 (C) 7 (A)	names Inv. ID	2882-2883
67		DOL and Qwest negotiation involving issue under investigation	7 (A)		2875-2881
68		DOL and Qwest negotiation involving issue under investigation	7 (A)		2867-2874
69		DOL and Qwest negotiation involving issue under investigation	7 (A)		2859-2866

70		DOL and Qwest negotiation involving issue under investigation	7 (A)		2838-2858
71		DOL e-mail to Qwest concerning issue under investigation	7 (A)		2836-2837
72	6-5-03	e-mail regarding Qwest for the Summit 2003	7 (C) 7 (A)	names Inv. ID	2835
73		Report of Interview	7 (A)	Witness statement concerns issue under investigation	2834
74	5-3-04	e-mail from Christoffersen to DOL	7 (A)	Inv. ID	2833
75		DOL and Qwest negotiation involving issue under investigation	7 (A)		2806-2832
76		DOL and Qwest negotiation involving issue under investigation	7 (A)		2798-2805
77		DOL and Qwest negotiation involving issue under investigation	7 (A)		2789-2797

78		DOL and Qwest negotiation involving issue under investigation	7 (A)		2781-2788
79		DOL and Qwest negotiation involving issue under investigation.	7 (A)		2752-2780
		File Index	7 (A)	Detailed outline of evidence compiled during the investigation including the unresolved issue.	2749-2751

Qwest Pension Plan  
Case File Volume V

Ex	Date	Document	FOIA Exemp.	Comment	Page
1		Selected Vendor Invoices	7 (C) 7 (A) 4	names Inv. ID bank acct. #	4055- 4071
2		Trust Statements - Selected Pages	7 (A)	Inv. ID	4040 4054
3		Selected Vendor Invoices	7 (C) 7 (A) 4	names Inv. ID bank acct. #	3988- 4030
4		Trust Statement - Selected Pages	7 (A)	Inv. ID	3976 3987
5		Selected Vendor Invoices	7 (C) 7 (A) 4	names; Inv. ID; bank acct. #	3873- 3951
6		Trust Statement - Selected Pages	7 (A)	Inv. ID	3872
7		Selected Vendor Invoices	7 (C) 7 (A) 4	names; Inv. ID; bank acct. #	3677- 3827
8		Spreadsheet	7 (A)	Inv. ID	3674- 3676
9		Trust statements	7 (A)	Inv. ID	3648- 3673
10		Summary of expenses	7 (C) 7 (A) 4	names; Inv. ID; bank acct. #	3642- 3647
11		Summary of expenses	7 (C) 7 (A)	names; Inv. ID	3641
12		1999 Selected Vendor Invoices	4 7 (C) 7 (A)	bank acct. # names Inv. ID	3513- 3640
13		Summary of Third Quarter expenses	4 7 (C) 7 (A)	bank acct. # names Inv. ID	3485- 3512

14		spreadsheet	7 (C) 7 (A)	name	3480- 3484
15		Supporting documents	7 (C) 7 (A)	names Inv. ID	3472, 3478, 3479
16		1999 Trust Statement, selected pages	7 (A)	Inv. ID	3453- 3471
		File Index	7 (A)	Detailed outline of evidence compiled during the investigation including the unresolved issue.	3452

Qwest Pension Plan  
Case File Volume VI

Ex	Date	Document	FOIA Exemp.	Comment	Page
1		Selected Vendor Invoices	7 (A) 7 (C) 4	Inv. ID names bank acct. #	4334- 4463
2		Reimbursements	7 (A) 7 (C) 4	Inv. ID names bank acct. #	4305- 4333
3		Trust Statements - Selected Pages	7 (A)	Inv. ID	4289- 4304
4		Trust Statements - Selected Pages	7 (A)	Inv. ID	4279, 4288
5		Time Analysis Report	7 (A) 7 (C) 4	Inv. ID names Bank Acct. #	4249- 4260
6		Expense Policy	7 (A) 7 (C)	Inv. ID names	4231- 4248
7		Expense Policy	7 (A) 7 (C)	Inv. ID names	4226- 4230
8		Documents related to Plan expenses	7 (A)	Inv. ID	4220- 4225
9		9-18-97 Plan expense	7 (A) 7 (C)	Inv. ID names	4216- 4219
10	12-10-99	1999 420 Transfer	7 (A) 7 (C)	Inv. ID names	4213- 4215
11	7-26-01	Report of Interview	7 (A) 7 (C)	Case #; Inv. ID; names	4212
12	7-30-01	Report of Interview	7 (A) 7 (C)	Case #; Inv. ID; name	4210- 4211

