MIKE KREIDLER
STATE INSURANCE COMMISSIONER

STATE OF WASHINGTON

Phone: (360) 725-7000

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OFFICE OF
INSURANCE COMMISSIONER

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HEARINGS UNIT
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Hearings Unit, OIC
Patricia D. Petersen
Chief Hearing Officer

Patricia D. Petersen
Chief Hearing Officer
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Kelly Cairns
Paralegal
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## NOTICE OF RECEIPT OF FORM A FILING

**To:** Joan O. Lenahan, Vice President & Corporate Secretary
Humana Inc.
500 West Main Street
Louisville, KY 40202

Gary P. Timin, Esq.
Squire, Sanders & Dempsey (U.S.) LLP
200 South Biscayne Boulevard, Suite 4100
Miami, FL 33131

**From:** Patricia D. Petersen, Chief Hearing Officer

**Date:** January 9, 2012

**Hearing:** **Form A Filing dated September 21, 2011 – Proposed Acquisition of Control of Arcadian Health Plan, Inc. Docket No. 12-0010**

This is to advise you that the Hearings Unit has received and filed your Form A Statement Regarding the Acquisition of Control of or Merger with Arcadian Health Plan, Inc., submitted by Humana Inc. and its wholly owned subsidiary Humsol, Inc.

RCW 48.31C.030 provides that the Washington State Insurance Commissioner shall approve a proposed acquisition of control of a Washington domestic carrier unless the Commissioner determines, after a hearing, that 1) the domestic health carrier, once acquired, would not be able to satisfy the requirements for registration as a health carrier; or 2) there is substantial evidence that the effect of the acquisition may substantially lessen competition or tend to create a monopoly in that area of the health coverage market in which the acquiring party operates (which may include input from the antitrust section of the office of the attorney general and/or federal antitrust enforcement agency, or consideration of the findings of those agencies if review is undertaken by them). Therefore this Notice of Receipt confirms receipt of your Application and commences the hearing process required by RCW 48.31C.030.

In approximately five working days, you will be contacted by the Hearings Unit to schedule a date for the prehearing conference in this matter. This prehearing conference, which will be held by telephone, will include: 1) you, and/or your representative if you wish; 2) the individual who will be representing the Insurance Commissioner in this matter; and 3) Chief Hearing Officer Patricia D. Petersen. The purpose of the prehearing conference is to discuss basic procedure to be followed before, during and after the hearing, as well as any issues or concerns which have arisen or which you believe will arise in your preparation for the hearing. All stages of the hearing process, including the prehearing conference, are public and any interested party(ies) may participate either over the telephone upon request made to the Hearings Unit, or in person.

For your information, we have included a brief outline of hearing procedure below.

If you have any questions concerning this Notice or the prehearing conference to be scheduled, please contact Kelly Cairns, Paralegal, Hearings Unit, at the above telephone number or address.

**HEARING PROCEDURES - OFFICE OF THE INSURANCE COMMISSIONER**

The following is a brief summary of hearing procedure. Following the prehearing conference referred to above, a Notice of Hearing will be entered advising you of the date scheduled for the hearing. The specific rules which govern the hearing procedure, which include many more details, can be found primarily at Chapter 34.05 RCW (the Administrative Procedure Act) and Chapter 10-08 WAC. Your hearing will be presided over by the Chief Hearing Officer. It will be conducted in a fairly formal manner; however, pursuant to the mandate of the Administrative Procedure Act it will be as flexible as possible to accommodate the needs of the parties and any witnesses which may appear. You will be allowed to submit documents to support your version of the facts. Testimony may also be presented in the form of live witnesses, including the parties themselves; also, if requested, witnesses are allowed to testify over the telephone at the discretion of the Chief Hearing Officer.

The hearing is normally conducted in three parts. First, each party presenting an opening statement summarizing what they intend to prove. Second, each party presents its case-in-chief, which includes presentation of documents and testimony, subject to cross examination by the opposing party. Third, the hearing concludes with each party presenting closing arguments summarizing what they believe they have proven factually and how those facts apply to the subject statutes and/or regulations.

The Chief Hearing Officer is an individual who has not had any involvement with this case. The Chief Hearing Officer is responsible for all stages of this administrative proceeding before, during and after the hearing, and will conduct the case and make the final decision without any communication, input or review by the Insurance Commissioner or staff or any other individual who has knowledge of the case. The Chief Hearing Officer's final decision is appealable only to the Superior Court and not to another administrative official or tribunal.

**Please note that, pursuant to General Rule 24, Washington Rules of Court, attorneys representing individuals or entities in Washington State adjudicative proceedings such as this, need <u>not</u> be licensed as an attorney in Washington State.**