

**BEFORE THE NEW MEXICO SUPERINTENDENT OF INSURANCE**

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REGULATION  
COMMISSION

IN THE MATTER OF: )  
 )  
BLUE CROSS BLUE SHIELD )  
OF NEW MEXICO'S REQUESTED )  
RATE INCREASE FOR INDIVIDUAL )  
HEALTH INSURANCE PLANS )  
ON BEHALF OF HEALTH CARE )  
SERVICE CORPORATION )  
\_\_\_\_\_ )

DOCKET NO. 11-00386-IN

**UPDATED PUBLIC HEARING AND PUBLIC COMMENT HEARING  
SCHEDULING ORDER**

THIS MATTER comes before the New Mexico Superintendent of Insurance ("Superintendent") upon his own motion, as well as a certain letter to the Superintendent dated September 29, 2011, from Blue Cross Blue Shield of New Mexico ("BCBSNM") filed of record in this Docket. Being fully informed in the premises:

THE SUPERINTENDENT FINDS AND CONCLUDES:

1. This matter was initiated August 2, 2011, by the filing by BCBSNM, a division of Health Care Service Corporation ("HCSC") of a request for rate increases for several insurance plans. The rate increases were requested for the following individual insurance plans which are closed blocks of business: BlueDirect A, BlueDirect B, BlueDirect C, BlueEdge Individual HSA, BlueChoice Plus, BlueChoice, New Mexico Major Medical, Number One and Conversions, also identified as forms: NM80286\_A, NM80287\_B, NM80288\_C, NM80010, 81076, M626, M494, L061, M287, M146 and M496.

2. Pursuant to NMSA 1978, § 59A-4-15(A) (1991), the Superintendent may hold a hearing, without request by others, for any purpose within the scope of the Insurance Code.

3. Pursuant to NMSA 1978, § 59A-4-15(B)(2) (1991), the Superintendent shall hold a hearing upon a written request for a hearing by a person aggrieved by any act of the Superintendent.

4. The aforementioned letter of September 29, 2011 from BCBSNM to the Superintendent is considered, in its substance, a written request for a hearing by a person aggrieved by an act of the Superintendent.

5. Subsequent to the issuance of the **CORRECTED SCHEDULING ORDER**, dated November 1, 2011, the parties entered into a **PROCEDURAL STIPULATION**, dated November 8, 2011, which included proposed hearing dates agreeable to the parties. This order provides for a schedule in accordance with that stipulation, cancels previously scheduled deadlines and hearings, and corrects typographical errors in the order of November 18, 2011.

**IT IS THEREFORE ORDERED:**

A. A public hearing shall be conducted in this matter pursuant to NMSA 1978, §59A-4-15(A) and (B)(2). The public hearing shall commence on **Tuesday, February 14, 2012, at 9:00 a.m.**, in PERA Board Room, Ground Floor, PERA Building, Corner of Paseo de Peralta and Old Santa Fe Trail, Santa Fe, New Mexico, and continue thereafter until concluded. It is anticipated that the hearing will occupy two working days or less. All prior scheduling orders setting public hearings or public comment hearings regarding this matter are hereby rescinded and superseded by this order. All deadlines for submission of motions, objections, testimony, exhibits, or any other materials are therefore scheduled as stated below.

B. The hearing shall be held for the purpose of reviewing the Superintendent's denial of the rate increases requested on August 2, 2011 by BCBSNM for its individual insurance health insurance plans which are closed blocks of business: BlueDirect A, BlueDirect B,

BlueDirect C, BlueEdge Individual HSA, BlueChoice Plus, BlueChoice, New Mexico Major Medical, Number One, and Conversion, also identified as forms: NM80286\_A, NM80287\_B, NM80288\_C, NM80010, 81076, M626, M494, L061, M287, M146, and M496.

C. At the hearing, the Hearing Officer shall consider any and all evidence related to the rate increases, including evidence in support of or in derogation of the rate increases requested, the statutory standard for approval of rate increases, the review process used by Staff to review the rate increases, and the Superintendent's analysis and denial of the rate increases.

D. The hearing shall be a formal administrative hearing within the meaning of NMSA 1978, § 59A-4-17. Certain provisions of the Administrative Procedures Act, specifically NMSA 1978, §§ 12-8-10 through 12-8-13 and 12-8-15, shall apply to the proceeding.

E. Public comment shall **not** be taken during the course of this February 14, 2012 hearing. A separate **PUBLIC COMMENT HEARING** will be held beginning **Saturday, February 18, 2012 at 10:00 a.m.** in Apodaca Hall, First Floor, PERA Building, Corner of Paseo de Peralta and Old Santa Fe Trail, Santa Fe, New Mexico. At that subsequent public comment hearing, commenters shall be entitled to make an oral or written statement for the record, but such statements shall not be considered by the Hearing Officer as evidence. Commenters shall not be considered parties and shall not have the right to introduce evidence or examine or cross-examine witnesses, to receive copies of pleadings and documents, to appeal from any decisions or orders, or to otherwise participate in the proceeding other than by making their comments. Commenters shall not be subject to cross-examination.

