



DEPARTMENT OF COMMERCE AND INSURANCE

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

In Re:)
)
) **DCI Case No. 1908230943H**
Travelers Rate Filing for the)
Workers' Compensation Alternative)
Residual Market)

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

This matter concerns the proposed rates and rating structure to be used in the Missouri Alternative Residual Market Plan ("ARM Plan" or "Plan") for the policy period beginning January 1, 2020. The ARM 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 ARM Plan began operation on July 1, 1995, and is currently administered by Travelers Property Casualty Company of America ("Travelers"). Travelers has been the Contract Carrier for the ARM Plan since 1995 and was most recently selected by the Department of Commerce and Insurance ("Department") (formerly known as the Department of Insurance, Financial Institutions and Professional Registration) as the Contract Carrier following an Invitation for Bid issued on June 1, 2019.

In accordance with the ARM Plan, Travelers filed a proposed rate plan on August 22, 2019 seeking rate changes for the policy period beginning January 1, 2020. *Exhibit 1.* Travelers later revised its rate plan and replaced the initial filing with an amended version, filed September 24, 2019. This revised filing subsumes the prior filing and constitutes Travelers' proposed rate plan for the policy period beginning January 1, 2020 ("Filing"). *Exhibit 2.*

As required under § 287.896, RSMo, a public hearing was held concerning the

Travelers' Amended Filing. The hearing was conducted at the Department's Jefferson City offices on October 16, 2019. Travelers introduced its Filing into evidence as Exhibit 2 and explained it 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 Filing. The Department's Division of Market Regulation introduced her written report as Exhibit A.

FINDINGS OF FACT

1. Effective Date: If approved, the premium rate changes proposed in Travelers' Filing will go into effect on January 1, 2020.

2. Expert Witnesses: Both Rucci and Lederer demonstrated that they are qualified to provide expert testimony regarding workers' compensation residual market rate matters. (Transcript, pp. 6-7 and 16).

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 ARM Plan rates and rating structure which would result in an overall premium level change of +7.6%. This proposed premium level was determined by Travelers based on its analysis of the Plan's "premium level need" for the 2020 policy year. 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). The various expense items included in this premium need analysis were summarized at Section II, p. 2 of Travelers' Filing, which indicated the following:

| <u>Cost Items</u> | <u>Estimated % of Premium</u> |
|---|-------------------------------|
| 1. Expected On-Level Loss & ALAE Ratio | 78.0% |
| 2. General Expenses (Excluding Commissions) | 12.1% |
| 3. Unallocated Loss Adjustment Expenses | 5.9% |
| 4. Loading for Taxes, Licenses & Fees | 1.5% |
| 5. Agents' Commissions | 3.7% |
| 6. Loading for Uncollectible Premiums | 3.5% |
| 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.

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

$$\frac{[(0.780 + 0.121 + 0.059 + 0.001)]}{(1 - 0.015 - 0.037 - 0.035 - 0.020)} - 1.00 = 7.6\%$$

Proposed premium level change = 7.6%

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 policy 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 78% for the upcoming year used in Travelers’ premium level need calculation. (See Exhibit 2, Section III, p. 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 policy year:

| | |
|---|---------------|
| Estimated Premium (2020 Policy Year): | \$ 18,343,507 |
| Estimated No. of Insureds (2020 Policy Year): | 4,051 |

| <u>Category of General Expense</u> | <u>Est. Cost in Thousands</u> | <u>% of premium</u> |
|---|-----------------------------------|-------------------------|
| Underwriting, Policy Issuance & Rating/Billing | \$440 | 2.4% |
| Missouri Injury Management Program | \$73 | 0.4% |
| Data Processing | \$642 | 3.5% |
| Premium Audit | \$422 | 2.3% |
| Loss Control and Prevention | \$257 | 1.4% |
| Actuarial, Finance, & Human Resources | \$165 | 0.9% |
| Other Overhead | <u>\$220</u> | <u>1.2%</u> |
| Total | \$2,220 | 12.1% |

(See Exhibit 2, Section IV, p. 4; Section IX, p. 2).

