

STATE OF MAINE
DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
BUREAU OF INSURANCE

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| IN RE: |) | COMMUNITY HEALTH OPTION'S MOTION FOR |
| |) | CONFIDENTIAL TREATMENT |
| Maine Community Health Options |) | |
| |) | |
| Docket No. INS-16-1002 |) | |
| |) | May 26, 2016 |
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Maine Community Health Options ("Community Health Options") has produced information in this matter in its response to the First Information Request of the Superintendent that in its view contains information that is confidential. Accordingly, Community Health Options requests that the response to Question 18 of the Request should be designated as confidential.

Community Health Options has not, to this date, produced quantitative development information regarding our embedded pediatric dental benefits. This information has been developed by our business partner, Northeast Delta Dental. The information provided was developed employing their proprietary database of information specifically regarding Maine experience. The information describes and employs their actuarial methodology. Community Health Options has committed to seeking confidential treatment for the proprietary information and methodologies of this key business partner.

The information designated above as confidential should remain confidential for the reasons described. Northeast Delta Dental does not share this information with competitors. Releasing the information would undermine Northeast Delta Dental's business efforts and potentially undermine the relationship with Community Health Options. The relationship with a pediatric dental provider is critical to the benefit packages offered by Community Health Options.

DISCUSSION

The Maine Freedom of Access Act, 1 M.R.S.A. §§ 401-410 (the "FOAA") exempts from disclosure several types of records. The scope of the exemption includes any privilege recognized by Maine law and the rules that courts and statutes have developed to define the scope of a particular privilege. Both Maine Rule of Civil Procedure 26(c)(7) and Maine Rule of Evidence 507 protect entities' trade secrets. To govern trade secrets in Maine, Maine has adopted the Uniform Trade Secrets Act, codified at 10 M.R.S.A. §§ 1541-1548. That Act provides that:

"Trade secret" means information, including, but not limited to, a formula, pattern, compilation, program, device, method, technique or process that: (A) [d]erives independent economic value, actual or potential, from not being generally known to and not being readily ascertainable by proper means by other persons who can obtain economic value from its disclosure or use; and (B) [i]s the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

The information designated by Community Health Options should be deemed confidential and, if disclosed, should only be disclosed pursuant to the terms of a protective order. This information, if

publicly disclosed, would provide competitors in the individual insurance market with internal confidential data and decision-making methodologies and provide them with an unfair advantage in competitive pricing situations.

Community Health Options requests that the Superintendent designate the above-referenced materials as confidential, subject to disclosure only under the terms of a protective order and exempt from disclosure under the FOAA.

DATED: May 25, 2016

/s/ Nancy H. Johnson
Nancy H. Johnson, Esq.