



September 8, 2022

Via <http://www.regulations.gov>

Brian Shiker  
Office of Exemption Determinations  
Employee Benefits Security Administration  
U.S. Department of Labor  
200 Constitution Avenue, NW  
Washington, DC 20210

Attention: Testifying on Procedures Governing the Filing and Processing of  
Prohibited Transaction Exemption Applications  
RIN 1210-ACO5/EBSA-2022-0003

Dear Mr. Shiker:

Please see below request from AARP to testify at the Department of Labor (DOL) hearing on Prohibited Transaction Exemptions (PTE) on September 15, 2022. Per your request, we have answered the four questions listed in the hearing announcement:

- (1) The name, title, organization, address, email address, and telephone number of the individual who would testify:
  - a. David Certner; Legislative Counsel and Legislative Policy Director, Government Affairs, [DCertner@aarp.org](mailto:DCertner@aarp.org); 202-434-3755.
- (2) If applicable, the name of the organization(s) whose views would be represented:
  - a. AARP
- (3) The date of the requestor's written comment on the Rule (if applicable):
  - a. April 14, 2022
- (4) A concise summary of the testimony that would be presented:
  - a. Mr. Certner will testify that: 1) the PTE process is essential to protecting participants and beneficiaries from conflicts of interest; 2) the fiduciary standard is established in statute and the discretion and process to make exceptions to the standard is squarely in DOL's authority; and 3) PTEs are an exception to the standard.

If you have any questions, please feel free to contact Sarah Mysiewicz of our Government Affairs office at [smysiewicz@arp.org](mailto:smysiewicz@arp.org) or 202-434-6763.

Sincerely,

A handwritten signature in black ink that reads "David Certner". The signature is written in a cursive style with a long horizontal flourish extending to the right.

David Certner  
Legislative Counsel and Legislative Policy Director  
Government Affairs