MIKE KREIDLER
STATE INSURANCE COMMISSIONER

STATE OF WASHINGTON

OFFICE OF
INSURANCE COMMISSIONER

Phone: (360) 725-7000

FILED

MAY 7 – 2007

Hearings Unit, OIC
Patricia D. Petersen
Chief Hearing Officer

May 7, 2007

Patricia D. Petersen, Chief Hearing Officer
Washington Office of Insurance Commissioner
P.O. Box 40255
Olympia, WA 98504-0255

Re: United HealthCare Insurance Company

Dear Judge Petersen,

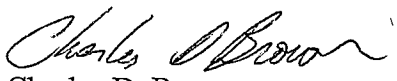
By letter dated May 4, 2007 from Jeffrey Gingold, attorney for United HealthCare Insurance Company, United HealthCare has requested a hearing as follows:

> For reasons summarized in this letter and in our letter of January 8, 2007, if OIC is not willing to reconsider its proposed Order as requested, please consider this letter to constitute a statutory demand pursuant to RCW 48.04.010(1)(b), to contest and appeal OIC's decision and/or threatened action to find that United violated the law and to impose a fine against United. Additionally, pursuant to RCW 48.04.010(5), we hereby request a hearing presided over by an administrative law judge assigned under chapter 34.12 RCW. And, pursuant to RCW 48.04.020(1), we request an automatic state of any such action or threatened action by OIC. Pursuant to RCW 48.04.010, United specifies that it is aggrieved by OIC's proposed action to impose a fine upon United and to find that its interpretation of "other more comprehensive coverage" was not correct. Reserving all rights to supplement or amend the information and positions set forth herein United summarizes its position as described in this letter and in the attached letter of January 8, 2007.

Mr. Gingold's May 4th letter also includes the statement "for settlement purposes only." Accordingly, only the above-quoted portion of Mr. Gingold's May 4th letter setting forth United HealthCare's hearing request is being supplied at this time. The January 8, 2007 letter attached to Mr. Gingold's May 4, 2007 letter and referenced in the above-quoted text is likewise labeled and stamped "FOR SETTLEMENT PURPOSES ONLY" and is therefore omitted from this transmittal.

Per Mr. Gingold's letterhead, his contact information is telephone number (206) 223-7000, fax number (206) 223-7107, and mailing address 1420 Fifth Avenue, Suite 4100, Seattle, WA 98101-2338.

Very truly yours,



Charles D. Brown
OIC Staff Attorney

Cc: Jeffrey Gingold

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 Grygold
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

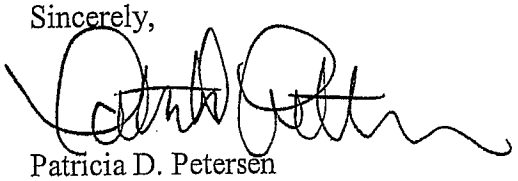
here itself were requesting the hearing – to simply state that it is aggrieved by the Commissioner's action: pursuant to the above statute, the entity requesting a hearing must *specify in what respects such person is so aggrieved and the grounds to be relied upon as basis for the relief to be demanded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