

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

LAWRENCE G. RUPPERT and
THOMAS A. LARSON, on behalf
of themselves and all others similarly
situated,

Plaintiffs,

ORDER

08-cv-127-bbc

v.

ALLIANT ENERGY CASH BALANCE
PLAN,

Defendant.

Defendant Alliant Energy Cash Balance Pension Plan has moved for reconsideration of the court's determination of the interest crediting rate to be applied to pre-retirement withdrawals of lump sum benefits paid to members of the plaintiff class after January 1, 1998 and before August 17, 2006. After some ten years, defendant has obtained a ruling from the Internal Revenue Service, advising defendant that it would be tax qualified if it adopted a plan amendment proposed on February 11, 2011, adopting an up-to-five-year rolling average as the projected interest crediting rate for the withdrawals at issue in this case.

Defendant treats the IRS ruling as something like tomorrow's answer to today's crossword puzzle, with the puzzle being the correct number to use as the interest crediting rate. This is an unpersuasive characterization of the ruling. I am not convinced that equal weight, let alone *more* weight, should be given to a decision by the IRS on a past course of conduct taken by defendant than to the decision on the same subject by this court, which has had the opportunity to hear both sides' arguments and evidence.

Had the IRS acted more quickly on a request that defendant filed in October 1999, defendant's argument could have been considered while the issue of the applicable interest crediting rate was still open. It is too late now. The 8.2% interest crediting rate is the law of the case. That does not mean I could not change it if I thought it was error. It does mean that it is not something to be reconsidered lightly. Given the weeks of trial, trial preparation and briefing that preceded resolution of this issue, along with the time that went into writing the decision, I am not inclined to re-open it.

ORDER

IT IS ORDERED that defendant Alliant Energy Cash Balance Pension Plan's motion for reconsideration of the interest crediting rate to be applied to pre-retirement withdrawals of lump sum benefits paid to members of the plaintiff class after January 1, 1998 and before

August 17, 2006 is DENIED.

Entered this 30th day of March, 2011.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge