



**DEPARTMENT OF INSURANCE, FINANCIAL
INSTITUTIONS AND PROFESSIONAL REGISTRATION**

P.O. Box 690, Jefferson City, Mo. 65102-0690

In Re:)
) **DIFP Case No. 180409517C**
Travelers Rate Filing for the)
Workers' Compensation Alternative)
Residual Market)

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

This matter concerns proposed changes to the rates and rating structure to be used in the Missouri Alternative Residual Market Plan ("A.R.M. Plan" or "Plan") beginning July 1, 2018. The A.R.M. Plan was created under the authority of § 287.896, RSMo, and 20 CSR 500-6.960 as a mechanism to provide workers' compensation and employer's liability insurance to applicants who are in good faith entitled to such coverage but who are unable to purchase such coverage by ordinary methods through the voluntary market. The A.R.M. Plan began operation on July 1, 1995, and is currently administered by Travelers Property Casualty Company of America ("Travelers"), which was selected by the Department of Insurance, Financial Institutions and Professional Registration ("Department") as the Contract Carrier following an Invitation For Bid issued in January 2015.

In accordance with the A.R.M. Plan, Travelers submitted its proposed rate filing ("Initial Filing"), which was received by the Department on March 27, 2018, by which it sought rate changes for the new contract period beginning July 1, 2018. (Exhibit 1). On April 18, 2018, Travelers amended its Initial Filing by submitting a revised filing ("Amended Filing" or "Filing"). (Exhibit 2). The Amended Filing completely replaced the Initial Filing.

As required under § 287.896, RSMo, a public hearing was held concerning the Travelers' Filing. The hearing was conducted at the Department's Jefferson City offices on May 7, 2018. Travelers introduced its Initial Filing and Amended Filing into evidence and explained them through the testimony of Brian P. Rucci, FCAS, MAAA, Second Vice President and Actuary, Residual Markets Division, for Travelers. The Department's property and casualty actuary, Julie Lederer, FCAS, MAAA, provided testimony regarding her review of the Travelers' Filing. The Department introduced her written review as Exhibit A.

FINDINGS OF FACT

1. Effective Date: If approved, the premium rate changes proposed in Travelers' Filing will go into effect on July 1, 2018.

2. Expert Witnesses: Both Mr. Rucci and Ms. Lederer demonstrated that they are qualified to provide expert testimony regarding workers' compensation residual market rate matters.

3. Indicated Premium Level Need: At the 110% loss ratio retention level option authorized by 20 CSR 500-6.960, Travelers' Filing proposes changes to the existing A.R.M. Plan rates and rating structure which would result in an overall premium level change of -4.8%. This proposed premium level was determined by Travelers based on its analysis of the Plan's "premium level need" for the upcoming contract year of July 1, 2018 to June 30, 2019. This premium level need analysis compared the expenses likely to be incurred by the Plan during this upcoming period with the premium likely to be received during the same period (without any premium increase or decrease). This analysis revealed that the premium likely to be available to Travelers would exceed the likely expenses of the Plan. The various expense items included in this premium need analysis were summarized at Section II, page 2 of Travelers' Filing, which indicated the following:

<u>Cost Items</u>	<u>Estimated % of Premium</u>
1. Expected On-Level Loss & ALAE Ratio	67.1%
2. General Expenses (Excluding Commissions)	13.3%
3. Unallocated Loss Adjustment Expenses	4.7%
4. Loading for Taxes, Licenses & Fees	1.5%
5. Agents' Commissions	3.7%
6. Loading for Uncollectible Premiums	3.3%
7. Catastrophic Provision-Certified Terrorism	0.1%
8. Loading for Profit and Contingencies	2.0%

Using the item numbers from the Cost Items listed above and their corresponding premium percentages, the premium level need calculation is set forth below.

$$\frac{[(\text{Cost Item 1} + \text{Cost Item 2} + \text{Cost Item 3} + \text{Cost Item 7})]}{(1 - \text{Cost Item 4} - \text{Cost Item 5} - \text{Cost Item 6} - \text{Cost Item 8})} - 1.00 = \text{Premium Level Need}$$

$$\frac{[(0.671 + 0.133 + 0.047 + 0.001)]}{(1 - 0.015 - 0.037 - 0.033 - 0.020)} - 1.00 = -4.8\%$$

$$\text{Proposed premium level change} = -4.8\%$$

Findings of Fact 4 through 11, below, discuss in more detail Travelers' explanation for each of the eight (8) Cost Items listed above.

