

**STATE OF MAINE  
BUREAU OF INSURANCE**

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IN RE:	)	
	)	
	)	
APPEAL OF DISAPPROVED RATE	)	
FILINGS BY PROGRESSIVE	)	<b>APPELLANTS FIRST INFORMATIONAL</b>
CASUALTY INSURANCE COMPANY,	)	<b>REQUESTS TO THE MAINE BUREAU OF</b>
PROGRESSIVE NORTHWESTERN	)	<b>INSURANCE</b>
INSURANCE COMPANY,	)	
PROGRESSIVE NORTHERN	)	
INSURANCE COMPANY, AND UNITED	)	
FINANCIAL CASUALTY COMPANY	)	
	)	
Docket No. INS-15-1001	)	

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Progressive Casualty Insurance Company, Progressive Northwestern Insurance Company, Progressive Northern Insurance Company and United Financial Casualty Company (collectively, "Progressive") issue the following informational requests to the Maine Bureau of Insurance ("Bureau") pursuant to Department of Professional and Financial Regulation Rule Chapter 350(10) and the Procedural Order issued on September 29, 2015.

I.

DEFINITIONS

1. "Bureau Rulings" means any decision of the Bureau or Bureau Superintendent intended to resolve a Filing or an appeal of a Filing.

2. The term "document" or "documents" means information stored in any physical form, whether paper, electronic media or storage, devices, microfilm or microfiche, magnetic or audio tape, magnetic disks, optical storage media, transparencies, photographic film, computer disks or drives, or any other materials of any nature. For example, these terms encompass, but are not limited to, all non-identical copies (i.e., those bearing marginal notations should be produced as separate documents) and drafts of memoranda, notes, messages, letters, consent decrees, letter rulings, electronic or voice mail, books, records, telephone records, calendars, diaries, computer printouts, bills, invoices, telephone bills, agendas, telegrams and teletypes, voice mail, charts, graphs, illustrations or drawings, plans, technical or owner's manuals, user guides, press releases, photographs, contracts, agreements, flow charts, spreadsheets, mathematical calculations, and any other data compilations. Where a document exists in audio, electronic or computer

readable form, or is in any way stored electronically, it should be translated into a form readable by Progressive.

3. "Filing" means rate, rule, underwriting, or company placement filings with the Bureau.
4. "Including" means including, but not limited to.
5. "Jeffrey Palmer Letter" means the letter of from Jeffrey Palmer of Progressive to Benjamin Yardley of the Bureau dated April 24, 2015.
6. "Policyholder" means policyholder or applicant.
7. "Progressive Consent Order" means the Consent Agreement entered into between Progressive Northwestern Insurance Company, the Maine Superintendent of Insurance, and the Office of the Maine Attorney General on July 29, 2011, Docket No. INS-10-236.
8. "The Rate Filing" means the filings that are the subject of this appeal or, collectively, the filing for Product Name 201502 ME PCIC PNWIC PNIC, Project Number 201502 ME PCIC PNWIC PNIC\201502 ME PCIC PNWIC PNIC with SERFF filing number PRGS-13012409, and Project Name 201502 ME UFCC, Project Number 201502 ME UFCC with SERFF filing number PRGS-130121425.

Please note that when the phrase 'rate filing' appears without both words capitalized, it should be interpreted broadly consistent with the plain meaning of the phrase.

## II.

### INSTRUCTIONS

1. Progressive respectfully requests that you follow these instructions and definitions in replying to these data requests.
2. If any documents or requested information sought is accessible through computer or other data retrieval system, then it is requested that such information be accompanied with instructions and all the materials necessary to access, use or interpret such data.
3. If any portion of any document requested herein is responsive to any request, then it is requested that the entire document be produced including the file in which it is found. It is further requested that documents be produced in the order in which they were found in your files and shall not be shuffled or otherwise rearranged, that documents be produced with reference to the filing subject under which the documents are found in your records, and that documents that are found stapled, clipped or otherwise fastened together be produced in such form.

4. In response to any request that the Bureau identify particular Filings or Bureau Rulings, please provide the appropriate product name and product number, responsible company, and SERFF number.

5. These requests are limited to automobile insurance and do not extend to Bureau involvement with other categories of insurance.

6. For each document withheld under a claim of privilege, please state:

- The author of the document;
- The addressee;
- All recipients;
- The date of the document;
- The number of pages in the document and its general subject matter; and
- The nature and basis of the claimed privilege.

