



NATALIE A. HUBLEY
PRESIDENT

COMMONWEALTH AUTOMOBILE REINSURERS

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TRANSCRIPT OF GOVERNING COMMITTEE MEETING

A meeting of the Governing Committee was held at the Automobile Insurers Bureau Conference Center at 101 Arch Street, 7th Floor, Boston, on

TUESDAY, JUNE 17, 2025, AT 10:30 A.M.

Committee Members present –

Mr. William Hughes – Chair
Arbella Insurance Group

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|-------------------------------|--------------------------------------|
| Ms. Pamela Bodenstab-Krynicky | P L Krynicky Insurance Agency |
| Mr. Kevin Costigan | GEICO |
| Mr. Thomas DePaulo | Cabot Risk Strategies, LLC |
| Ms. Jean Houghton | Norfolk & Dedham Group |
| Ms. Nicole Martorana | FBInsure |
| Ms. Mary McConnell | Safety Insurance Company |
| Mr. John Olivieri, Jr. | J.K. Olivieri Insurance Agency, Inc. |
| Mr. Tiago Prado | BRZ Insurance |
| Mr. Christopher Taylor | The Hanover Insurance Company |

Substituted for:
N/A

Not in Attendance:
Ms. Sarah Clemens, MAPFRE U.S.A. Corporation
Ms. Ida Denard Jones, Denard Insurance Agency, Inc.
Ms. Meredith Woodcock, Liberty Mutual Insurance Companies

PROCEEDINGS

(Meeting began at 10:30 a.m.)

Mr. Hughes: We'll begin the meeting.

25.01 Transcript of Previous Meeting

Mr. Hughes: I'll ask for a motion to approve the transcript of the meeting of April 15th.

Ms. McConnell: So moved.

Mr. Hughes: Thank you.

Ms. Bodenstab-Krynicky: Second.

Mr. Hughes: Thank you. All in favor?

All Committee Members: Aye.

Mr. Hughes: Any opposed? Thank you.

25.04 President's Report

Mr. Hughes: With that, Natalie, can I turn it over to you for the President's Report?

Ms. Hubley: Sure. Thank you. I do have a few brief items for you but first, and most importantly, is to announce that after 43 year of service, Peter McCabe, our Vice President of Information Services is retiring effective July 1st. My words were really to save you and me the embarrassment of my emotional tears. I just want to recognize Peter's tremendous contribution to CAR, which all of you know, and wish him well and thank him for his service.

(Applause)

Mr. McCabe: Thank you, Nat. It's been a ride. I appreciate all the support from the Board and all the help you've given us over the years. Things have changed, they've gone up and down, but we're really in a good place now and I hope it continues. It's been fun. Thank you.

Ms. Hubley: Thank you, Peter.

So, moving on, much smaller items to bring to your attention. The September Governing Committee meeting has been rescheduled. We have notified all of the committee members. It's going to be moved to Tuesday, September 23rd at 10:30 here at the AIB Conference Center.

I've reported over the last few meetings that the Commissioner is in the process of reviewing the LADA 5% market share waivers. We did, in June, receive approval for those waivers. So, Liberty Mutual and Travelers Insurance will continue those waivers and they'll be reevaluated for 2026.

To provide a status on the MSA withdrawal, CAR staff and the Division of Insurance have provided comments on MSA's second withdrawal plan draft. We await their response to that.

The maximum physical damage loss on private passenger MAIP policies was finally placed on file in early May with an effective date of January 1, 2026. Bulletin number 1194 does detail ARC and Assigned Risk Producer responsibilities in implementing the maximum physical damage loss. Staff is in the process of cleaning up some last-minute system updates at this time.

Finally, the proposed amendments to Rule 28 that you recommended for Commissioner approval at your last meeting relating to the billing plan were deemed approved on 5/20/25. Bulletin numbers 1192 and 1195 describe the changes made to provide direction when nine equal installments become impossible due to endorsement activity or late payments.

