



State of Utah

DEPARTMENT OF INSURANCE

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BULLETIN 2007-2

Jon M. Huntsman, Jr.
Governor

Gary R. Herbert
Lieutenant Governor

To: All Insurers and Other Filers of Forms and Rates
From: D. Kent Michie, Utah Insurance Commissioner
Date: April 6, 2007
Subject: **Procedure for Non-Compliant Rate and Form Filings**

The purpose of this bulletin is to clarify the procedure when a filer submits a non-compliant filing. When the department determines that a filing is non-compliant, the filer will receive either a Filing Objection Letter or an Order to Prohibit Use.

A Filing Objection Letter is issued when an analyst has reviewed a filing and determines it is non-compliant. When a Filing Objection Letter has been issued:

- The letter will contain a summary of the department's findings and may request clarification or additional information pertaining to the filing;
- The filer will have 30 days to respond to the issues;
- If additional time is needed the filer must contact the analyst to request an extension;
- If the filer responds but fails to correct all items or additional items are discovered by the analyst, another Filing Objection Letter may be issued; and
- If an acceptable response is not received within the response time, an Order to Prohibit Use will be issued.

At the discretion of the Commissioner, an Order to Prohibit Use may be issued without first issuing a Filing Objection Letter. The Commissioner may prohibit the use of a filing at any time pursuant to Utah Code Annotated (U.C.A.) § 31A-21-201(3)(a). Once an Order to Prohibit Use has been issued:

- The Order to Prohibit Use becomes final 15 days after the date of the Order;
- Use of the filing must be discontinued within 15 days of the date of the Order pursuant to U.C.A. §31A-21-201(3)(c);
- To contest the Order to Prohibit Use, the analyst must receive a written request for a hearing no later than 15 days after the date of the Order; and
- A new filing is required if the company chooses to make the requested changes addressed in the Filing Objection Letter. The new filing must reference the previously prohibited filing.

DATED this 6th day of April 2007.

D. Kent Michie
Insurance Commissioner