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April 14, 2015

Via U.S. Mail and email [hearings@oic.wa.gov](mailto:hearings@oic.wa.gov)

Office of Insurance Commissioner  
Attention: Administrative Hearings Unit  
P.O. Box 40255  
Olympia WA 98504-0255

Re: Washington Clean Technology Alliance Health Trust; Demand for Hearing and Stay of Actions

To Whom It May Concern:

Our office represents the Washington Clean Technology Alliance Health Trust (the "Trust"), J. Thomas Ranken of the CleanTech Alliance, a fiduciary of the Trust, its contributing employers, including Thomas James International, L.L.C., who is a representative of such employers, and the Participants, including M. Thomas Kroon, who is a representative of such Participants.

The insurance carrier, Premera, received notification on or about January 15, 2015 that the Office of Insurance Commissioner (the "OIC") rejected the rating methodology utilized by Premera for the issuance of health care coverage to the Trust at large group rates.

On behalf of the above referenced parties, we hereby demand a hearing before an administrative law judge pursuant to RCW 48.04.010 *et seq.* to challenge the action by the OIC on the grounds set forth below. These grounds, however, may be supplemented at a later date.

The parties also hereby request, pursuant to RCW 48.04.020(2), that the OIC grant a stay of all the OIC directives and actions, pending a decision in this action. In this regard, the parties further request a stay of this administrative action pending the OIC's examination of the 2015 filing by Premera on behalf of the parties. In this regard, the Hearing Examiner should be aware that this hearing request is for an OIC denial based on a 2014 contract filing. There is no one covered under the 2014 policy and the policy is no longer being sold. Therefore, there is no current case or controversy with respect to the 2014 policy. For this reason, the hearing on the 2014 policy should be stayed until the OIC makes a determination on the 2015 policy, and through the subsequent 90 day period to request a hearing. At that point, the two matters could either be consolidated or the parties could agree that any issues under the 2014 policy could be dismissed without further OIC action and that the parties would litigate only the issues under the 2015 policy. The parties request that the Hearing Examiner establish a conference call to determine whether the OIC is agreeable to such a stay. Depending on the results of such a call, the parties may seek a stay by a court.

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With respect to the rating methodology, our clients take the following positions: (1) the rating methodology utilized by Premera is in compliance with state law and federal law; (2) the OIC's rating methodology violates state law and violates the state court's decision in *Associated Industries of the Inland Northwest and the Association of Washington Businesses v. State of Washington Office of the Insurance Commissioner; Mike Kreidler*, No. 2007-02-00592-1, Superior Court, Spokane, August 27, 2007; (3) the OIC's rating methodology is not required by federal law; and, lastly (4) the OIC's unilateral change to the state's rating methodology is an unconstitutional exercise of legislative authority, an issue not within the jurisdiction of this administrative proceeding.

Due to the OIC's action, the rights of the association-sponsors' employees to current coverage under the policies issued by Premera are adversely affected. Premera has been told to discontinue policies and to transition employees. Thus, the insurance coverage of the approximately 2,755 employee and dependent participants will be disrupted. As a result of this disruption, the Trust's 109 member employers and/or their employees will likely face increased costs for any new coverage that may be obtained in the small group or individual market. Additionally, the small group or individual policies available for purchase will not be tailored to meet the needs of the Trust's industry.

Upon receipt of this letter, please acknowledge receipt and schedule a conference, to determine whether the OIC is agreeable to stay the 2014 policy issues until a ruling is made with respect to the 2015 policies, and the subsequent 90 day period to request a review, and until the resolution of the pending case, *Associated Industries of the Inland Northwest, et al v. Mike Kreidler*, No. 15-2-01091-8, Superior Court, Spokane, filed on March 24, 2015, as there is no case or controversy related to the 2014 policies and no one is currently covered by such policies and such policies are no longer being sold. Please serve copies of all future papers and proceedings herein upon Richard J. Birmingham and Christine Hawkins at the address listed above.

Yours truly,

Davis Wright Tremaine LLP



Richard J. Birmingham

RJB/jhj

cc: Commissioner Mike Kreidler (via U.S. Mail)  
J. Thomas Ranken, President & CEO, CleanTech Alliance (via U.S. Mail)  
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