

("redomesticate") from Washington to Delaware to reduce the complexity of its parent, TIG Insurance Company, a California corporation.

2. On November 17, 2014, following review of the documents filed by Commonwealth, communications with Commonwealth, and requests for and receipt of additional required information, the Commissioner referred the Application to the undersigned Presiding Officer to hold an adjudicative hearing on the Application and enter a final decision approving or denying the Application.

3. On December 2, 2014, a telephonic Prehearing Conference was held, and the adjudicative hearing was set for December 16, 2014.

4. Consistent with the briefing schedule set at the Prehearing Conference, Commonwealth brings the present Motion, seeking an order redacting or withholding: 1) personal identifying information contained in the biographical affidavits submitted with the Application; and 2) proprietary and trade secret information. Commonwealth requests that redacted or withheld material not be posted on the OIC's website, but instead be kept confidential pending a possible public disclosure request.

Biographical affidavit personal information.

5. I do not find legitimate public concern in the sensitive personal information included in the biographical affidavits that Commonwealth seeks to protect, except for court proceedings, which are quintessential public documents. If the OIC asserts that such redacted information bears on my decision on the merits, I will consider such assertion at the adjudicative hearing.

Assumptions underlying financial projections.

6. RCW 48.02.120(3) provides that, except under circumstances not applicable herein, "actuarial formulas, statistics, and assumptions submitted to the commissioner on his or her

request shall be withheld from public inspection in order to preserve trade secrets or prevent unfair competition.” Commonwealth’s Balance Sheet sets forth certain assumptions underlying its 2014-2016 financial projections. These are “assumptions submitted to the commissioner” at his request under RCW 48.02.120(3) and are trade secrets entitled to preservation and/or commercially sensitive information that should be withheld to prevent unfair competition.

7. The Public Records Act (“PRA”), at RCW 42.56.270(11) includes exemptions from disclosure for proprietary data, trade secrets, or other information that relates to a vendor’s unique methods of conducting business and data unique to the product or services of the vendor. *See, Robbins, Geller v. Attorney General*, 179 Wn.App. 711, 734, n.14 (2014). The information at issue falls within this exemption.

8. Although Commonwealth is not now writing new business, it is a subsidiary of an active entity, TIG. The disclosure of Commonwealth’s proprietary information would directly and indirectly disclose the financial status of TIG, as well as Commonwealth, including TIG’s financial performance and the operation and funding of its subsidiaries.

Notice of public records requests before disclosure.

9. The public’s potential interest in disclosure of the information at issue in this Order is consistent with the OIC providing written notice to Commonwealth 10 business days in advance of disclosure, to permit Commonwealth to seek injunctive relief. *See*, RCW 42.56.080, .520; WAC 284-03-015(4).

Order.

1. The birthdates, places of birth, social security numbers, home addresses, email addresses, telephone numbers, and spouses’ names contained in the biographical affidavits of employees, directors, and officers shall be redacted before the affidavits submitted by

Commonwealth in connection with the Application are filed in the public record and posted on the OIC website.

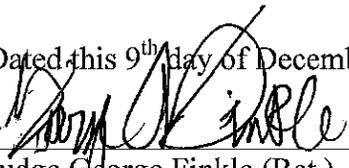
2. The Pro-Forma Financial Statement shall not be filed in the public record or posted on the OIC website.

3. If the OIC receives a public record request for information covered by this Order, it shall provide Commonwealth at least 10 business days written notice before disclosure, to permit it to request injunctive relief.

4. This Order is without prejudice to reference to redacted or unfiled/unposted materials during the evidentiary hearing, if significant. If a Party does seek to refer to redacted or unfiled/unposted materials during the adjudicative hearing, it shall so state in advance of presenting evidence related to such materials, to permit possible objection and appropriate ruling.

5. This Order is without prejudice to de novo consideration of the facts and law if a public record request for information covered by this Order is presented.

Dated this 9th day of December 2014.



Judge George Finkle (Ret.)
Presiding Officer

Declaration of Mailing

I declare under penalty of perjury under the laws of the State of Washington that on the date listed below, I mailed or caused delivery through normal office mailing custom, a true copy of this document to the following people at their addresses listed above: John S. Pruitt, Timothy J. Parker, Mike Kreidler, James T. Odiome, JD, CPA, AnnaLisa Gellermann, Drew Stillman, Gayle Pasero and William R. Michels.

DATED this 9th day of December, 2014.



KELLY A. CAIRNS