To inform you of some of the activities that will be taking place this summer as we prepare for your September meeting. The Compliance and Operations Committee will meet in early September. The Claims Subcommittee will be performing its biennial review of the Claims Performance Standards and reporting to the Compliance and Operations Committee in September. The Commercial Program Oversight Committee will meet on July 16th to review Servicing Carrier Annual Reports and conduct its annual review of the ceded book of business distribution amongst the four Servicing Carriers. The MAIP Steering Committee will meet later in July to discuss the ARC Manual and to codify LADA annual oversight procedures. They'll also discuss ARC and ARP procedures relating to the maximum physical damage limit of loss and review Rule 29 quota share relating to MAIP premium and credit premium calculations to comply with the new compulsory limits.

The Commercial Auto Committee is working to schedule a meeting for mid-to-late July to discuss pollution coverage and complete their annual review of the market need for ERP appointments to producers without current voluntary markets. They will look at MAP updates to codify the coverage form changes that become effective 1/1/27 as well as the compulsory limits changes. They'll be receiving a final report relating to agency affiliation assignment procedures and the status of CAR staff's review of those and the work that they've done to investigate the networks.

The Actuarial Committee will continue their work to review the annual quota share credits. They've provided some direction relating to a number of iterations that they'd like to look at as they decide whether they want to make a recommendation for change in 2026.

Finally, the Budget Committee will meet in August to consider CAR staff's proposal related to the fiscal year '26 Budget and Business Plan.

That would conclude my report.

Mr. Hughes:

Thanks, Natalie. Any questions?

25.05 Counsel's Report

Mr. Hughes:

Ben is going to give the Counsel's Report.

Mr. Hincks:

Thank you, Mr. Chairman. Good morning, everybody. We've got a particularly robust counsel report for you today. There are three substantive reports for your information, none of which is an action item.

The first relates to the Calianos Insurance Agency's appeal to the Division of Insurance. On April 24, 2025, CAR receive notice from the Division of Insurance that the hearing officer had issued the Division's long-awaited decision regarding the Calianos Insurance Agency's appeal of the Governing Committee Review Panel's various decisions denying the agency relief arising from its allegations of unfair, unreasonable or improper practices by Commerce Insurance Company concerning Commerce's payment and reimbursement of certain Calianos Insurance Agency commissions, as well as Commerce's investigation of the agency concerning its premium collection and remittance practices.

In a lengthy written decision, the hearing officer analyzed and then affirmed each of the Market Review Committee's and the GCRP's underlying decisions in this Rule 40 appeal that Commerce did not commit any unfair, unreasonable or improper practice.

The second relates to the third and final Point Insurance appeal. Just yesterday, June 16, 2025, we received the Division's decision and order in the Point II Appeal, the proceeding in which the Point Insurance Agency challenged Arbella's termination. The hearing officer affirmed the decisions issued by the Market Review Committee and the GCRP and denied Point's request to overturn the termination by Arbella. In affirming the decisions by the CAR committees, the hearing officer cited that the prior findings in the Point I Appeal that determined Arbella's conduct with respect to Point was justified in its enforcement of CAR Rules.

The hearing officer also rejected additional arguments raised by Point that it was denied due process at the hearings at CAR and that Point was legally entitled to an additional *de novo* hearing before the Commissioner.

Finally, the hearing officer rejected Point's contention that members of the Market Review Committee and GCRP were biased and ruled that there was no support in the record for that contention.

The third and final item in our report is an update to counsel's prior report at the April 15th Governing Committee meeting concerning the LADA Agreement between Amica and Pilgrim approved by the Governing Committee in September of '24, in which the agreement failed to include a provision required by CAR Rule of Operation 36.I. concerning the treatment of a member's in-force policies in existence at the time of the execution of the LADA. As we reported to the Governing Committee in April, while the Rule provides that the ARC rather than the member shall provide the renewal offer of the in-force MAIP assignments through the expiration of their three-year assignment term, under the Amica/Pilgrim LADA, the member, Amica, has addressed the renewals of in-force policies rather than the ARC, Pilgrim.

As we advise would be the next step in CAR's response to learning of this issues, CAR staff and counsel have met with both companies and the companies both agree that the LAD Agreement fails to adhere to CAR Rule 36.I. in this regard and that this error was the result of an oversight not only by the companies but also by CAR counsel in reviewing and recommending the draft contract for Governing Committee approval thereafter.

