



**THE WORKERS' COMPENSATION  
RATING AND INSPECTION BUREAU**

March 16, 2010

**CIRCULAR LETTER NO. 2143**

To All Members and Subscribers of the Bureau:

**NOTICE OF HEARING  
PENDING PREMIUM CHANGE ENDORSEMENT**

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On March 1, 2010 the Workers' Compensation Rating and Inspection Bureau of Massachusetts ("WCRIBMA"), on behalf of its members, made a Rate Filing recommending a 4.5% increase in average rates.

Attached is a Notice of Hearing from the Commissioner of Insurance, The Honorable Joseph G. Murphy, advising that a Hearing on the Rate Filing will be held at 10:00 A.M., on Friday, April 30, 2010 at the Division of Insurance, 1000 Washington Street, Boston, MA. Note this is a new address for the Division of Insurance.

**As a result of the Rate Filing, carriers are reminded to attach the Massachusetts Pending Premium Change Endorsement (WC 20 04 01) to all new and renewal policies to be effective on or after September 1, 2010.** A copy of that endorsement is attached for your convenience.

Robert McCarthy  
Vice President and Actuary

Claudia Cunniff  
Actuary

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### Workers' Compensation Rating and Inspection Bureau of Massachusetts Rate Filings for Workers' Compensation Insurance; Docket No. R2010-01; Hearing on April 30, 2010



#### Hearing Scheduled for April 30, 2010

In accordance with the authority granted to the Commissioner of Insurance ("Commissioner") under M. G. L. c. 152, §53A, a hearing will be held at 10:00 a.m. on April 30, 2010, at the Division of Insurance ("Division"), 1000 Washington Street, Boston, MA, to consider the request of the Workers' Compensation Rating and Inspection Bureau of Massachusetts ("WCRIB"), an unincorporated association licensed as a rating organization pursuant to G. L. c. 152 §52C, for a general revision of workers' compensation insurance risks and premiums. The WCRIB is requesting a statewide average rate increase of 4.5 percent.

The purpose of the hearing is to afford all interested persons an opportunity to provide evidence and testimony relating to the proposed workers' compensation classifications, risks and rates so that the Commissioner can determine whether the proposed classifications and rates are excessive, inadequate, or unfairly discriminatory for the risks to which they apply and whether they fall within a range of reasonableness. The proposed rates and supporting documentation that the WCRIB filed on March 1, 2010 may be inspected in the Division's offices during normal business hours.

Any person who wishes to participate as an interested party in this hearing must comply with the procedures set forth in 211 CMR 110.05 (3). The State Rating Bureau and any statutory intervenor shall promptly commence discovery pursuant to 211 CMR 110.07 (2) in accord with the time frames set out in that regulation and the schedule set out in this paragraph. Discovery shall be conducted utilizing the definitions applicable to discovery set out in Massachusetts Superior Court Standing Order 1-09 and the principles in that order applicable to requests for the production of documents. Requests for discovery shall be served on the WCRIB no later than 14 days following publication of this hearing notice. A party shall respond to discovery requests within 10 days after the party receives such requests. Motions relating to discovery disputes shall be filed in accord with the time period permitted by 211 CMR 110.07 (2)(b). General objections to requests for production of documents or things are prohibited. A party responding to a request for production of documents or things must state whether: (i) all responsive documents or things in the possession, custody or control of the responding party have been produced; (ii) after diligent search no responsive documents or things are in the possession, custody or control of the responding party; or (iii) the specific objection made to the request. If a specific objection is made, the response shall describe the nature of all responsive documents or things in the possession, custody or control of the responding party that have not been produced because of the objection. The Commissioner may order a party to produce a privilege log. In its initial written response to a request for production of documents or things, the responding party shall articulate with clarity the scope of the search conducted. If the scope of the search changes during production, the responding party shall articulate with clarity the change in scope. If the scope of the search does not include all locations, including electronic storage locations, where responsive documents or things might reasonably be found, the responding party shall explain why these locations have been excluded from the scope of the search.

A prehearing conference pursuant to 211 CMR 110.07 (1) will take place at the Division at 10:00 a.m. on April 16, 2010. All parties, including those who have been given permission to intervene or to participate must attend. The pre-hearing conference will address the topics listed in 211 CMR 110.07 (1) and the cross-examination schedule. Before the conference, the parties who are presenting witnesses or conducting cross-examination shall confer and develop a proposed schedule for cross-examination of the WCRIB's witnesses on a day-to-day basis beginning on May 3, 2010. A second pre-hearing conference will be held, if necessary, on April 23, 2010.

Persons who wish to present unsworn oral or written statements at the April 30 hearing are asked to submit a notice of intent to testify no later than April 27, 2010. All other interested persons will be heard after those who notify the Division in advance. Participants who intend to introduce data at the hearing are urged to file such data with the Division no later than April 12, 2010.

All notices and submissions must be sent to the Docket Clerk, Hearings and Appeals, Division of Insurance, and must refer to Docket No. R2010-01. Until March 19, 2010, the Division's offices are located at One South Station, Boston, MA 02110-2208. As of March 22, its offices will be at 1000 Washington Street, 8th Floor, Boston, MA

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Joseph G. Murphy  
Commissioner of Insurance

Dated: March 11, 2010

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**MASSACHUSETTS PENDING PREMIUM CHANGE ENDORSEMENT**

A filing is being considered by the Massachusetts Division of Insurance which may result in premiums different from those shown on the policy. If it does, we will issue an endorsement to show the new premiums and their effective date.

**Note:**

Use this endorsement with any policy showing Massachusetts in Item 3.A. of the Information Page if the premium shown in the policy may change because of a filing pending when this policy was issued.