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RUFUS E. BROWN  
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September 30, 2005

*By E-mail and U.S. Mail*

Alessandro A. Iuppa, Superintendent  
Attn: Vanessa J. Leon, Docket No. INS-05-700  
Bureau of Insurance  
Maine Department of Professional & Financial Regulation  
124 Northern Avenue  
Gardiner, Maine 04345

*Re: In Re: Review of Aggregate Measurable Cost Savings Determined by Dirigo  
Health for the First Assessment Year  
Docket No. INS-05-700*

Dear Superintendent Iuppa:

Enclosed for filing in the above-reference matter please find the original and one (1) copy of the following documents:

1. Filing Cover Sheet; and
2. Response of Intervenor Consumers for Affordable Health Care To Motion To Dismiss and to Anthem BCBS Response.

Thank you for your attention to this matter.

Sincerely yours,



Rufus E. Brown

REB/new  
Enclosures  
cc: Service List (by e-mail and U.S. Mail)

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

IN RE: )  
)  
REVIEW OF AGGREGATE ) FILING COVER SHEET  
MEASURABLE COST SAVINGS )  
DETERMINED BY DIRIGO HEALTH )  
FOR THE FIRST ASSESSMENT YEAR )

DOCKET NO. INS-05-700

**To: Alessandro Iuppa, Superintendent of Insurance**  
**Attn: Vanessa J. Leon**

Dated Filed: September 30, 2005

Name of Party: Maine State Chamber of Commerce

Document Title: Response of Intervenor Consumers for Affordable Health Care to  
Motion to Dismiss and to Anthem BCBS Response

Document Type: Response

Confidential: No

Respectfully submitted.



Rufus E. Brown, Esq.  
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*Attorney for Consumers for  
Affordable Health Care*

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

IN RE: )  
)  
REVIEW OF AGGREGATE ) **RESPONSE OF INTERVENOR**  
MEASURABLE COST SAVINGS ) **CONSUMERS FOR**  
DETERMINED BY DIRIGO HEALTH ) **AFFORDABLE HEALTH CARE**  
FOR THE FIRST ASSESSMENT YEAR ) **TO MOTION TO DISMISS AND**  
**TO ANTHEM BCBS RESPONSE**

Intervenor Consumers for Affordable Health Care ("CAHC") adopts and incorporates by reference the Response of Dirigo Health to Maine Auto Dealers Association Insurance Trust, et al, Motion to Dismiss, dated September 30, 2005.

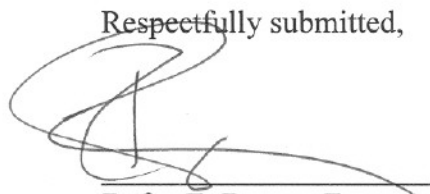
In addition, CAHC objects to the argument of Anthem BCBS in its Response to Motion to Dismiss, dated September 30, 2005, to the extent that it argues that the Superintendent should review the findings of the Dirigo Board *de novo* without deference to the Board's recommendations. This position is in direct conflict with the statute under which the Superintendent is conducting these proceedings, P.L. 400, Part B, Sec B-2.2.A, which provides in relevant part that:

The superintendent shall approve the [Dirigo Board] filing on a determination that the aggregate measurable cost savings filed by the board are reasonably supported by the evidence in the record.

Under this standard, the Superintendent can take additional evidence, and in this limited sense the review may be regarded as *de novo*, but, in making his decision, the Superintendent is required to act in an appellate capacity. By the express words of the statute, the Superintendent must give deference to the Board's filing – indeed the statute mandates that he approve the Board's filing – if he determines that the Board's findings on the aggregate measurable cost savings were "reasonable" based on the record before the Board as supplemented by the record before the Superintendent.

Dated: September 30, 2005

Respectfully submitted,



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## CERTIFICATE OF SERVICE

The undersigned hereby certifies that on September 30, 2005, a copy of Consumers for Affordable Health Care's Response to Motion to Dismiss and To Anthem BCBS Response was served electronic and US mail on each of the persons listed below:

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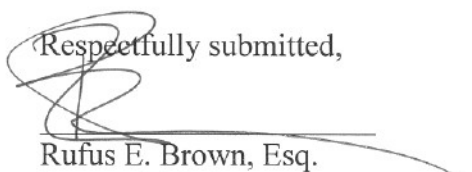
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DATED: September 30, 2005

Respectfully submitted,

  
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