Both Pilgrim and Amica have reported to CAR staff and counsel that neither company, to date, has received any complaint regarding the renewals or subsequent handling of in-force policies and that, in their view, MAIP policyholders have not been negatively impacted by the status quo. Moreover, Amica conveyed to staff and counsel that it continues to have a strong presence in the Massachusetts auto insurance market and that its staff servicing these MAIP in-force risks have ten years of such experience. Amica further reports that while its book of MAIP policies at the start of the Pilgrim LADA was approximately 6,000, its book is now running out or declining at a rate of approximately 400 per month and the company anticipates its book will be approximately 1,000 policies by calendar year-end. CAR staff has reviewed available data and finds Amica's estimates to be reasonable.

Finally, both companies reported their view that moving the remaining in-force policies from Amica to Pilgrim would be likely 1) disruptive to the insureds and the producers, 2) create the potential for earned but uncollected premium issues and, 3) require significant IT resources for both carriers and would not be ready for implementation any earlier than January 1, 2026 especially in light of other IT projects mandated this year. Given these circumstances, CAR staff and counsel will continue to monitor the situation, confer again periodically with Amica and Pilgrim, and update this committee of further developments in future reports.

So, unless there are any questions, this would conclude counsel's report.

Mr. Hughes:

Thanks, Ben. Any questions?

25.06 Compliance and Operations Committee

Mr. Hughes: Next up is the Compliance and Operations Committee report. Wendy will be sharing that with us.

Ms. Browne: Good morning. I will be reporting on the items discussed by the Compliance and Operations Committee at their meeting on June 4th and there are two action items for your consideration.

First, under the Compliance Audit Program, the committee was provided with the results of the Trumbull Insurance Company's Hybrid Audit. It should be noted that Trumbull has a LAD Agreement with Pilgrim. The audit scope included approximately \$550,000 in written premium and about \$2.1 million in associated losses. There were 11 recurring statistical premium reporting issues and six recurring statistical loss reporting issues found to be not in compliance with the Stat Plan. Trumbull was compliant with the Claims Performance Standards review. However, it was not in compliance with the SIU requirements due to the fact that a number of sampled referrals were not true referrals for investigation, but rather referrals in which the SIU only assisted the claims adjuster. It should be noted that of the small subset of true referrals, they were found to be compliant, indicating that Trumbull could be compliant with enhanced fraud screening in order to increase the identification of potential claims or underwriting referrals to the SIU in the future.

The committee was informed that Trumbull had addressed each of the recurring data quality issues in its response letter and indicated that some systems corrections were already implemented for several of the issues and the remaining ones would be corrected by the end of the first quarter of 2025. Trumbull also indicated that they are working with their SIU to ensure sufficient referrals to allow for a valid sample size in the future.

The committee voted, with one recusal, to accept the audit report and directed staff to conduct a focus audit in the fall of 2026 to evaluate the correction efforts related to the 17 data quality issues. Additionally, the committee voted, with one recusal, to direct staff to conduct a focus audit in July of 2026 to retest the effectiveness of Trumbull's SIU.

The committee was then presented with the results of the Berkley One Hybrid Audit, which also has a LAD Agreement with Pilgrim. That audit scope included approximately \$850,000 in written premium and about \$550,000 in associated loss dollars. There were eight recurring statistical premium reporting issues and five recurring statistical loss issues found to be not in compliance. Berkley was also compliant with the Claims Performance Standards review as well as with the SIU requirements through the use of the alternative methodology. In its response letter, Berkley addressed each of the reporting issues and the associated systems corrections.

The committee voted, with one recusal, to accept the audit report and directed staff to conduct a focus audit in December of 2026 to evaluate the correction efforts related to the 13 data quality issues.

The committee was also provided with a status update on the Towing and Labor focus audits of Allstate, Hanover and USAA. Each company has an agreement with a third-party vendor to handle towing and labor losses where the source documentation did not substantiate the loss amount reported and did not allow CAR to confirm if Unallocated Loss Adjustment expenses were incorrectly included in the payments. Allstate's documentation has been updated to allow for proper verification and the correct loss amount is being reported. Hanover has also updated its documentation to an acceptable format but is in the process of updating its statistical reporting system. Finally, CAR is working with USAA to better understand its contract, so no determinations have been made at this time. The committee was informed that CAR will continue to provide updated information relative to these open audits right now.