4. Expected On-Level Loss & ALAE Ratio: Travelers used the frequency/severity method in its rate request, developing separate projections of the estimated claim counts (the frequency) and the average loss and allocated loss adjustment expenses ("ALAE") (the severity) for the upcoming contract year. The bulk of the spreadsheets contained in the Filing represent the steps

needed to arrive at this estimate of loss and ALAE. Travelers ties all these steps together to produce the loss and ALAE ratio to premium of 67.1% for the upcoming year used in Travelers' premium level need calculation. (See Exhibit 2, Section III, page 2).

5. General Expenses (Excluding Commissions): Many of the remaining elements of Travelers' premium level need calculation are related to the expenses associated with administering the Plan. Cost Item 2 of the calculation concerns General Expenses Excluding Commissions. Travelers' Filing sets forth the various anticipated expense levels contemplated by General Expenses for the upcoming contract period:

Estimated Premium (2018 Contract Year):	\$19,368,361	
Estimated No. of Insureds (2018 Contract Year):	4,241	
	Est. Cost in	% of
<u>Category of General Expense</u>	<u>Thousands</u>	<u>premium</u>
Underwriting, Policy Issuance & Rating/Billing	\$557	2.88%
Missouri Injury Management Program	\$92	0.48%
Data Processing	\$646	3.34%
Premium Audit	\$551	2.85%
Loss Control and Prevention	\$261	1.35%
Actuarial, Finance, & Human Resources	\$227	1.17%
Other Overhead	\$241	1.24%
Total	\$2,576	13.30%

(See Exhibit 2, Section IX, p. 2).

6. Unallocated Loss Adjustment Expense: Travelers based the A.R.M. Plan's ULAE calculation on the ULAE-to-loss percentage filed with the Department by the National Council on Compensation Insurance, Inc. ("NCCI") in its Missouri Loss Cost Filing, effective January 1, 2018; that number was 7.8%. From that number, Travelers calculated the A.R.M. Plan's ULAE for medical and indemnity claims as 4.7% of premium for the upcoming contract year. (See Exhibit 2, Section IX, p.4).

7. Loading for Taxes, Licenses & Fees: Travelers anticipated paying taxes, licenses, and fees at the equivalent of 1.5% of premium. The amount includes premium to pay the current Missouri Workers' Compensation Administrative Tax, the Missouri Property and Casualty Guaranty Fund assessment, and miscellaneous taxes such as personal property taxes, National Association of Insurance Commissioners ("NAIC") zone examinations, and agent license fees. (See Exhibit 2, Section IX, p. 5).

8. Agents' Commissions: Travelers compared A.R.M. premiums with agent commissions for twenty-two (22) previous contract periods in order to calculate the corresponding commission "rates." Travelers selected 3.7% for the upcoming contract period based on historical commissions. (See Exhibit 2, Section IX, p. 6).

9. Loading for Uncollectible Premiums: Travelers projects uncollectable premiums for the upcoming contract year by calculating several different averages based on A.R.M. Plan history. Travelers selected -3.3% for the 2018 contract year. (See Exhibit 2, Section IX, p. 7).

10. Catastrophic Provision – Certified Terrorism Losses: Since 2003, Travelers has included a catastrophe provision for foreign terrorism losses. The Filing uses a load of \$0.005 per \$100 of payroll, which is consistent with the most recent NCCI loss cost filing that became effective January 1, 2018. Travelers translates the NCCI losses-to-exposure provision into an estimated losses-to-premium ratio of 0.1%. This amount is estimated to represent about 0.13% of the premium in the A.R.M. Plan. (See Exhibit 2, Section X, pp. 1-2; See Exhibit A, p. 21).