F. BCBSNM, Staff, and other interested persons shall be entitled to enter an appearance, introduce evidence, examine and cross-examine witnesses, make arguments, and generally participate in the conduct of the hearing.

G. Any person intending to participate as a party to this proceeding shall file a motion for leave to intervene on or before **January 9, 2012**.

H. Objections to motions for leave to intervene shall be filed on or before **January 16, 2012**.

I. Staff and all parties shall file the following items in this docket on or before **January 16, 2012**: (a) Notice of Intent to Call Witnesses, which shall include the name, address, and business association of each witness; and (b) pre-filed direct testimony and copies of related exhibits for each witness.

J. All witnesses shall file pre-filed direct testimony, appear at the hearing, and submit to examination under oath.

K. Staff and all parties shall file the following items in this docket on or before **January 23, 2012**: (a) pre-filed rebuttal testimony and copies of related exhibits; and (b) objections to pre-filed direct testimony and exhibits.

L. Staff and all parties shall file objections to pre-filed rebuttal testimony and exhibits in this docket on or before **January 30, 2012**.

M. An original and two copies of all proposals, reports, comments, motions, notices and other materials to be filed shall be submitted in person or by mail to the Public Regulation Commission's Docketing Office, citing the above-referenced docket. The Docketing Office is located in Room 406, PERA Building, Corner of Paseo de Peralta and Old Santa Fe Trail, New Mexico and its mailing address is P.O. Box 1269, Santa Fe, New Mexico 87504-1269. An additional copy of all proposals, reports, comments, motions, notices and other materials filed in this docket shall be delivered or mailed to: Superintendent of Insurance, Insurance Division, Room 431, PERA Building, Corner of Paseo de Peralta and Old Santa Fe Trail, P.O. Box 1269,

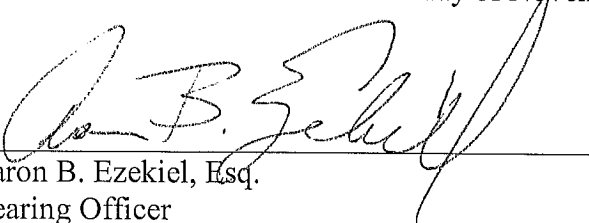
Santa Fe, New Mexico 87504-1269. All submissions shall be deemed filed as of the date and time stamped by the Docketing Office.

N. Staff shall arrange for distribution and publication of this notice pursuant to NMSA 1978, §59A-4-16 (1997), and other applicable law.

O. Any individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the either the public hearing on February 14, 2012 or the public comment hearing on February 18, 2012, should contact Mariano Romero at (505) 827-4526 no later than **February 6, 2012**.

Public documents, including the transcript, agenda or minutes, if any, can be provided in various accessible forms. Please contact Mariano Romero if a summary or other type of accessible form is needed.

**DONE AND ORDERED** this 21<sup>st</sup> day of November, 2011.

  
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Aaron B. Ezekiel, Esq.  
Hearing Officer

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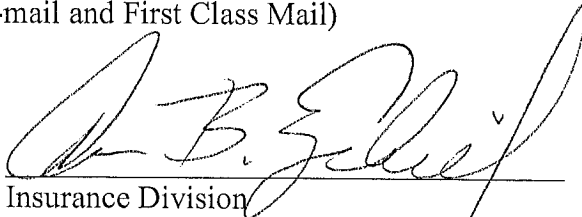
**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was mailed or delivered to the following individuals, as indicated, this 21<sup>st</sup> day of November, 2011.

Paul Bardacke, Esq.  
Lynn Mostoller, Esq.  
SUTIN, THAYER & BROWN  
P.O. Box 1945  
Albuquerque, New Mexico 87103-1945  
[PGB@sutinfirm.com](mailto:PGB@sutinfirm.com)  
[LEM@sutinfirm.com](mailto:LEM@sutinfirm.com)  
(By E-mail and First Class Mail)

Ryan Jerman, Esq.  
Cynthia Hall, Esq.  
Public Regulation Commission  
P.O. Box 1269  
Santa Fe, New Mexico 87504  
(By E-mail and Hand-delivery)

Brian Harris, Esq.  
Assistant Attorney General  
P.O. Drawer 1508  
Santa Fe, New Mexico 87504-1508  
[BHarris@nmag.gov](mailto:BHarris@nmag.gov)  
(By E-mail and First Class Mail)

  
Insurance Division  
New Mexico Public Regulation Commission