Under Merit Rating Reporting, as you know, CAR has undertaken an industry-wide audit of merit rating reporting to verify if each ARC was correctly reporting its rating values. There were five companies that were initially identified as exceeding the industry average of 8.7% and, as such, the committee directed staff to perform follow-up focus audits to ensure that the five companies correct their data.

At this point, Berkley is one of only two companies remaining with incorrect merit rating data. A focus audit was performed in 2024 in which Berkley had a 16% error rate and was found to be well above the industry average. Consequently, a final follow-up merit rating audit would be needed, and to be conducted in conjunction with the Hybrid Audit, which I just reported on. If the company was still found to have an excessive error rate, CAR would recommend penalty assessments.

At the conclusion of the Hybrid Audit, Berkley was again found to have an error rate of 21%, still above the industry average. During meetings with CAR, Berkley identified that it was not reporting at-fault accidents to the RMV, that it calculates an internal merit rating value, and that it often classifies the degree of fault of accidents differently than the RMV. Berkley has now indicated that it is in the process of updating its systems to be compliant.

The committee voted, with one recusal, to accept the audit report and directed staff to begin the process to assess penalties for late and unacceptable shipments until a monthly submission with accurate merit rating data is submitted and verified.

Those are the audit reports. Are there any questions on those because there's a lot there as you can tell?

Mr. Prado:

Question on the Trumbull situation. Given that only ten of the 25 SIU referrals were deemed valid, how confident are we that this isn't symptomatic of broader underreporting? How do they define, here are 25, here are ten?

- Ms. Browne: There's a process set up where companies report referrals to CAR. From that, CAR then pulls samples and actually takes a look at the audits. Companies can have problems hitting the minimum amount required. CAR staff works with them to identify ways in which they can increase potential referrals that should go to SIU for investigation. That's the situation that's happening with Trumbull. But we will be doing a focus audit in another year to make sure that they have implemented these changes and that they are hitting those minimum numbers and that their SIU is actively engaged. Mark, did I miss anything?
- Mr. Alves: No, that covers it.
- Mr. Hughes: Wendy, one question from me. On the merit rating and Berkley, can you just explain a little bit about how the penalties work from a timing cadence standpoint and when they are determined to be in compliance and how do we determine that?
- Ms. Browne: As you know, with our audit process, we do a Hybrid Audit. If there's an issue, we do a focus audit. In the case with merit rating, we had a special audit process. So, they've now failed the audit three times, so they are identified as being eligible for penalties. As long as there's no indication from the committee that we shouldn't proceed, what we would do is send them a letter and notify them of the deadline which is usually a couple of months out because the renewal process is already in place for some of these policies, and say, the July shipment, which comes to CAR in September, which will be the shipment where we will take a look at their merit rating data, if it's actually valid they can avoid having penalties. If it's not, with that shipment, we'll start penalizing.
- The way the penalties work in this cycle is we will treat that submission as being incomplete and inaccurate, and the penalty is calculated based on when they actually start reporting correct data. So, it's very much a cumulative penalty in that if it's not fixed by the next month, there's a penalty there, but then the next months' worth of data also becomes eligible. So, the longer it takes for a company to make corrections means there's multiple shipments that are in penalty status with multiple months of data of the penalty accruing. Basically, once you're beyond two months of being late, it's \$3,000 a month per accounting shipment. So, the penalties can add up very substantially and quickly. Usually, that's a good incentive to bring about correction.
- Mr. Hughes: Thanks, Wendy.
- Ms. Browne: Anybody else?
- Mr. Olivieri: Quick question. I'm just curious. It's \$3,000 per accounting shipment?
- Ms. Browne: Per month.
- Mr. Olivieri: Per month. It's not multiple accounting shipments per month? It's one per month?

Ms. Browne: No. Once you have, say, three shipments are late, then those three shipments are getting penalized for one calendar month, for the next calendar month, and it keeps on building.

Mr. Olivieri: So, it exponentially just keeps getting...

Ms. Browne: Yes. We've had companies that have had substantial time required to fix issues and it has added up to be a significant number.

Mr. Olivieri: Hopefully they fix their issue.

Ms. Browne: We hope so, too.

Continuing, under SIU Reporting, the committee reviewed the SIU compliance reports which are provided annually to the Division of Insurance. The committee unanimously accepted the reports and directed CAR staff to distribute them to the Division.

