



**Consumers for  
AFFORDABLE  
Health Care  
COALITION**

*Advocating the right to health care  
for every man, woman and child.*

39 Green Street  
Post Office Box 2490  
Augusta, ME 04338-2490

Tel: 207 / 622 – 7045  
Fax: 207 / 622 – 7077  
E: [consumerhealth@mainecahc.org](mailto:consumerhealth@mainecahc.org)  
Web: [www.mainecahc.org](http://www.mainecahc.org)

July 28, 2008

***VIA US Mail and Electronic Mail***

Board of Directors, Dirigo Health Agency  
Attn: Ruth Ann Burke  
53 State House Station  
Augusta, Maine 04333-0053  
[ruth.a.burke@maine.gov](mailto:ruth.a.burke@maine.gov)


IN RE: Review of Aggregate Measurable Cost Savings Determined by Dirigo Health for  
the Fourth Assessment Year, Docket No. INS-08-900

Dear Ms. Burke and the Dirigo Health Agency Board of Directors:

Please find enclosed for filing in the above matter, a copy of Consumers for Affordable Health Care's Application to Intervene as submitted to the Superintendent of Insurance today as directed in the *Notice of Pending Proceeding and Hearing* ordered on July 10, 2008 by Superintendent Kofman.

Please contact me directly should you have any questions.

Sincerely,

  
Mia S. Poliquin Pross, Esq., Bar #4188

Pc: Service List Attached



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July 28, 2008

***VIA US Mail and Electronic Mail***

Mila Kofman, Superintendent  
Attn.: Vanessa J. Leon, Docket No. INS-08-900  
Maine Bureau of Insurance  
34 State House Station  
Augusta, Maine 04333-0034  
[Vanessa.J.Leon@maine.gov](mailto:Vanessa.J.Leon@maine.gov)

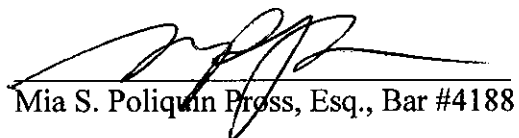
IN RE: Review of Aggregate Measurable Cost Savings Determined by Dirigo Health for  
the Fourth Assessment Year, Docket No. INS-08-900

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Enclosed for filing in the above matter please find Consumers for Affordable Health Care's  
Application to Intervene.

Please contact me directly should you have any questions.

Sincerely,

  
Mia S. Poliquin Pross, Esq., Bar #4188

Pc: Service List Attached

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

IN RE: REVIEW OF AGGREGATE )  
MEASURABLE COST SAVINGS )  
DETERMINED BY DIRIGO ) Consumers for Affordable Health Care's  
HEALTH FOR THE FOURTH ) **Application to Intervene**  
ASSESSMENT YEAR )  
)  
)  
Docket No. INS-08-900 )

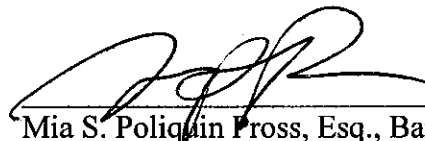
**FILING COVER SHEET**

TO: State of Maine Superintendent of Insurance, Mila Kofman

Attn.: Vanessa J. Leon, Docket No. INS-08-900  
Maine Bureau of Insurance  
34 State House Station  
Augusta, Maine 04333-0034  
[Vanessa.J.Leon@maine.gov](mailto:Vanessa.J.Leon@maine.gov)

DATE FILED: July 28, 2008  
PARTY: Consumers for Affordable Health Care  
DOCUMENT: **Application to Intervene**  
DOCUMENT TYPE: Application  
CONFIDENTIALITY: None

Respectfully submitted,



Mia S. Poliquin Pross, Esq., Bar #4188  
Joseph P. Ditré, Esq., Bar #3719  
**Consumers for Affordable Health Care**  
39 Green Street  
Augusta, Maine 04330  
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Ph. 207-622-7045

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

IN RE: REVIEW OF AGGREGATE	)	<b>Consumers for Affordable</b>
MEASURABLE COST SAVINGS	)	<b>Health Care</b>
DETERMINED BY DIRIGO	)	
HEALTH FOR THE FOURTH	)	<b>Application to Intervene</b>
ASSESSMENT YEAR	)	
	)	
Docket No. INS-08-900	)	

NOW COMES Consumers for Affordable Health Care Coalition (“CAHC”), by and through its attorneys, and, pursuant to 5 M.R.S.A. §9054(1), Bureau of Insurance Rule 350, and the Superintendent’s Notice of Pending Proceeding and Hearing dated July 10, 2008, files its application to intervene as a matter of right in the above captioned matter on behalf of its members for the following reasons:

[1] CAHC is a Maine non-profit corporation located at 39 Green Street in Augusta, Maine. CAHC is Maine’s largest consumer health coalition whose mission is to advocate for affordable, quality health care for every man, woman and child.

[2] CAHC’s membership includes over one-hundred members, including 27 businesses and organizations.<sup>1</sup> Its collective membership represents the health care and coverage interests of over 200,000 Maine citizens, some of which are DirigoChoice enrollees who will be affected by the outcome of this proceeding. CAHC’s motion to intervene promotes an efficient

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<sup>1</sup> The organization and business members, include consumer organizations such as the Maine Council of Senior Citizens, labor unions and organizations including the Maine AFL-CIO, small businesses, faith-based organizations including the Maine Council of Churches and the Roman Catholic Diocese of Portland, and health care provider associations such as the National Alliance for the Mentally Ill/Maine, the Maine Chapter of the National Association of Social Workers, and many others.

proceeding in that it consolidates into one motion what could have been several organizational requests to represent their members.

