MIKE KREIDLER
STATE INSURANCE COMMISSIONER

STATE OF WASHINGTON

OFFICE OF
INSURANCE COMMISSIONER
HEARINGS UNIT
Fax: (360) 664-2782

Phone: (360) 725-7000

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 of a true copy of this document to Chuck Brown + Jeffrey Grimsold
DATED this 11th day of May 2007
at Tumwater, Washington.
Signed Wendy Galloway

Patricia D. Petersen
Chief Hearing Officer
(360) 725-7105

Wendy Galloway
Paralegal
(360) 725-7002
wendyg@oic.wa.gov

May 11, 2007

Charles D. Brown, Sr. Staff Attorney
Washington Office of Insurance Commissioner
5000 Capital Boulevard
Tumwater, Washington 98501

Re: United Healthcare Insurance Company

Dear Mr. Brown:

On May 7, 2007, the Hearings Unit received and filed a letter from the Office of the Insurance Commissioner (Commissioner) which purports to request a hearing on behalf of United HealthCare Insurance Company (United HealthCare). You indicate in your letter that United HealthCare wishes to appeal an act of the Commissioner which proposes to fine United HealthCare for alleged violation of certain unspecified statutes. There is no request for hearing from United HealthCare nor are there any details as to what the act(s) of the Commissioner being appealed are.

RCW 48.04.010(1) provides that *The commissioner shall hold a hearing:...(b) Upon written demand for a hearing made by any person aggrieved by any act, ... of the commissioner ... or order of the commissioner .... (2) Any such demand for a hearing shall specify in what respects such person is so aggrieved and the grounds to be relied upon as basis for the relief to be demanded at the hearing.*

First, as is always the procedure and in compliance with the wording of the above statute, an adequate request for hearing to appeal an act of the Commissioner must be made by the entity which wishes to appeal the act of the Commissioner, not by the Commissioner. Second, as is always the procedure, a proper request for hearing must include evidence of the act of the Commissioner being appealed. As always, we must have a copy of the written action itself: it is only then that we can determine whether the entity is in fact aggrieved by this act and therefore entitled to a hearing, and can adjudicate the merits of the case. Third, it is never adequate for an entity requesting a hearing – even if the entity

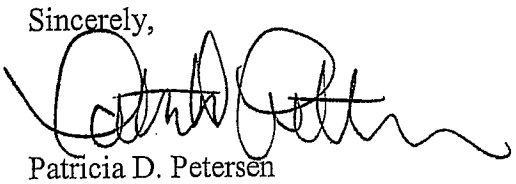
here itself were requesting the hearing – to simply state that it is aggrieved by the Commissioner's action: pursuant to the above statute, the entity requesting a hearing must *specify in what respects such person is so aggrieved and the grounds to be relied upon as basis for the relief to be demanded at hearing.*

Should United HealthCare wish to have its right to hearing considered, it must comply with the above statutory requirements, and only then may the appeal be referred to the Office of Administrative Hearings for an initial decision. Further, no request for an automatic stay will be considered until a proper request for hearing is filed (provided it is filed timely) and because we have not been provided a copy of the Commissioner's action, there is no possibility of being able to apply the standards of RCW 48.04.020(1) (the statute providing for an automatic stay in certain cases) as the provision for an automatic stay is dependent, pursuant to that statute, on the effective date of the Commissioner's action.

United HealthCare must comply with the above statutory requirements, which are required in every appeal without exception, and in compliance with the time frames required by statute, if it wishes to have United HealthCare's right to a hearing considered.

Please let me know if you have any questions or concerns by contacting Wendy Galloway, Paralegal, Hearings Unit, at the address, e-mail and telephone number above.

Sincerely,



Patricia D. Petersen
Chief Hearing Officer

Cc: Jeffrey Gingold