

NETWORK TRADE]	
CORPORATION]	
]	
v.]	DECISION AND ORDER
ACADIA INSURANCE COMPANY]	
]	
Docket NO. INS-00-10]	

On April 25, 2000, Network Trade Corporation filed a request for hearing with the Superintendent of Insurance, contesting the nonrenewal of its workers' compensation insurance policy by Acadia Insurance Company. A public adjudicatory hearing was convened, pursuant to 24-A M.R.S.A. §§ 229 and 2908(6), and a Notice of Hearing was issued on May 5, 2000 and served on Network Trade Corporation. The Notice specifically advised that "A party's failure to attend the hearing may result in a disposition by default with respect to that party." See 5 M.R.S.A. § 9053(3).

The Notice advised that the hearing was "on a hearing list scheduled for 9:00 a.m. on Monday, May 22, 2000 and ... expected to commence at approximately 10:00 a.m." At the scheduled time, Acadia Insurance Company appeared and explained the basis for the nonrenewal, which was that the Network Trade account does not satisfy Acadia's underwriting guidelines and that the initial application should not have been accepted by Acadia's producer. Acadia noted further that 24-A M.R.S.A. § 2908 does not require good cause for nonrenewal of commercial lines property or casualty insurance policies, only timely notice, and that Network Trade acknowledges that Acadia sent notice well within the time limits established under 24-A M.R.S.A. § 2908(5)(B) and 39-A M.R.S.A. § 403(1).

Network Trade did not appear at the scheduled time, and did not request a continuance of the hearing or explain its failure to appear. Network Trade's default was noted on the record. Additional hearings remained in session in the same room, and Network Trade did not appear, nor has Network Trade subsequently contacted the Bureau of Insurance.

It is therefore *ORDERED* that the Petition of Network Trade Corporation is hereby *DISMISSED WITH PREJUDICE*.

Pursuant to Bureau of Insurance Rule 350, § 19, any person aggrieved may file a motion with the Superintendent to set aside default at any time within twenty days after receiving this notice. The motion must explain why there is "good cause" within the meaning of 5 M.R.S.A. § 9053(3).

This Decision and Order is a final agency action of the Superintendent of Insurance within the meaning of the Maine Administrative Procedure Act. It is appealable to the Superior Court in the manner provided in 24-A M.R.S.A. § 236 (2000) and M.R. Civ. P. 80C. Any party to the hearing may initiate an appeal within thirty days after receiving this notice. Any aggrieved non-party whose interests are substantially and directly affected by this Decision and Order may initiate an appeal on or before July 31, 2000. There is no automatic stay pending appeal; application for stay may be made in the manner provided in 5 M.R.S.A. § 11004.

PER ORDER OF THE SUPERINTENDENT OF INSURANCE

JUNE 20, 2000

ROBERT ALAN WAKE
DESIGNATED HEARING OFFICER