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BUREAU CIRCULAR NO. 843

To All Members of the Bureau:

Re: **STATUS OF BUREAU FILINGS**

This circular is to update all members with respect to the status of Bureau Filings No. 0806, 0807 and 0808.

Details pertaining to each of the subject filings are given below, but in essence Bureau members are hereby advised that no information has been made available to the Bureau about any of these matters since the release of Bureau Circular No. 840 on September 5, 2008. The Bureau is keenly aware of the critical nature of these pending submissions and their implications for carriers, producers, employers and other interested parties, and we will provide circular announcement of any further developments as quickly as possible when such developments do occur.

Bureau Filing No. 0806 responded to selected portions of Delaware workers compensation legislation enacted in 2007. Bureau Circular No. 840 discussed a Decision and Order issued by the Insurance Commissioner with respect to that filing, as well as carrier requirements and options under the terms of that Decision and Order and Delaware law.

Bureau Filing No. 0807 is an annual experience filing with rating values proposed for state act coverages to be effective on a new and renewal basis December 1, 2008.

Bureau Filing No. 0808 is an experience filing with rating values proposed for F-classification business to be effective on a new and renewal basis December 1, 2008.

Since the publication of Bureau Circular No. 840, the Bureau has not received any further communications from the Department of Insurance (Department) about Bureau Filing No. 0806. The Bureau has been advised by some carriers that the Department has taken the position that carrier filings made in response to Bureau Filing No. 0806 must use an October 1, 2008 effective date. The Bureau has asked the Department whether or not that is the case, and, if so, on what basis that position rests. Thus far no answer has been forthcoming to our inquiry. We have also asked that the Department provide us with copies of comments and/or materials

submitted by Department staff, consultants and/or counsel pertaining to the Outstanding Legal Issues identified in the Decision and Order and/or in response to the Bureau's own submission regarding the Outstanding Actuarial Issues as identified in the Decision and Order. To date we have not received an acknowledgement of that request or any materials in response to it.

Ordinarily, annual experience filings such as Bureau Filing No. 0807 would be subject to review by one or more actuarial consultants engaged by the Department for such purpose. Reports of those reviews would be submitted to the Bureau for response, and the filing, consultants' report(s) and Bureau response(s) would be considered at a public hearing prior to the Insurance Commissioner's adjudication of the filing. To date no consultant's report has been provided to the Bureau, and no date has been set for a public hearing on the matter.

Finally, F-classification filings usually follow a process similar to that outlined above for our annual state coverage experience filings, except that public hearings are not generally held as part of the review and adjudication of those filings. Thus far no consultant's report in review of the Bureau's filing has been given to us.

The Bureau understands the difficulties faced by all participants in the Delaware workers compensation market as uncertainty concerning the ultimate disposition of the above-discussed filings persists close to or even after the filings' intended effective dates. As stated at the beginning of this circular, further developments in these regards will be the subject of future circulars that will be published as promptly as possible after they may occur.

Timothy L. Wisecarver
President

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