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BOSTON  
SYMPHONY  
ORCHESTRA  
JAMES LEVINE  
*Music  
Director*

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BERNARD HAITINK, CONDUCTOR EMERITUS • SEIJI OZAWA, MUSIC DIRECTOR LAUREATE

November 2, 2007

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED

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

Re: SERP Agreement Top-Hat Statement

Dear Sir or Madam:

This letter constitutes a statement described in Section 2520.104-23 of the Department of Labor Regulations under the Delinquent Filer Voluntary Compliance Program (“DFVC Program”).

1. Employer Name & Address:  
  
Boston Symphony Orchestra, Inc.  
Symphony Hall  
300 Massachusetts Avenue  
Boston, MA 02115
2. Employer Identification Number: 04-2103550
3. Name of Plan: SERP Agreement between Boston Symphony Orchestra, Inc. and John Ferrillo (the “Plan”).
4. The Plan covers one participant.

The purpose of the Plan is to provide deferred compensation primarily for a select group of management and highly compensated employees.

As required under the DFVC Program, the latest Form 5500 for the above-named plan and a check in the amount of \$750, made payable to the U.S. Department of Labor, were sent to the DFVC Program.

If you require further information, please contact the undersigned at  
(617) 638-9211.

Boston Symphony Orchestra, Inc.

By: \_\_\_\_\_

Thomas D. May

Title: Chief Financial Officer

**SEYFARTH**  
ATTORNEYS **SHAW** LLP

World Trade Center East  
Two Seaport Lane  
Suite 300  
Boston, MA 02210-2028

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE  
**CERTIFIED MAIL™**



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