[3] CAHC attests that its members who are DirigoChoice enrollees will be directly and substantially affected by the outcome of the proceeding and that members rely on CAHC to represent their interests in such proceedings.<sup>2</sup>

[4] CAHC has standing to represent interests of its members. The U.S. Supreme Court articulated a three-part test for courts to apply in deciding whether to allow an organization to bring suit on behalf of its members. *Hunt v. Washington Apple Advertising Commission*, 432 U.S. 333, at 343, 97 S. Ct. at 2441 (1977); *Risinger et al. v. Concannon*, 117 F. Supp. 2d 61 (D. ME 2000). First, the organization must demonstrate that “its members would otherwise have standing to sue in their own right.” *Id.* Second, the interests that the organization “seeks to protect” must be “germane to the organization’s purpose.” *Id.* Third, “neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit.” *Id.* CAHC’s application meets all three of these requirements.

[5] First, CAHC members meet the “direct and substantial” requirement to intervene as of right on their own behalf as ratepayers of DirigoChoice or assessed health plans. Maine courts and administrative agencies have long held that ratepayers are entitled to intervene in rate cases as of right. *Central Maine Power v. Public Utilities Commission*, 405 A.2d 153, at 163 (1979) citing *Gifford v. Central Maine Power*, 217 A.2d 200 (1966). Determination of the Aggregate Measurable Cost Savings (“AMCS”), and the ensuing Savings Offset Payment (“SOP”), is analogous to rate cases because the SOP partially funds subsidies for DirigoChoice

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<sup>2</sup> CAHC recently represented its members who are DirigoChoice enrollees in an administrative appeal to the Kennebec County Superior Court (Docket No. AP-07-18) which was an appeal of the Superintendent’s approval of Anthem Health Plans of Maine’s rate increase for the DirigoChoice individual product. Affidavits of individual CAHC members who are DirigoChoice enrollees were filed in that case.

enrollees and directly affects the rates they pay and their health insurance coverage and may affect the rates that other health plan enrollees pay.

[6] Second, ensuring that these member consumers, and others like them, can obtain and retain access to affordable, quality and accessible health care coverage is a key part of CAHC's organizational mission and purpose.


[7] Finally, there is nothing about the claims or relief that requires the participation of individual members in the proceeding. Indeed, allowing CAHC to represent its membership as a whole is more efficient than each of them representing their own individual interests independently.

[8] CAHC has substantial experience in adjudicatory matters of this nature. CAHC was a party as of right in the determination of AMCS before the Dirigo Health Agency's Board of Directors this year and in the second and third assessment years, the Bureau's review of the AMCS in years one, two, and three,<sup>3</sup> and was a party in the litigation that ensued from each of the SOP proceedings.

WHEREFORE, for all of the above reasons, CAHC requests that its application to intervene as a matter of right be GRANTED.

Dated: Monday, July 28, 2008

Respectfully submitted,



Mia S. Poliquin Pross, Esq., Bar #4188  
Joseph P. Ditré, Esq., Bar #3719  
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[mpross@mainecahc.org](mailto:mpross@mainecahc.org)  
Ph. 207-622-7045

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<sup>3</sup> Docket Numbers INS-05-700, INS-06-900, and INS-07-900.

CERTIFICATE OF SERVICE

I, Mia Poliquin Pross, Esq., counsel for Consumers for Affordable Health Care, hereby certify that on this date I caused to be served via U.S. Mail and electronic mail, as noted below, a copy of the foregoing **“Consumers for Affordable Health Care Application to Intervene”** in the Review of Aggregate Measurable Cost Savings Determined by Dirigo Health for the Fourth Assessment Year (2009) as follows:

*Via US Mail and electronic mail, one (1) copy to:*

**Superintendent of Insurance**  
Attn: Vanessa J. Leon, Docket  
Maine Bureau of Insurance  
34 State House Station  
Augusta, Maine 04333-0034  
Email: [Vanessa.J.Leon@maine.gov](mailto:Vanessa.J.Leon@maine.gov)

**Board of Directors, Dirigo Health Agency**  
Attn: Ruth Ann Burke  
53 State House Station  
Augusta, Maine 04333-0053  
Email address: [ruth.a.burke@maine.gov](mailto:ruth.a.burke@maine.gov)

*Via electronic mail to:*

**Counsel for Dirigo Health Agency**  
Michael J. Colleran, Asst. Attorney General  
Office of the Attorney General  
Email address: [michael.colleran@maine.gov](mailto:michael.colleran@maine.gov)

**Counsel for the Maine State  
Chamber of Commerce**  
William H. Stiles, Esq.,  
Verrill Dana LLAP  
Email address: [wstiles@verrilldana.com](mailto:wstiles@verrilldana.com)

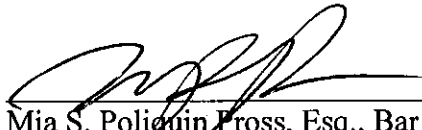
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**Counsel for the Maine Automobile Dealers  
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Email address: [rpierce@preti.com](mailto:rpierce@preti.com) and  
[bgerrity@preti.com](mailto:bgerrity@preti.com)

**Hearing Officer**  
William Laubenstein, Esq.,  
Assistant Attorney General  
Email address: [William.laubenstein@maine.gov](mailto:William.laubenstein@maine.gov)

Dated: **Monday, July 28, 2008**

  
Mia S. Poliquin Pross, Esq., Bar #4188  
Joseph P. Ditré, Esq., Bar #3719  
**Consumers for Affordable Health Care**  
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Augusta, Maine 04330  
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