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United States Department of Labor  
Employee Benefits Security Administration  
e-ORI@dol.gov

Re: Comments to Proposed Regulations Implementing Sections 408(b)(14) and 408(g) of the Employee Retirement Income Security Act ("ERISA")

Dear Sir or Madam:

Morningstar Associates, LLC ("Morningstar") is pleased to submit its comments to the Proposed Regulations implementing sections 408(b)(14) and 408(g) of ERISA.

Since 1999, Morningstar has provided investment advice to plan participants with respect to their tax-qualified defined contribution plan accounts. In doing so, Morningstar acts as an independent investment advisor and does not recommend that participants purchase mutual funds or other investments that would result in the payment of additional compensation to Morningstar or its affiliates. Morningstar utilizes its own computer model that would meet the requirements of Proposed Regulation 2550.408g-1(d)1(i-v). However, Morningstar has taken the position that its advisory services need not qualify as an "eligible investment advice arrangement" as defined by Section 408(g)(1) of ERISA because Morningstar is not engaged in the type of conduct that would be deemed to violate Section 406(b) of ERISA.

Although Morningstar understands (and appreciates) that the Department of Labor intended to express its agreement that investment advice programs that do not involve fiduciary self-dealing do not require the exemptive relief provided by Sections 408(b)(14) and 408(g) of ERISA in Field Assistance Bulletin 2007-1, in Morningstar's experience, many plan sponsors do not understand this and are requesting assurance that its investment advice services fall within the new statutory exemption. Accordingly, Morningstar respectfully requests that the Final Regulations clearly and unequivocally state that investment advisory services that would not be deemed to violate Section 406(b) of ERISA under prior Department of Labor guidance do not require the exemptive relief provided by Sections 408(b)(14) and 408(g) and are not required to satisfy the conditions therein.

