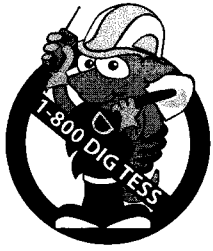


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**TEXAS EXCAVATION SAFETY SYSTEM, INC.**

11880 Greenville Avenue • Suite 120  
Dallas, Texas 75243-3568  
Office: (972) 231-5497 • Fax: (972) 231-7006  
www.digtess.org

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January 1, 2008

Top Hat Plan Exemption  
Pension and Welfare Benefits Administration  
Room N-5644  
United States Department of Labor  
200 Constitution Avenue NW  
Washington, D.C. 20210

To the Secretary of Labor:

In compliance with the requirements of the alternative method of reporting and disclosure under Part I of Title I of the Employee Retirement Income Security Act of 1974 for unfunded pension plans for a select group of management or highly compensated employees, specified in Department of Labor Regulations 29 C.F.R. Sec. 2520.104-23, the following information is provided by the undersigned employer:

**Name and Address of Employer:**

Texas Excavation Safety System, Inc.  
11880 Greenville Avenue, Suite 120  
Dallas, Texas 75243-3568

Employer Identification Number: 75-1945057

Texas Excavation Safety System, Inc. maintains a plan primarily for the purpose of providing deferred compensation for a select group of management or highly compensated employees.

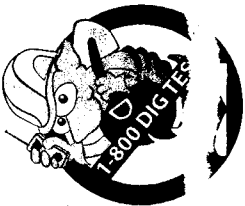
Number of Plans and Participants in Each Plan: One Plan covering seven employees.

Dated: January 1, 2008.

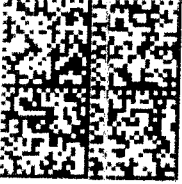
TEXAS EXCAVATION SAFETY SYSTEM,  
INC.

By:

Lee P. Marrs, President



**TEXAS EXCAVATION SAFETY SYSTEM, INC.**  
11880 Greenville Avenue • Suite 120 • Dallas, Texas 75243-3568



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