



INDEPENDENCE EXCAVATING, INC.  
5720 Schaaf Road  
Independence, Ohio 44131

Phone 216-524-1700  
Fax 216-524-1701

Setting Innovation into Motion for 50 years.

Top Hat Plan Exemption  
Employee Benefits Security Administration, Room N-1513  
U. S. Department of Labor  
200 Constitution Avenue, N.W.  
Washington, D.C. 20210

06 DEC 27 PM 12:40

Re: Independence Excavating, Inc.  
Supplemental Executive Retirement Plan

Gentlemen:

This letter is a filing intended to be an alternative form of compliance with the reporting and disclosure requirements of Part I of Title I of the Employee Retirement Income Security Act of 1974 for certain deferred compensation plans for a select group of management or highly compensated employees. In accordance with Labor Regulation Section 2520.104-23, the following information is provided with respect to the Independence Excavating, Inc. Supplemental Executive Retirement Plan:

1. NAME OF EMPLOYER: Independence Excavating, Inc.
2. ADDRESS OF EMPLOYER: 5720 Schaaf Road  
Independence, OH 44131
3. EMPLOYER IDENTIFICATION NUMBER: 34-0938274
4. DECLARATION: The Independence Excavating, Inc. Supplemental Executive Retirement Plan is a plan which is "unfunded" and which is maintained primarily for the purpose of providing deferred compensation for "a select group of management or highly compensated employees."
5. NUMBER OF PARTICIPANTS: 10
6. NUMBER OF PLANS: 2
7. RESERVATION: Independence ~~Excavating~~ <sup>Excavating,</sup> ~~Recycling~~ Inc. has the right to increase or decrease the number of participants in the plan, or to add plans, or to terminate the above plan, without making an additional filing with respect thereto.

Very truly yours,

INDEPENDENCE EXCAVATING, INC.

By: *Paul D. [Signature]*

Dated: 12/19/06

Title: *Vp of Construction*

We are an equal opportunity employer

From: Origin ID: (216)622-8200  
STEPHEN KRESNYE  
Calfee Haller & Griswold  
1400 McDonald Investment Ctr.  
800 Superior Avenue  
Cleveland, OH 44114



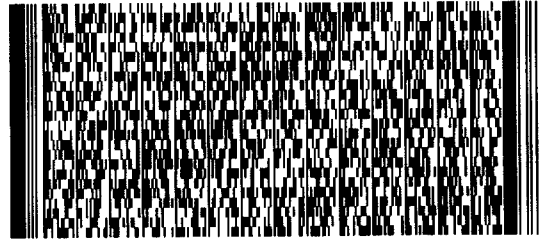
Ship Date: 26DEC06  
ActWgt: 1 LB  
System#: 2455164/INET2500  
Account#: S \*\*\*\*\*

REF: 09912



Delivery Address Bar Code

SHIP TO: (216)622-8227 **BILL SENDER**  
**Top Hat Plan Exemption**  
**Employee Benefits Security Admin.**  
**U.S. Dept. of Labor - Rm N-1513**  
**200 Constitution Ave., NW**  
**Washington, DC 20210**



**STANDARD OVERNIGHT**

**WED**

Deliver By:  
27DEC06

TRK# **7995 5999 4086**

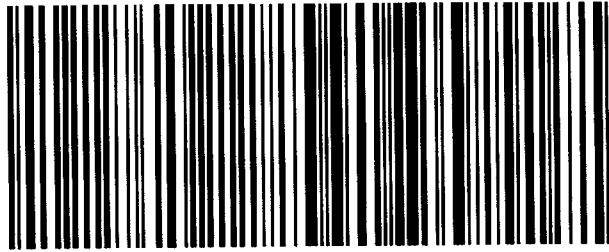
FORM  
0201

**IAD**

**A2**

**20210 -DC-US**

**ZM NHKA**



Shipping Label: Your shipment is complete

1. Use the 'Print' feature from your browser to send this page to your laser or inkjet printer.
2. Fold the printed page along the horizontal line.
3. Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

**Warning: Use only the printed original label for shipping. Using a photocopy of this label for shipping purposes is fraudulent and could result in additional billing charges, along with the cancellation of your FedEx account number.**

Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on fedex.com. FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$500, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see current FedEx Service Guide.

From: Origin ID: (216)622-8200  
 STEPHEN KRESNYE  
 Calfee Haller & Griswold  
 1400 McDonald Investment Ctr.  
 800 Superior Avenue  
 Cleveland, OH 44114



CLS 100 308/18/23

Ship Date: 26DEC06  
 ActWgt: 1 LB  
 System#: 2455164/INET2500  
 Account#: S \*\*\*\*\*

REF: 09912



Delivery Address Bar Code

SHIP TO: (216)622-8227 **BILL SENDER**  
**Top Hat Plan Exemption**  
**Employee Benefits Security Admin.**  
**U.S. Dept. of Labor - Rm N-1513**  
**200 Constitution Ave., NW**  
**Washington, DC 20210**

**STANDARD OVERNIGHT**

**WED**

Deliver By:  
 27DEC06

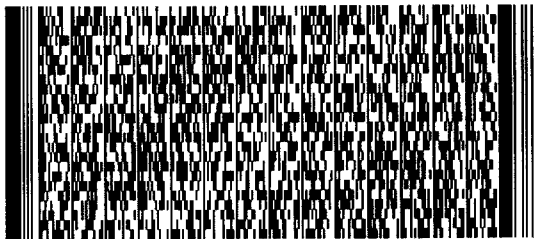
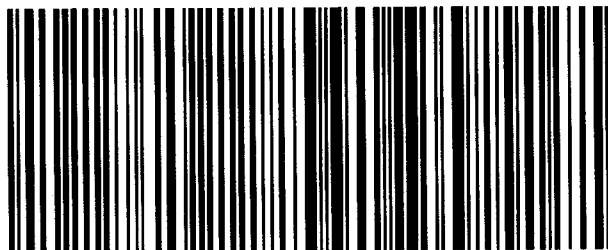
TRK# 7995 5999 4086

FORM  
 0201

IAD A2

20210 -DC-US

**ZM NHKA**



Shipping Label: Your shipment is complete

1. Use the 'Print' feature from your browser to send this page to your laser or inkjet printer.
2. Fold the printed page along the horizontal line.
3. Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

**Warning: Use only the printed original label for shipping. Using a photocopy of this label for shipping purposes is fraudulent and could result in additional billing charges, along with the cancellation of your FedEx account number.**

Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on fedex.com. FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$500, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see current FedEx Service Guide.