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EBSA Electronic Distribution Rules

Today, EBSA posted all of the public comments received with respect to electronic distribution of benefit plan information. There are many great comments in this listing, including Kilpatrick's comments listed as Number 32. Although DOL is still reviewing the comments, DOL is apparently focusing on other plan materials (such as 401k statements for example) that can be delivered electronically, rather than SPDs and SMMs. It's unclear whether this is because DOL already has decided to adopt separate rules depending on the type of document to be transmitted. DOL has said that proposed regulations could be issued by the end of this year. However, more importantly, DOL also has recently said that it will issue transitional guidance in the next "few weeks" regarding the current distribution rules. We are hopeful that this guidance will be helpful to plan sponsors as they enter the busy fall enrollment season, or will otherwise be in the form of a safe harbor.
http://www.dol.gov/ebsa/regs/cmt-1210-AB50.html