11. Profit & Contingency: The Filing includes loading for profit and contingencies, with a profit load of 2.0% of premium. Ms. Lederer’s report noted that the provision matches the 2016 and 2017 filing years and that the profits were reasonable for the assigned risk pool. (See Exhibit A, p. 21).

12. Proposed Allocation of a Rate Decrease Among Class Codes: Travelers’ Filing included a proposal for manual rates at the detail class code level. The proposal attempts to better align the overall rates with the voluntary market loss costs filed by the NCCI that became effective on January 1, 2018. (See Exhibit 2, Sections XI & XII).

According to Travelers, the rates will align with NCCI loss costs except in instances where they have deemed the premium impact to be too severe to be taken at once. To avoid large rate increases to employers, Travelers proposes that increases be capped at 15%, plus one-quarter of the difference between the indicated rate change and +15%. In addition, decreases are capped at -15% plus one-quarter of the difference between the indicated rate change and -15%. (See Exhibit 1, Letter to Ms. Gina Clark, RE: Rate Filing for the Missouri Alternative Residual Market – Effective July 1, 2018).

13. Impact of NCCI Statistical Errors: The Department’s actuary testified as to the effects of errors identified in excess loss factors provided by the NCCI in its filing effective January 1, 2018. At the hearing Ms. Lederer testified that Travelers’ Initial Filing used NCCI components (Loss Costs by Class Codes and ELAEPFF) which had been impacted by NCCI’s error. Ms. Lederer further testified that after consultation with NCCI, revised data was provided to Travelers and is reflected in the Amended Filing (Transcript, pp. 19-20).

14. The Department’s Actuarial Analysis of Premium Level Need: Travelers’ actuary, Mr. Rucci, testified that the proposed rates were neither excessive nor inadequate, nor were they unfairly discriminatory, and that they were actuarially sufficient to support the claims and losses with respect to the reasonable operating expenses of Travelers. The Department’s actuary, Ms. Lederer, also reviewed the Filing and testified that the rates were not inadequate, excessive, or unfairly discriminatory, and the rates were actuarially sufficient to cover claims, losses, and reasonable operating expenses of the insurer (Transcript, pp. 13, 21-22).

CONCLUSIONS OF LAW

Based on the substantial and competent evidence provided by Travelers and the Department and presented at the May 7, 2018 hearing in the matter, and upon the record as a whole, the Director concludes as follows:

1. The subject matter of Travelers' Filing and the hearing held by the Department of Insurance, Financial Institutions and Professional Registration on said Filing on May 7, 2018 are within the jurisdiction of the Director under § 287.896, RSMo.
2. July 1, 2018 is a reasonable date for new premium rates and rating structures authorized pursuant to this Order for new and renewal business in the Missouri residual market.
3. Travelers' proposed -4.8% average premium level change at the proposed 110% loss ratio retention level option, together with its proposed rate relativity capping methodology, will produce a level of premium, investment income and final premium rates which are not excessive, inadequate, or unfairly discriminatory and which will be actuarially sufficient to cover the claims, losses, and reasonable operating expenses of the Missouri residual market under the A.R.M. Plan.

ORDER

IT IS THEREFORE ORDERED that the rates and supplemental rate information, as proposed by Travelers, for use in the A.R.M. Plan beginning July 1, 2018, as set forth above, are hereby approved.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 5th DAY OF

June, 2018.

Chlora Lindley-Myers

Chlora Lindley-Myers, Director
Missouri Department of Insurance,
Financial Institutions and
Professional Registration



CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served by certified mail, postage prepaid, No. 7016 0340 0001 1319 8774, and courtesy copy by electronic mail, on this 5th day of June, 2018 to:

Sherry L. Doctorian
Armstrong Teasdale LLP
3405 West Truman Boulevard
Suite 210
Jefferson City, Missouri 65109-5713
sdoctorian@armstrongteasdale.com

By hand-delivery and courtesy copy by electronic mail to:

John Conrace
Legal Counsel
Insurance Market Regulation Division
Missouri Department of Insurance, Financial Institutions & Professional Registration
John.Conrace@insurance.mo.gov


Kathryn Latimer