

BEFORE THE STATE OF WASHINGTON
OFFICE OF INSURANCE COMMISSIONER

FILED

2015 MAY 22 P 1:44

In the Matter of)

Docket No. 15-0107

WASHINGTON BIOTECHNOLOGY)
AND BIOMEDICAL ASSOCIATION)
HEALTH TRUST)

PREHEARING CONFERENCE ORDER

TO: Richard J. Birmingham
Christine Hawkins
Davis Wright Tremaine LLP
1201 Third Avenue, Suite 2200
Seattle, WA 98101-3045

COPY TO: Mike Kreidler, Insurance Commissioner
James T. Odiorne, J.D., CPA, Chief Deputy Insurance Commissioner
Molly Nollette, Deputy Commissioner, Rates and Forms Division
AnnaLisa Gellermann, Deputy Commissioner, Legal Affairs Division
Charles Brown, Sr. Insurance Enforcement Specialist, Legal Affairs Division
Office of the Insurance Commissioner
PO Box 40255
Olympia, WA 98504-0255

The Washington Biotechnology and Biomedical Association Health Trust ("Trust"), its contributing employers, the Washington Biotechnology and Biomedical Association, who is representative of such employers, and the Participants, including Chris Rivera, who is a representative of such Participants (collectively "petitioners") submitted a Demand for Hearing ("Demand"), dated and filed April 9, 2015, demanding a hearing to challenge the Office of the Insurance Commissioner's ("OIC's") rejection of the rating methodology utilized by Premera Blue Cross ("Premera") for the issuance of health care coverage to the Trust at large group rates, notification of which Premera received on or about January 15, 2015.

On May 21, 2015, the undersigned held a first prehearing conference. The OIC was represented by Charles Brown, Attorney at Law, Senior Insurance Enforcement Specialist, OIC Legal Affairs Division. Richard J. Birmingham and Christine Hawkins, Attorneys at Law, of Davis Wright Tremaine, represented petitioners. John Pierce, General Counsel for Premera, John Neeleman, Attorney at Law, of Lane Powell, representing Premera, and William Pardee, OIC Hearing Officer, also attended.

PREHEARING CONFERENCE ORDER

15-0107

Page - 2

By May 28, 2015, the OIC shall present to the petitioners a written Statement as to whether the OIC will consider retroactive adjustments as to the 2014 filings. The petitioners shall respond to the OIC in writing within ten days after receiving OIC's Statement. The parties shall then meet and confer.

If after such meet and confer the petitioners wish to proceed, the OIC expects to file a motion challenging this matter as moot. The OIC shall serve and file such Motion by June 22, 2015. The petitioners shall serve and file a Response to such Motion by July 10, 2015. The OIC shall serve and file a Reply to such Response by July 17, 2015. I expect to rule on the Motion without oral argument.

Assuming this matter goes forward following the entry of an Order on the mootness Motion, the OIC plans to challenge the standing of petitioners. The OIC shall serve and file its standing Motion by August 28, 2015. The petitioners shall serve and file its Response to such Motion by September 18, 2015. The OIC shall serve and file its Reply to such Responses by September 25, 2015. Oral argument is set for October 13, 2015 at 1:30 p.m. at Judicial Dispute Resolution, 1425 4th Avenue, #300, Seattle, Washington 98101.

Assuming this matter goes forward following the entry of an Order on the standing Motion, the parties agree that presenting a dispositive motion(s) before setting an evidentiary hearing would be most efficient. By October 16, 2015, the parties shall serve and file dispositive Motions. By November 6, 2015, the parties shall serve and file Responses to such Motions. By November 13, 2015, the parties shall serve and file Replies to such Responses. Oral argument is set for December 1, 2015 at 1:30 p.m. at Judicial Dispute Resolution.

Assuming these matters go forward following the entry of an Order on the dispositive Motions, an evidentiary hearing will be set for the earliest reasonably convenient date.

The parties shall meet and confer with respect to discovery and the form of a protective order, if any.

Non-dispositive motions (re discovery, protective order, or other issues) may be served and filed at any time, with responses and replies served and filed pursuant to the King County Superior Court Local Rules. I expect to rule without oral argument unless I request argument.

The parties may file consolidated briefs on any motion in this matter, No. 15-0107, Northwest Financial Associations' Employee Benefit Trust, No. 15-0087, and Washington Clean Technology Alliance Health Trust, No. 15-0110.

All case related documents and correspondence shall be directed to the Hearings Unit, Office of Insurance Commissioner, P.O. Box 40255, Olympia, Washington 98504-0255.

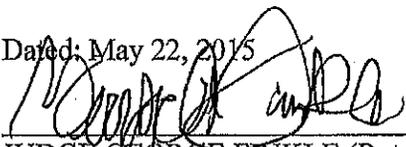
PREHEARING CONFERENCE ORDER

15-0107

Page - 3

All interested individuals and entities who have questions or concerns concerning this proceeding should direct them to the Hearings Unit paralegal, Kelly Cairns, at the same address. Ms. Cairns' telephone number is (360) 725-7002.

Dated: May 22, 2015



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: Richard J. Birmingham and Christine Hawkins, Mike Kreidler, James T. Odiorne, J.D., CPA, Molly Nollette, Charles Brown and AnnaLisa Gellermann.

DATED this 20th day of May, 2015.



KELLY A. CAIRNS