### III.

#### INFORMATIONAL REQUESTS

1. Please explain the Bureau's position that age is the sole factor contributing to increased rates in The Rate Filing.

2. Please explain the Bureau's position that marital status or gender are not factors contributing to increased rates in The Rate Filing.

3. Please provide all documentation supporting the Bureau's conclusion that age is the sole factor contributing to increased rates in The Rate Filing.

4. Please provide a copy of all documents and notes that Bureau staff reviewed or consulted in relation to the Bureau's decision to disapprove The Rate Filing.

5. Please provide all statistical or actuarial documents supporting the Bureau's decision to disapprove The Rate Filing.

6. Please provide a copy of all communications, including notes of communications, related to The Rate Filing.

7. Please list all persons who reviewed The Rate Filing or contributed to the Bureau's disposition of The Rate Filing, and include each listed individual's name, State agency, and official title as well as the manner of their involvement with The Rate Filing.

8. Please provide a copy of all documents related to The Rate Filing which include any discussion or analysis of the Progressive Consent Order.

9. Please provide a copy of all documents supporting the Bureau's interpretation of 24-A M.R.S. §2916, and in particular the Bureau's interpretation of the phrase "the sole reason" contained within this statute, including bulletins, rules, and statutes.

10. Please provide a copy of all documents produced or disseminated to any party or the public generally by the Bureau which provide guidance or instruction regarding interpretation or application of 24-A M.R.S. §2916.

11. Please provide a copy of all Bureau documents related to Filings proposing to or actually increasing rates for persons who have reached a certain age, including any internal memoranda, communications, or statistical or actuarial studies.

12. Under what circumstances, if any, does the Bureau believe that 24-A M.R.S. §2916 permits the increase of rates for Policyholders who have reached a certain age?

13. Please provide a list of all companies which have obtained Bureau approval for a Filing which uses age and marriage as factors, and please provide the SERFF number for any such approval.

14. Please provide a list of all Bureau Rulings relating to any denial of a Filing which proposed to increase rates for the apparent reason that a Policyholder reached a certain age.

15. Please provide a copy of all documents relating to any Bureau objection to a Filing which proposed to increase rates for the apparent reason that a Policyholder reached a certain age.

16. Please provide a list of Filings since 2010 approved by the Bureau which included age as one criteria leading to increased rates for Policyholders 65 years old or older.

17. Can medical underwriting, as a factor coupled with age and limited to Policyholders 65 years old or older, permissibly result in increased rates for Policyholders?

18. Can medical underwriting, as a factor coupled with age and limited to Policyholders 65 years old or older, permissibility result in declination or cancellation of coverage?

19. Please provide a list of Filings approved by the Bureau which use medical underwriting as a factor in establishing rates for Policyholders 65 years old or older.

20. Please provide a list of all factors which coupled with age result in increased rates for Policyholders 65 years old or older, that have been approved by the Bureau.

21. Please provide a list of all Filings approved by the Bureau which resulted in increased rates for Policyholders 65 years old or older, and where age was coupled with:

a. Marital status

- b. Gender
- c. Health status
- d. Driving experience
- e. Driving points
- f. Accident record

22. Please provide a list of all Filings disapproved by the Bureau which proposed increased rates for Policyholders 65 years old or older, and where age was coupled with:

- a. Marital status
- b. Gender
- c. Health status
- d. Driving experience
- e. Driving points
- f. Accident record

23. Please provide a copy of all communications, including notes of communications, relating to the Jeffrey Palmer Letter or any actual or potential Bureau response to the Jeffrey Palmer Letter, including communications between Bureau staff and communications between Bureau staff and anyone else.

24. Please provide a copy of all communications, including notes of communications, between the Bureau and any of the Appellants (or any employees, agents, contractors, officers, or directors of Appellants or any corporate affiliate of Appellants) related to The Rate Filing.

25. Please provide a copy of all documents that the Bureau reviewed or consulted in relation to The Rate Filing.

26. Please provide a copy of all non-privileged documents constituting or relating to communications by or between Bureau staff or between Bureau staff and any person, relating to The Rate Filing, or any aspect of this proceeding.

27. Please provide a list of privileged documents otherwise responsive to these Informational Requests in accordance with paragraph 4 of the Instructions, *supra*.

28. Please provide your complete file related to The Rate Filing.

Dated at Augusta, Maine this 6 day of October.

  
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