

FILED

BEFORE THE STATE OF WASHINGTON
OFFICE OF INSURANCE COMMISSIONER **2015 AUG -4 P 4:44**

In the Matters of)

**WASHINGTON COUNTIES)
INSURANCE FUND)
No. 15-0034)**

**MODA HEALTH PLAN, INC.)
No. 15-0063)**

**ASSOCIATED INDUSTRIES)
MANAGEMENT SERVICES, et al.,)
No. 15-0064)**

**MASTER BUILDERS ASSOCIATION)
OF KING AND SNOHOMISH)
COUNTIES and MASTER BUILDERS)
ASSOCIATION OF KING AND)
SNOHOMISH COUNTIES EMPLOYEE)
BENEFIT GROUP INSURANCE TRUST)
("MBA TRUST"))
No. 15-0062)**

**CAMBIA HEALTH SOLUTIONS)
(RE MBA TRUST) ("CAMBIA 1"))
No. 15-0071)**

**BUILDING INDUSTRY ASSOCIATION)
OF WASHINGTON HEALTH)
INSURANCE TRUST ("BLAW TRUST"))
No. 15-0075)**

**CAMBIA HEALTH SOLUTIONS)
(RE BLAW TRUST) ("CAMBIA 2"))
No. 15-0078)**

**Docket Nos. 15-0034; 15-0063; 15-0064;
15-0062; 15-0071; 15-0075; 15-0078;
15-0079; 15-0084; 15-0087; 15-0107;
15-0110; 15-0111; 15-0114; 15-0113;
15-0133**

**ORDER ON OIC'S REQUEST FOR
STAY OF BRIEFING SCHEDULE**

ORDER ON OIC'S REQUEST FOR
STAY OF BRIEFING SCHEDULE

Page - 2

**NORTHWEST MARINE TRADE
ASSOCIATION and NORTHWEST
MARINE TRADE ASSOCIATION
HEALTH TRUST ("NMTA TRUST")
No. 15-0079**

**CAMBIA HEALTH SOLUTIONS
(RE NMTA TRUST) ("CAMBIA 3")
No. 15-0084**

**NORTHWEST FINANCIAL
ASSOCIATIONS' EMPLOYEE
BENEFIT TRUST, et al.
No. 15-0087**

**WASHINGTON BIOTECHNOLOGY
AND BIOMEDICAL ASSOCIATION
HEALTH TRUST, et al.
No. 15-0107**

**WASHINGTON CLEAN TECHNOLOGY
ALLIANCE HEALTH TRUST, et al.
No. 15-0110**

**WASHINGTON STATE FARM
BUREAU HEALTH CARE TRUST
No. 15-0111**

**CAMBIA HEALTH SOLUTIONS
(RE WSFB TRUST) ("CAMBIA 4")
No. 15-0114**

**PREMERA BLUE CROSS
No. 15-0113**

**BUSINESS HEALTH TRUST, et al.
No. 15-0133**

ORDER ON OIC'S REQUEST FOR
STAY OF BRIEFING SCHEDULE

Page - 3

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ORDER ON OIC'S REQUEST FOR
STAY OF BRIEFING SCHEDULE

Page - 4

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This case comes before me on the Request for Stay of Briefing Schedule ("Stay Request") of the Office of the Insurance Commissioner ("OIC"), filed July 17, 2015. I have considered the Stay Request and the Responses to the Stay Request by the parties named in the caption, all filed on July 24, 2015. The OIC did not file a Reply to such Responses.

This Order is applicable to, and will be filed in, each matter.

Discussion.

The matters in which the OIC and the MBA Trust, BIAW Trust, NMTA Trust and Cambia are parties, Docket Nos. 15-0062, 15-0071, 15-0075, 15-0078, 15-0079, and 15-0084, came before me on the "Motion for Summary Judgment by MBA Trust, BIAW Trust, NMTA Trust, and Cambia" and the "OIC Staff's Motion for Summary Judgment." The matter in which the OIC and the Washington Counties Insurance Fund ("WCIF") are parties, Docket No. 15-0034, came before me on substantially identical cross-Motions.