6. Unallocated Loss Adjustment Expense: Travelers based the ARM Plan's Unallocated Loss Adjustment Expense ("ULAE") calculation on the Missouri Loss Cost Filing, filed by the National Council on Compensation Insurance, Inc. ("NCCI") with a proposed effective date of January 1, 2020. Using the NCCI statistics, Travelers arrived at the ARM Plan's ULAE as 5.9% of premium for the upcoming policy year. (See Exhibit 2, Section IX, p. 3, and Exhibit A, p. 19).

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. 4, and Exhibit A, pp. 19 and 20).

8. Agents' Commissions: Travelers compared ARM premiums with agent commissions for twenty-four (24) previous contract periods in order to calculate the corresponding commission "rates." Travelers selected 3.7% for the upcoming policy period based on historical commissions. (See Exhibit 2, Section IX, p. 5, and Exhibit A, p. 19).

9. Loading for Uncollectible Premiums: Travelers projects loading needed to cover uncollectable premiums for the upcoming policy year by calculating averages based on ARM Plan history. Travelers selected 3.5% for the 2020 policy year; this selection uses the same methodology that Travelers used for this cost item in previous years and is not unreasonable. (See Exhibit 2, Section IX, p. 6, and Exhibit A, p. 20).

10. Catastrophic Provision – Certified Terrorism Losses: Since 2003, Travelers has included a catastrophe provision for certified terrorism losses. The Filing uses a load of \$0.005 per \$100 of payroll, which is consistent with the most recent NCCI loss cost filings effective January 1, 2020. 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 ARM Plan. (See Exhibit 2, Section X, pp. 1-2; Exhibit A, p. 20).

11. Profit & Contingency: The Filing includes loading for profit and contingencies, with a profit load of 2.0% of premium. The 2.0% selection has been used in Missouri ARM rate filings since 2003 and is not unreasonable. (Exhibit A, p. 20).

12. Proposed Allocation of a Rate Increase Among Class Codes: Travelers' Filing included a proposal for changes to manual rates at the detailed class code level. The proposal aligns the overall rates with the voluntary market loss costs filed by the NCCI with a proposed effective date of January 1, 2020. (See Exhibit 2, Sections XI & XII; Exhibit A pp. 3-4).

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 2, Letter to LeAnn Cox, RE: Rate Filing for the Missouri Alternative Residual Market – Effective January 1, 2020).

13. The Department’s Actuarial Analysis of Premium Level Need: Travelers’ actuary, 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. (Transcript, p. 14).

The Department’s actuary, Lederer, also reviewed the Filing and testified that the rates were not inadequate, excessive, or unfairly discriminatory, and that rates were actuarially sufficient to cover claims, losses, and reasonable operating expenses of the insurer. (Transcript, pp. 23-24, and Exhibit A p. 2).

CONCLUSIONS OF LAW

Based on the substantial and competent evidence provided by Travelers and the Department and presented at the October 16, 2019 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 Commerce and Insurance, on October 16, 2019 are within the jurisdiction of the Director under § 287.896, RSMo.
2. January 1, 2020 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 +7.6% average premium level change at the proposed 110% loss ratio retention level option, with the proposed methodology of calculating manual rates by class code, 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 ARM Plan.

ORDER

IT IS THEREFORE ORDERED that the rates, as proposed by Travelers, for use in the ARM Plan effective January 1, 2020, as set forth above, are hereby approved.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 05th DAY OF NOVEMBER, 2019.

Chlora Lindley-Myers

Chlora Lindley-Myers, Director
Missouri Department of
Commerce and Insurance



CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served by certified mail, postage prepaid, No. 7014 2120 0001 3275 2111, and courtesy copy by electronic mail, on November 5, 2019, to:

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

John Conrace
Legal Counsel
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A handwritten signature in blue ink that reads "Kathryn Ratmer". The signature is written in a cursive style and is positioned above a horizontal line.