The next two items are the action items for your consideration. The first is the Proposal for a change to the Hybrid Audit Program. Proposed updates to the Hybrid Audit Program were reviewed by the committee. It was noted that the increase in the number of newly writing companies and frequent changes to company affiliations have increased the number of required audits. Newly writing companies often have multiple reporting issues identified early in the process which can extend the time needed to complete an audit. Accordingly, CAR's proposed changes to adjust the audit plan would improve the timeliness and efficiency of the audits.

More specifically, staff is requesting that the audit recommendations can be forwarded to the committee for those companies with high error rates after auditing and quality assurance testing of 100 policies rather than the full 400 policy sample. Furthermore, the determination of the average error rate used to determine the traffic light assessment would be based on only those companies that were assessed a green light value.

The committee voted unanimously to recommend approval to the Governing Committee for the changes to the Private Passenger Hybrid Audit Plan to be implemented immediately and to draft the applicable amendments to the Assigned Risk Company Procedures Manual. That is an action item. The detailed proposal was attached to the agenda. I'd be happy to take any questions.

Mr. Hughes: Any questions before we ask for a motion?

Mr. Prado: Over time, in reviewing the lesson learned, have we aggregated any common root causes across any recent hybrid audits?

Ms. Browne: We usually know what to anticipate when we have new reporting companies. There's typically a lot of problems with exposure which is a key data element in the quota share calculation. So, we focus on that, as well as operator information, which can sometimes be problematic. The Audit Department is quite adept at knowing what trends to look for. We

try to work with companies right up front to help them identify those common problems to avoid them if we can. That's why we do these audits.

Mr. Prado: Have we considered – and this is just a thought – investing in AI, LLM and LCM for improving the audit process? Where are we on that?

Ms. Browne: We have not tackled using AI in our processes at this time.

Mr. Hughes: Thanks, Wendy. I'll ask for a motion to immediately approve the amendments to the Private Passenger Hybrid Audit Plan and direct staff to draft the applicable amendments to the ARC Procedures Manual.

Ms. Houghton: So moved.

Mr. Hughes: Thank you. Can I get a second?

Mr. Taylor: Second.

Mr. Hughes: Thank you. Are there any other questions before we take a vote? All in favor?

All Committee Members: Aye.

Mr. Hughes: Any opposed? Hearing none, the motion passes.

Ms. Browne: Excellent. Finally, the MAIP Placement Record Reporting is up, which we have reported to you previously. The committee was provided with proposed updates to the Assigned Risk Company Procedures Manual regarding reporting requirements and correction procedures for the Rating Company Number contained in the MAIP Placement Record. A new value of 002 has been added to represent the scenario in which the voluntary rate this used to rate a MAIP policy is equal to the MAIP rate. The change would be effective January 1, 2026.

The committee voted unanimously to recommend to the Governing Committee approval of the proposed changes to the ARC Procedures Manual. This is an action item for your consideration. The proposed updates to the Manual can be found in the Additional Information notice under the committee records, Exhibit #2, Pages 8 to 12. These were straight-forward, just adding 002 into the reporting and correction tables but I'd be happy to answer any questions if anyone has any.

Mr. Hughes: Hearing none, I'll ask for a motion to approve the amendments to the ARC Procedures Manual to modify the MAIP Placement Record reporting as described.

Ms. McConnell: So moved.

Mr. Hughes: Thank you. Do we have a second?

Ms. Houghton: Second.

Mr. Hughes: Thank you. Any questions to come before the committee before we vote?
All in favor?

All Committee Members: Aye.

Mr. Hughes: Any opposed? Hearing none, the motion passes. Thank you, Wendy.

Ms. Browne: Thank you.

25.09 Loss Reserving Committee

Mr. Hughes: Next up, Shannon Chiu is going to share with us the minutes from the Loss Reserving Committee meeting.

Ms. Chiu: Good morning. I will be reporting on the June 4th Loss Reserving Committee meeting at which the committee estimated ultimate losses and deficit projections for the quarter ending March 2025. The meeting summary is attached to your agenda and the records have been distributed and can be found on CAR's website.

Staff reviewed with the committee the current quarter's data quality and large loss reports. Detailed reports are included with the Summary and Records of Meeting for your records.

