

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

AT RICHMOND, JUNE 27, 2022

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APPLICATION OF

NATIONAL COUNCIL ON COMPENSATION
INSURANCE, INC.

CASE NO. INS-2022-00069

For revisions of advisory loss costs
and assigned risk workers' compensation
insurance rates

ORDER DOCKETING CASE

Pursuant to § 38.2-1912.1 of the Code of Virginia ("Code"), no prospective loss costs or supplementary rate information for workers' compensation insurance as defined by § 38.2-119 of the Code shall be applied or used in the Commonwealth of Virginia until it has been approved by the State Corporation Commission ("Commission"). Pursuant to § 38.2-2006 of the Code, no filing of rates for insurance written through the Virginia Workers' Compensation Insurance Plan may be used until it has been approved by the Commission.

The Commission's Final Order in Case Number INS-2021-00081¹ ordered, among other things, that the National Council on Compensation Insurance, Inc. ("NCCI"), the Commission's Bureau of Insurance ("Bureau"), the Office of the Attorney General's Division of Consumer Counsel, the Iron Workers Employers Association, and the Washington Construction Employers Association (collectively, "Parties") recommend jointly to the Commission a procedural schedule for any 2022 proceeding to revise advisory loss costs and assigned risk workers' compensation

¹ *Application of National Council on Compensation Insurance, Inc., For revisions of advisory loss costs and assigned risk workers' compensation insurance rates*, Case No. INS-2021-00081, Doc. Con. Cen. No. 211230103, Final Order (Dec. 17, 2021).

insurance rates. On June 1, 2022, NCCI, by counsel, filed on behalf of the Parties a proposed procedural schedule for the anticipated 2022 proceeding with the Commission's Clerk's Office.²

NOW THE COMMISSION, upon consideration of this matter, is of the opinion and finds that the proposed procedural schedule should be adopted. Further, the Commission assigns this matter to a Hearing Examiner who shall conduct all further proceedings in this matter on behalf of the Commission and file a final report.

Accordingly, IT IS ORDERED THAT:

(1) This matter is docketed and assigned Case No. INS-2022-00069, and a proceeding shall be instituted pursuant to 5 VAC 5-20-80 A of the Commission's Rules of Practice and Procedure, 5 VAC 5-20-10 *et seq.*

(2) As provided in § 12.1-31 of the Code and Rule 5 VAC 5-20-120, this matter is assigned to a Hearing Examiner who shall conduct all further proceedings in this matter on behalf of the Commission and file a final report.

(3) This case is set for hearing to commence on October 26, 2022, at 10 a.m., in the Commission's Courtroom, Second Floor, located at 1300 East Main Street, Tyler Building, Richmond, Virginia 23219.

(4) On or before July 15, 2022, NCCI shall file its proposed advisory loss costs and assigned risk rates. Together with these filings, NCCI shall submit testimony and exhibits in support of its proposed advisory loss costs, assigned risk rates, and rating values as well as its responses to the Bureau's May 20, 2022 pre-filing discovery requests. If not filed electronically, an original and fifteen (15) copies of the proposed advisory loss costs and assigned risk rates

² See June 1, 2022 Letter, Case No. INS-2021-00081, Doc. Con. Cen. No. 220610015. The Commission further understands that on May 20, 2022, the Bureau provided NCCI its pre-filed discovery requests seeking certain information from NCCI.

shall be submitted to the Clerk of the Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218. Three (3) copies of the proposed advisory loss costs and assigned risk rates and support thereof simultaneously shall be delivered to the Office of the Attorney General and any party requesting the same.

(5) On or before August 12, 2022, all persons who expect to participate in the hearing as respondents, as provided by Rule 5 VAC 5-20-80 B, shall file a notice of participation. If not filed electronically, an original and fifteen (15) copies of the notice of participation shall be submitted to the Clerk of the Commission at the address in Ordering Paragraph (4). Each respondent simultaneously shall deliver a copy of the notice of participation to counsel for NCCI, Charles H. Tenser, Esquire, 2120 Galloway Terrace, Midlothian, Virginia 23113, or ctenser@mac.com.

(6) On or before September 16, 2022, the Bureau, and all persons previously filing a notice of participation who wish to participate in the hearing as respondents, shall file with the Clerk of the Commission the testimony and exhibits of each witness expecting to present direct testimony. If not filed electronically, an original and fifteen (15) copies of the testimony and exhibits shall be submitted to the Clerk of the Commission at the address in Ordering Paragraph (4). Three (3) copies of the testimony and exhibits simultaneously shall be delivered to counsel for NCCI at the address in Ordering Paragraph (5), the Office of the Attorney General, and any respondent requesting the same.

(7) On or before October 14, 2022, NCCI shall file with the Clerk of the Commission the rebuttal testimony and exhibits of each witness it intends to offer at the hearing and simultaneously shall deliver three (3) copies thereof to counsel for each respondent and the Office of the Attorney General. If not filed electronically, an original and fifteen (15) copies of

such rebuttal testimony and exhibits shall be submitted to the Clerk of the Commission at the address in Ordering Paragraph (4).

(8) On or before October 19, 2022, any interested person may file with the Clerk of the Commission, at the address in Ordering Paragraph (4), written comments on the Application. Any interested person desiring to submit comments electronically may do so by following the instructions found on the Commission's website: scc.virginia.gov/casecomments/Submit-Public-Comments* Compact discs or any other means of electronic storage medium may not be filed with the comments. All comments shall refer to Case No. INS-2022-00069.

(9) The Commission's Bureau forthwith shall provide a copy of this Order to all persons listed in the Bureau of Insurance's records as interested persons for purposes of workers' compensation matters, composed of entities and individuals that have previously expressed an interest in recent NCCI rate proceedings.

A COPY hereof shall be sent electronically by the Clerk of the Commission to: Charles H. Tenser, Counsel for NCCI, 2120 Galloway Terrace, Midlothian, Virginia 23113 (ctenser@mac.com); C. Meade Browder, Jr., Senior Assistant Attorney General (mbrowder@oag.state.va.us), and John E. Farmer, Jr., Assistant Attorney General (jfarmer@oag.state.va.us), Office of the Attorney General, Division of Consumer Counsel, 202 N. 9th Street, 8th Floor, Richmond, Virginia 23219; and a copy hereof shall be delivered to the Commission's Office of General Counsel and the Bureau of Insurance in care of Deputy Commissioner Rebecca Nichols.

*web address corrected post filing