In their Motions for Summary Judgment, the AHPs and WCIF requested that the OIC's disapprovals/rejections be overturned and that the 2014 rate and form filings be approved by the

ORDER ON OIC'S REQUEST FOR
STAY OF BRIEFING SCHEDULE

Page - 5

OIC. The OIC Staff's Response to the AHPs' and WCIF's Motions requested entry of an Order denying the Motions, granting the OIC Staff's Motions, and dismissing the hearing demands.

My "Order on (1) Motion for Summary Judgment by MBA Trust, BIAW Trust, NMTA Trust [the 'AHPs,' for purposes of the Order] and Cambia; (2) OIC Staff's Motion for Summary Judgment," Docket Nos. 15-0062, 15-0071, 15-0075, 15-0078, 15-0079, and 15-0084, filed July 1, 2015, provided: "The OIC Staff's Motion for Summary Judgment is denied. The Motion for Summary Judgment by MBA Trust, BIAW Trust, NMTA Trust and Cambia is granted." The Order in the WCIP matter was substantially identical.

In the OIC's July 17, 2015, Request for Stay, its counsel states: "I understand these decisions to remand the 2014 disapprovals in those cases to the OIC Rates and Forms division for review based on the standard that association health plans are permitted to rate at the employer level. We request a stay of the briefing schedules for 60 days in all of the above listed remaining cases" (i.e., the matters listed in the caption of the present Order).

In its summary judgment briefing, the OIC did not request that the disapprovals be remanded if I granted the AHPs' and WCIF's Motions for summary judgment. My Orders granted Motions requesting that the OIC's disapprovals/rejections be overturned and that the 2014 rate and form filings be approved. The OIC's only stated basis for disapproval was invalid, as was discussed in my Orders, and the effect of such Orders is that the OIC shall approve the 2014 rate and form filings at issue. (Those Orders, and the present Order, are of course without prejudice to the OIC's full review of 2015 and later rate and form filings.)

Some modification of the briefing schedules is, however, appropriate in furtherance of orderly OIC actions and efficient consideration of the present matters. Where a filing deadline is

ORDER ON OIC'S REQUEST FOR
STAY OF BRIEFING SCHEDULE

Page - 6

extended, Response and Reply deadlines are extended by a like time. Oral argument will be held at the time scheduled for oral argument on dispositive Motions with the same filing deadline.

Order.

WCIF, No. 15-0034. No modification.

Moda, No. 15-0063. No modification.

Cambia, No. 15-0111 and 15-0114. Dispositive Motions due October 9.

Washington State Farm Bureau, No. 15-0111. Dispositive Motions due October 9.

BIAW, No. 15-0075, Cambia, No. 15-0071, 15-0078, 15-0084; MBA, No. 15-0062;

NMTA, No. 15-0079. No modification.

Premera, No. 0113. Dispositive Motions due October 9.

BHT, No. 15-0133. No modification. (Approved revised schedule unchanged.)

AIMS, No. 15-0064. No modification.

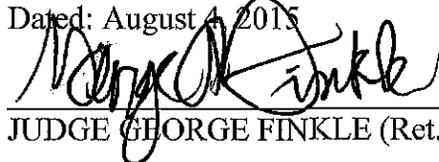
Washington Biotechnology Biomedical Association, No. 15-0107. No modification.

Northwest Financial Association, No. 15-0087. No modification.

Washington Clean Technology, No. 15-0110. No modification.

I note that many dispositive Motions are due October 9 or October 16. Further consolidation or modest spreading of due dates may be appropriate -- I am open to considering scheduling modifications by agreement or on motion. However, I would not expect to substantially extend deadlines.

Dated: August 4, 2015



JUDGE GEORGE FINKLE (Ret.), Presiding Officer

ORDER ON OIC'S REQUEST FOR
STAY OF BRIEFING SCHEDULE

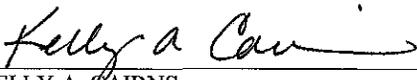
Page - 7

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: Maren R. Norton, Rene M. Howard, Earle J. Hereford, Richard Birmingham and Christine Hawkins, Frank J. Morales, Gwendolyn Payton, Marta DeLeon, Mike Kreidler, James T. Odiorne, J.D., CPA, Molly Nollette, Charles Brown and AnnaLisa Gellermann.

DATED this 11th August day of ~~July~~, 2015.

Emailed to parties on
8-4-15 by Beth Forbes.


KELLY A. CAIRNS