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September 30, 2005

VIA HAND DELIVERY

Alessandro A. Iuppa, Superintendent
Attn: Vanessa J. Leon
Docket No. INS-05-700
Maine Bureau of Insurance
34 State House Station
Gardiner, Maine 04333-0034

In Re: Review of Aggregate Measurable Cost Savings Determined By Dirigo Health
For the First Assessment Year

Dear Superintendent Iuppa:

Enclosed for filing please find two hard copies of the following:

SUBMITTED BY: Christopher T. Roach
DATE: September 30, 2005
DOCUMENT TITLE: Response to Motion to Dismiss
DOCUMENT TYPE: Response to Motion
CONFIDENTIAL: No

Thank you for your assistance in this matter.

Very truly yours,


Christopher T. Roach

cc: John Kelly
Thomas C. Sturtevant, Jr.
Roy T. Pierce, Esquire
William H. Laubenstein, III, Esquire
William H. Stiles, Esquire
Rufus E. Brown, Esquire
D. Michael Frink, Esquire

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

IN RE:)	
)	
REVIEW OF AGGREGATE)	
MEASURABLE COST SAVINGS)	ANTHEM BCBS RESPONSE
DETERMINED BY DIRIGO HEALTH)	TO MOTION TO DISMISS
FOR THE FIRST ASSESSMENT YEAR)	
)	
Docket No. INS-05-700)	
)	September 30, 2005

Anthem Health Plans of Maine, Inc. d/b/a/ Anthem Blue Cross and Blue Shield (“Anthem BCBS”) takes no position on the merits of the Motion to Dismiss filed by the Maine Automobile Dealers Association Insurance Trust and Bankers Health Trust (the “Motion”), but files this response to request clarification of the standard of review that should apply in the event that the Superintendent denies the Motion.

The moving intervenors correctly point out that the Superintendent’s standard of review set forth in the Dirigo Legislation and cited in the Procedural Order contemplates that an adjudicatory hearing has already occurred and, hence, is an appellate standard of review. If the Superintendent denies the Motion, and thereby necessarily concludes that the adjudicatory proceeding currently pending before the Superintendent is sufficient to satisfy the Dirigo Legislation, Anthem BCBS requests that the Superintendent clarify that he will consider the evidence presented by the parties *de novo*, without any deference to the Dirigo Board’s recommendations. Such clarification would be consistent with the law, the process that led up to the Dirigo Board’s recommendation, as well as with the Procedural Order, which contemplates the prefiling of testimony and the submission at hearing of evidence, presumably considered by the Superintendent on equal footing with any evidence submitted by the Dirigo Board.

For the reasons given above, Anthem BCBS requests that the Superintendent clarify the standard of review in the event that the Motion to Dismiss is denied.

DATED: September 30, 2005

A handwritten signature in black ink, appearing to read 'Christopher T. Roach', written over a horizontal line.

Christopher T. Roach, Esq.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on September 30, 2005, a copy Anthem BCBS Response to Motion to Dismiss was served via electronic and US mail on each of the persons listed below:

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DATED: September 30, 2005



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