

STATE OF WASHINGTON

Phone: (360) 725-7000

MIKE KREIDLER
STATE INSURANCE COMMISSIONER



FILED

DECLARATION OF MAILING

In the event of penalty of perjury
under the laws of the State of
Washington that on the date listed
below, I mailed or caused delivery
of a true copy of this document to
Ms. Stickler and Mr. Dill
DATED this 24th day of Feb 2010
at Tumwater, Washington.

OFFICE OF
INSURANCE COMMISSIONER

2010 FEB 24 P 3: 28

HEARINGS UNIT
Fax: (360) 664-2782

Hearings Unit, DIC
Patricia D. Petersen
Chief Hearing Officer

Signed: _____

Patricia D. Petersen
Chief Hearing Officer
(360) 725-7105

Josie Bayon
Legal Assistant
(360) 725-7002
JosieB@oic.wa.gov

Sent via Facsimile on February 24, 2010

February 24, 2010

Marcia Stickler, Staff Attorney
Office of the Insurance Commissioner
PO Box 40255
Olympia, WA 98504-0255

Kevin Dill, Asst VP and Associate Actuary
Unified Life Insurance Company
Post Office Box 25326
Overland Park, KS 66225-5326

**RE: Unified Life Insurance Company
Matter no. 09-0138**

Dear Parties:

I am in receipt of Unified Life's Hearing Memorandum sent by email on 2/22/2010. I accepted and filed this Memorandum on that date.

I believe it might be helpful to mention, for purposes of the future course of this proceeding as well as the issue of filing the demand for hearing, that WAC 10-08-210, the Administrative Procedures Act which governs adjudicative proceedings in this agency provides:

(1) Filing.

(a) Papers required to be filed with the agency shall be deemed filed upon actual receipt during office hours at any office of the agency. Papers required to be filed with the presiding officer shall be deemed filed upon actual receipt during office hours at the office of the presiding officer.

...
(c) The filing of papers with the presiding officer by electronic mail ("e-mail") is not authorized without the express approval of the presiding officer and under such circumstances as the presiding officer allows.

Further, RCW 48.04.010(2), which governs filings of demands for hearing within this specific agency, provides that:



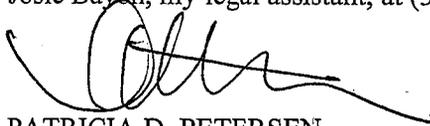
(2) Any such demand for a hearing shall specify in what respects such person is so aggrieved and the grounds to be relied upon as basis for the relief to be demanded at the hearing.

Unified has furnished proof that it delivered a Demand for Hearing with this agency on December 9, 2009, via hard copy with FedEx delivery as on that date one A. Jeulean, per FedEx, obtained that individual's signature. Unfortunately, that Demand for Hearing has still never reached the Hearings Unit. However, I did receive Unified Life's Demand for Hearing dated January 4, 2010 sent to Ms. Stickler who had it delivered to me on that date, and therefore I confirmed the filing as having been made as of January 4, 2010. That Demand for Hearing, delivered by email, which is contrary to WAC 10-08-210(1), and failed to specify in what respects Unified Life is aggrieved or the grounds to be relied upon as basis for the relief to be demanded at the hearing, both as required by RCW 48.04.010(2) above.

Although the January 4, 2010 emailed Demand for Hearing was emailed contrary to WAC 10-08-210(1), and also did not contain the information required by RCW 48.04.010(2) -- and I cannot verify whether the hard copy which was delivered to somewhere in the agency by FedEx on December 9, 2009 complied with RCW 48.04.010(2) -- I proceeded to send confirmation of receipt of Demand for Hearing, to hold the first prehearing conference in this matter which included all parties and to schedule the hearing date. It would seem for this reason that the issue raised by Unified Life in regard to the whereabouts of its original December 9, 2009 Demand for Hearing should not be brought up as an issue at hearing.

If you have other arguments or thoughts on this, I would like to hear them at hearing, but it does appear at least at this time that both parties were remiss in some respect with the filing of the original Demand for Hearing and subsequent emailed Demand for Hearing, and it appears it would be best to simply concentrate on the merits of the case from now on rather than the handling of the original filing (except possibly as it may relate to the issue of the agency's processing of Unified Life's filing of its loss ratio reports).

I look forward to hearing your presentations at hearing. Also, as stated in the Notice of Hearing, should any party have any other questions or concerns to discuss before that time, please contact Josie Bayon, my legal assistant, at (360) 725-7002.



PATRICIA D. PETERSEN
Presiding Officer
Chief Hearing Officer