13		Report of Interview	7 (A)	Witness statement contains information about the issue under investigation.	4207-4209
14	9-10-01	Report of Interview	7 (A) 7 (C)	Case #; Inv. ID; names	4205-4206
15	9-12-01	Report of Interview	7 (A) 7 (C)	Case #; Inv. ID; names	4203-4204
16		Report of Interview	7 (A)	Witness statement contains information about the issue under investigation.	4200-4202
17	10-12-01	Report of Interview	7 (A) 7 (C)	Case #; Inv. ID; names	4198-4199
18		Report of Interview	7 (A)	Witness statement contains information about the issue under investigation	4196-4197
19	11-16-01	Report of Interview	7 (A) 7 (C)	Case #; Inv. ID; name	4195
20		Trust Agreement Delegation	7 (A)	Inv. ID	4192-4194

21		DOL Spreadsheet prepared by DOL investigator	7 (A)	Contains analysis of information about issue under investigation	4188-4192
22	12-21-01	e-mail from Qwest to DOL	7 (C) 7 (A) 4	names; Inv. ID; bank acct. #	4182-4187
23	5-7-02	Memo from Watson Wyatt to DOL	7 (A) 7 (C)	Inv. ID name	4181
24	6-5-02	Fax from Watson Wyatt to DOL	7 (A) 7 (C) 4	Inv. ID names bank acct. #	4175-4180
25		DOL Spreadsheet prepared by DOL investigator	7 (A)	Contains information about issue under investigation	4173-4174
26	6-5-02	Memo to Employee Benefits Comte.	7 (C) 4  7 (A) 7 (C) 4	names; Confidential Commercial Information: Document related to Plan Reimbursements (p. 4168) Inv. ID names Confidential Commercial Information: Documents related to Plan Reimbursements (pp. 4170-4172)	4167  4169

27	3-13-03	e-mail from DOL to O'Herron requesting information	4	Documents related to confidential Investment Comte. Minutes, not usually disclosed	4164-4166
28	4-17-03	Letter from O'Herron to DOL responding to DOL's request for information.	4	Documents related to confidential Investment Comte. minutes, not usually disclosed	4128-4163
29	5-15-03	Report of Interview	7(A) 7(C)	Inv. ID; case # names	4126-4127
30		Invoice	4	Documents related to confidential Investment Comte. minutes, not usually disclosed	4123-4125
31		Investment Committee minutes and related documents.	4	Confidential Investment Comte. minutes and related docs, not usually disclosed to the public.	4080-4122
32	11-25-03	e-mail from DOL to O'Herron	7(A)	Inv. ID	4079

33		Documents showing repayment	7 (C) 7 (A) 4	names; Inv. ID; bank acct. # Document related to confidential Investment Cmte. Minutes, not usually disclosed (p. 4076)	4074- 4078
		File index	7 (A)	Detailed outline of evidence compiled during the investigation including the unresolved issue.	4072- 4073

Qwest Pension Plan  
Case File Volume VII

Ex	Date	Document	FOIA Exemp.	Comment	Page
1		Qwest data	7 (A)	Evidence related to issue under investigation.	4923-4981
2		Qwest data	7 (A)	Evidence related to issue under investigation.	4832-4922
3		Qwest data	7 (A)	Evidence related to issue under investigation.	4754-4831
4		Qwest data	7 (A)	Evidence related to issue under investigation.	4666-4753
5		Qwest data	7 (A)	Evidence related to issue under investigation.	4631-4665
6		Guidelines for Force Reduction	7 (A)	Inv. ID	4609-4630
7		Guidelines for Force Reduction	7 (A)	Inv. ID	4591-4608
8		US West Management Separation Plan			4569-4590
9		Qwest Management Separation Plan			4555-4568
10		Draft of Program M	7 (A)	Inv. ID	4523-4554
11		Delegation of Authority	7 (A)	Inv. ID	4520-4522
12		Count of MSP by Entity Level	7 (A)	Inv. ID	4519

13		Letters of Agreement	7(A) 7(C)	Inv. ID names	4508- 4518
14	3-22-02	Letters from Qwest to participants	7(A) 7(C)	Inv. ID names	4470- 4507
15	5-2-02	Memorandum from Watson Wyatt to DOL re Qwest Pension Plan	7(A) 7(C)	Inv. ID names	4465- 4469
		File index	7(A)	Detailed outline of evidence compiled during the investigation including the unresolved issue.	4464