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Retirement Plan for Staff Employees of FCI Canada Inc. - February 24th, 2009.

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

**AND IN THE MATTER OF** a Proposal by the Superintendent of Financial Services to make an Order under section 78(1) of the *PBA* consenting to a payment out of the **Retirement Plan for Staff Employees of FCI Canada Inc.** (the Plan), Registration Number **0588756**.

**TO:**

**FCI Canada Inc.**

Vice President and Assistant Secretary  
825 Old Trail Road  
Etters PA 17319

**ATTENTION:**

**Jill Steps**

**Vice President & Assistant Secretary**

**TO:**

**Fasken Martineau DuMoulin LLP**

66 Wellington Street West  
Suite 4200, Toronto Dominion Bank Tower  
Box 20, Toronto-Dominion Centre  
Toronto ON M5K 1N6

**Attention:**

**Peggy McCallum**

## **NOTICE OF PROPOSAL**

**I PROPOSE TO MAKE AN ORDER** under section 78(1) of the *PBA*, consenting to the payment out of the Retirement Plan for Staff Employees of FCI Canada Inc. (the Plan), Registration Number 0588756 to **FCI Canada Inc.**, in the amount of \$166,500 as at August 31, 2007, adjusted for investment earnings and expenses thereon to the actual date of payment.

**I PROPOSE TO MAKE THE ORDER** effective only after the Applicant satisfies me that the members' portion of the surplus pursuant to the Surplus Sharing Proposal has been paid or otherwise provided for.

**I PROPOSE TO MAKE THIS ORDER FOR THE FOLLOWING REASONS:**

1. FCI Canada Inc. is the employer as defined in the Plan.

2. The Plan was wound up, in part, effective December 31, 2005
3. As at December 31, 2005 the surplus in the wound-up portion of the Plan was estimated at \$240,000.
4. The Plan provides for payment of surplus to the Employer on wind up of the Plan.
5. The application discloses that by written agreement made by the Employer, and 86% of the affected members (as defined in the application), the surplus in the wound-up portion of the Plan at the date of payment, after adding investment earnings, and deducting expenses related to the partial wind up of the Plan is to be distributed:
  - a) 75% to the Employer; and
  - b) 25% to the beneficiaries of the wound-up portion of the Plan as defined in the Surplus Sharing Proposal.
6. The Employer has applied, pursuant to section 78 of the *PBA*, and section 8(1)(b) of Regulation 909, R.R.O.1990 (Regulation), for consent of the Superintendent of Financial Services to the payment of 75% of the surplus in the wound-up portion of the plan to be distributed to the Employer (after adding investment earnings and deducting expenses related to the partial wind up of the Plan).
7. The application appears to comply with sections 78 and 79(3)(a) and (b) of the *PBA* and with sections 8(1)(b), 28(5), 28(5.1) and 28(6) of the Regulation.
8. Such further and other reasons as 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 Proposal is served on you.\***

**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 PROPOSAL AS DESCRIBED IN THIS NOTICE.**

**DATED** at Toronto, Ontario, this 24th day of February, 2009

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K. David Gordon  
Deputy Superintendent, Pensions

\* **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 seventh day after the date of mailing.