Staff noted an increase of approximately \$4.9 million in large losses for claims over \$1 million reported during the quarter attributed primarily to eight newly reported claims.

The committee then projected ultimate losses and set commercial loss reserves and ultimate deficit projections.

The committee estimated policy year 2022 and 2023 deficits of \$20.6 million and \$4.8 million respectively, representing improvements over the prior quarter due primarily to selected Bodily Injury loss ratios over a point and a half lower than the prior quarter.

The committee estimated a policy year 2024 deficit of \$13.8 million reflecting an ultimate loss ratio of 81.5%. This is a \$1.6 million increase to the deficit projection of \$12.2 million last quarter.

Notable improvements in the policy year 2019 and 2021 deficits were the results of favorable bodily injury development.

Ultimate loss ratios and deficit projections for all policy years are attached to your meeting materials for your reference.

If there are no questions, that would conclude my report.

Mr. Hughes: Any questions for Shannon? Thank you very much.

25.13 Actuarial Committee

Mr. Hughes: Next up, Wendy will be sharing with us the items from the Actuarial Committee meeting.

Ms. Browne: I'm going to be reporting on the discussions that took place at the April 17th Actuarial Committee meeting.

The committee began discussing the April 2026 quota share credit offer. In the past, the committee has resolved to keep credits frozen after considering the movement and increase of exposures in the MAIP, concluding that these changes were the result of market conditions rather than the existing credit structure. To assist the committee in its discussion of the upcoming year, staff reviewed a number of exhibits detailing the current situation including indicated credit factors, MAIP assignments, trends in the residual market and take out credits.

Certain committee members noted that the existing credit model was designed to be self-correcting from year to year, but due to the lack of support for change expressed by the Division, the committee has not proposed any changes in recent years. This has resulted in company infrastructures being built around the current credit model and that significant disruption to the companies would occur if CAR were to adopt the indicated credit factors. Accordingly, continued monitoring or gradual changes would be the best approach.

Other committee members countered that the existing credit structure, at this point, is unrelated to the actuarial credit need in the marketplace. Furthermore, maintaining the current structure only provides predictability rather than incentivizing insurers to write voluntarily in territories where there is need but no credit.

Committee members representing the producer community commented that some consumers are still struggling to find reasonably priced insurance in the voluntary market and suggested caution in removing or decreasing the credit factors.

After continued discussion, the committee agreed to proceed with additional modeling of several alternatives to transition to the current indicated credit need. That will be reviewed at the next meeting.

The committee also agreed that the current structure for the take-out credit, which utilizes a factor of 1.0, applicable for one year, is working well and does not need to be changed. Accordingly, the committee unanimously passed a motion to make no changes to the Take-Out Credit portion of Rule 29.

As Nat reported, the committee will be meeting this summer to take a look at the modeling and discuss what avenues it might want to pursue or not pursue. So, this is an ongoing item. Any questions?

Mr. Hughes: Any questions?

Ms. Browne: Then that would conclude my report.

Mr. Hughes: Thanks, Wendy.

Other Business

Mr. Hughes: Is there any other business to come before the committee today? Hearing none, I'll ask for a motion to adjourn.

Mr. Taylor: So moved.

Mr. Hughes: Thank you. Can I get a second?

Mr. DePaulo: Second.

Mr. Hughes: Thank you. All in favor?

All Committee Members: Aye.

Mr. Hughes: Any opposed? Meeting is adjourned. Thank you, everybody.

(Meeting ended at 11:03 a.m.)

NATALIE HUBLEY
President

Note: This Transcript has not been approved. It will be considered for approval at the next meeting of the Governing Committee.

Attachment

Boston, Massachusetts
July 1, 2025

The above proceedings have been transcribed in accordance with CAR's guidelines for producing quality transcripts, which provide for the elimination of insignificant material that does not alter the substance of the Committee's discussions, such as sidebar comments, the use of verbal fillers (i.e., uhm's and ah's), and commentary (i.e., "laughter" and "coughing").

ATTACHMENT LISTING

Docket #GC25.02, Exhibit #3

Attendance Listing

Company / Agency

PLEASE PRINT

[illegible]

GOVERNING COMMITTEE MEETING

SIGN-IN SHEET

JUNE 17, 2025

Individual's Name

Company / Agency

PLEASE PRINT[illegible]