

STATE OF MAINE
DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
BUREAU OF INSURANCE

IN RE:

APPEAL OF DISAPPROVED RATE
FILINGS BY PROGRESSIVE CASUALTY
INSURANCE COMPANY, PROGRESSIVE
NORTHWESTERN INSURANCE
COMPANY, PROGRESSIVE NORTHERN
INSURANCE COMPANY, AND UNITED
FINANCIAL CASUALTY COMPANY

Docket No. INS-15-1001

**ORDER ON INSURERS'
MOTION TO REOPEN**

On June 10, 2016, Superintendent of Insurance Eric Cioppa issued a Decision and Order (the “Decision”) in the above-captioned matter disapproving the private passenger automobile insurance rate filings of Progressive Casualty Insurance Company, Progressive Northwestern Insurance Company, Progressive Northern Insurance Company, and United Financial Casualty Company (collectively, the “Insurers”), designated SERFF Tracking Numbers PRGS-130121409 and PRGS-130121425, as the rate filings violated the provisions of 24-A M.R.S. § 2916. In the Decision the Superintendent stated: “Additionally, it is possible that an ‘issue age rating’ plan (as opposed to the ‘attained age rating’ plan proposed by the Insurers) could, if structured properly, be found to comply with Section 2916.” Decision, p. 18 n.11.

On July 1, 2016, the Insurers moved for the Superintendent to reopen the Decision to examine one element—footnote 11 and the above-quoted language. *See* Motion, ¶¶ 6(A), (D). As the Insurers acknowledged, however, their Motion was not timely. All such motions “must be filed with the Superintendent within twenty (20) days after service of the determination or order to which the request relates,” Bureau of Insurance Rule Chapter 350(19), but the Decision

was served on the Insurers on June 10, the day it was issued. Thus, the deadline for filing a motion to reopen was June 30, 2016. *See* Motion, ¶ 2. As it was untimely, the Superintendent denies the Motion to reopen the proceeding.¹

However, the Insurers did not simply sit on their hands during the 20-day reconsideration period. As the Motion explains, within a short time following issuance of the Decision counsel for the Insurers conferred with counsel for the Advocacy Panel and the Superintendent regarding the Insurers' desire to discuss footnote 11 of the Decision. Motion, ¶ 6(A).

The Superintendent is mindful of his responsibility to "secure just, speedy and economic determination of all matters pending before [him]." Rule Ch. 350(2)(B). The Insurers requested that if the Superintendent could not make an exception to the deadline for filing a motion to reopen, that he consider in the alternative exercising his authority to reopen the matter on his own motion. Motion, ¶ 6(G); *see* Rule Ch. 350(19)(C).

Therefore, under the circumstances presented, the Superintendent hereby gives notice that, on his own motion, he hereby reopens this proceeding solely for the purpose of addressing footnote 11, and for no other reason. *See* Rule Ch. 350(19)(C). Accordingly, the running of the appeal period is hereby terminated until further action is taken by the Superintendent in this matter. *See* Rule Ch. 350(19)(A).

PER ORDER OF THE SUPERINTENDENT OF INSURANCE

July 6, 2016


ERIC A. CIOPPA
Superintendent of Insurance

¹ The Bureau Staff Advocacy Panel advised the Superintendent that they take no position on whether the Superintendent should hear the Motion, reserving their rights on substantive matters under the Motion. *See also* Motion, ¶ 7.