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October 28, 2015

Thomas C. Sturtevant  
Assistant Attorney General  
Office of the Attorney General  
6 State House Station  
Augusta, Maine 04333-0006

Re: Progressive Companies  
Dkt. No. INS-15-1001

Dear Tom:

By letter of September 28, 2015, counsel for Appellants requested that the Superintendent deem not only their filing but also all materials in the *appeal* to be confidential, contending that the confidentiality applicable to unapproved *filings* applies to the appellate proceeding. The Advocacy Panel reads Appellants' letter as asking that the entire appellate proceeding and documents created in its course be deemed confidential. The Advocacy Panel objects to such a blanket request as contrary to statute and the established practice of the Bureau.

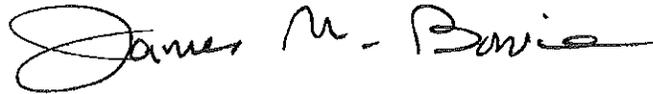
Title 5 M.R.S. § 9052(1) requires notice not only to persons whose rights are at issue but also to the public when the proceeding presents, as here, issues of substantial public interest; 5 M.R.S. § 9054(1) allows intervention in an adjudicatory proceeding by "any person" showing that the proceeding will have a substantial and direct effect on him or her; 24-A M.R.S. § 231(5) provides that hearings "shall be public, unless the Superintendent or hearing officer determines that a private hearing would be in the public interest."

Title 24-A M.R.S. § 2304-A(7) provides that rate *filings* and their supporting data are confidential until approved. It does not say that appeals from the disapproval of rate filings are confidential. Pursuant to 1 M.R.S. §§ 402(2) and 403(1), unless exempted by statute, any transaction by an agency of any function affecting any or all Maine citizens must be open to the public. No statute exempts the pending adjudicatory proceeding from the requirement for public access. Moreover, the Superintendent's August 28, 2015 Notice of Pending Proceeding recognizes the public nature of this proceeding. Published on the Bureau's website, the Notice allowed intervention by members of the public.

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The Advocacy Panel respectfully requests that the Superintendent issue an order denying the Appellant's September 28, 2015 request insofar as it constitutes a request for confidentiality beyond that available pursuant to statute and the established practice of the Bureau as outlined above.

Very truly yours,

A handwritten signature in black ink that reads "James M. Bowie". The signature is written in a cursive style with a large, looping initial "J".

JAMES M. BOWIE  
Assistant Attorney General

JMB/sm

cc: Bruce C. Gerrity, Esq.  
Matthew S. Warner, Esq.  
Members, Staff Advocacy Panel