



DEPARTMENT OF COMMERCE AND INSURANCE

P.O. Box 690, Jefferson City, Mo. 65102-0690

In Re:)
) **Case No. 2109291122H**
Travelers Rate Filing for the)
Workers' Compensation Alternative)
Residual Market)

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

This matter concerns the proposed rates and rating structure to be used in the Missouri Alternative Residual Market Plan ("ARM Plan" or "Plan") for the policy period beginning January 1, 2022. The ARM Plan was created under the authority of § 287.896, RSMo, and 20 CSR 500-6.960 as a mechanism to provide workers' compensation and employer's liability insurance to applicants who are in good faith entitled to such coverage but who are unable to purchase such coverage by ordinary methods through the voluntary market. The ARM Plan began operation on July 1, 1995, and is currently administered by Travelers Property Casualty Company of America ("Travelers"). Travelers has been the Contract Carrier for the ARM Plan since 1995 and was most recently selected by the Department of Commerce and Insurance (the "Department") as the Contract Carrier following an Invitation for Bid issued on July 3, 2019.

In accordance with the ARM Plan, Travelers filed a proposed rate plan on September 20, 2021, seeking rate changes for the policy period beginning January 1, 2022. Travelers amended their proposed rate plan twice, on October 5, 2021 and October 21, 2021. Each amended rate plan completely replaced the immediately preceding proposal, with the October 21, 2021 filing being the final proposed rate plan ("Filing"). (Exhibit 1, Transcript, pp. 9-11).

As required under § 287.896, RSMo, a public hearing was held concerning Travelers' Filing. The hearing was conducted at the Harry S Truman Building, Room 530, 301 West

High Street, Jefferson City, Missouri on November 4, 2021. Travelers introduced its Filing into evidence as Exhibit 1 and explained it through the testimony of Brian P. Rucci, FCAS, MAAA, Assistant Vice President and Actuary, Residual Markets Division (“Rucci”), for Travelers. The Department’s property and casualty actuary, Julie Lederer, FCAS, MAAA (“Lederer”), provided testimony regarding her review of the Filing. The Department introduced her written report into the record as Exhibit A.

FINDINGS OF FACT

1. Effective Date: If approved, the premium rate changes proposed in Travelers’ Filing will go into effect on January 1, 2022.

2. Expert Witnesses: Both Rucci and Lederer demonstrated that they are qualified to provide expert testimony regarding workers’ compensation residual market rate matters.

3. Indicated Premium Level Need: At the 110% loss ratio retention level option authorized by 20 CSR 500-6.960, Travelers’ Filing proposes changes to the existing ARM Plan rates and rating structure which would result in an overall premium level change of -5.8%. This proposed premium level was determined by Travelers based on its analysis of the Plan’s “premium level need” for the 2022 policy year. Travelers did make a change to the way the estimated premium for the forecast period was selected. For this Filing, Travelers placed heavier emphasis on the more recent experience. This makes sense in light of recent changes in premium trends, in particular, those driven by the COVID-19 pandemic. This premium level need analysis compared the estimated percentage of each premium dollar needed to cover future losses, loss adjustment expenses and other expenses to the amount of each premium dollar that is available to pay for those costs. The various expense items included in this premium need analysis were summarized at Section II, p. 2 of Travelers’ Filing, which indicated the following:

<u>Cost Items</u>	<u>Estimated % of Premium</u>
1. Expected On-Level Loss & ALAE Ratio	64.0%
2. General Expenses (Excluding Commissions)	14.3%
3. Unallocated Loss Adjustment Expenses	5.5%
4. Loading for Taxes, Licenses & Fees	1.5%
5. Agents’ Commissions	3.8%
6. Loading for Uncollectible Premiums	3.4%
7. Catastrophic Provision	0.4%
8. Loading for Profit & Contingencies	2.0%

Using the item numbers from the Cost Items listed above and their corresponding premium percentages, the premium level need calculation is set forth below.

$$\frac{[(\text{Cost Item 1} + \text{Cost Item 2} + \text{Cost Item 3} + \text{Cost Item 7})]}{(1 - \text{Cost Item 4} - \text{Cost Item 5} - \text{Cost Item 6} - \text{Cost Item 8})} - 1.00 = \text{Premium Level Need}$$

$$\frac{[(0.64 + 0.143 + 0.055 + 0.004)]}{(1 - 0.015 - 0.038 - 0.034 - 0.020)} - 1.00 = -5.8\%$$

Proposed premium level change = -5.8%

(Exhibit 1, Section II, p. 2; Exhibit A, p. 2).

Findings of Fact 4 through 11, below, discuss in more detail Travelers' explanation for each of the eight (8) Cost Items listed above.

4. Expected On-Level Loss & ALAE Ratio: Travelers used the frequency/severity method in its rate request, developing separate projections of the estimated claim counts (the frequency) and the average loss and allocated loss adjustment expenses ("ALAE") (the severity) for the upcoming policy year. The bulk of the spreadsheets contained in the Filing represent the steps needed to arrive at this estimate of loss and ALAE. Travelers ties all these steps together to produce the loss and ALAE ratio to premium of 64.0% for the upcoming year used in Travelers' premium level need calculation. (Exhibit 1, Section III, p. 2; Exhibit A, pp. 4-15).

5. General Expenses (Excluding Commissions): Many of the remaining elements of Travelers' premium level need calculation are related to the expenses associated with administering the Plan. Cost Item 2 of the calculation concerns General Expenses (Excluding Commissions). Travelers' Filing sets forth the various anticipated expense levels contemplated by General Expenses for the upcoming policy year:

Estimated Premium (2022 Policy Year):	\$ 21,890,412	
Estimated No. of Insureds (2022 Policy Year):	4,637	
	Est. Cost in	% of
<u>Category of General Expense</u>	<u>Thousands</u>	<u>premium</u>
Underwriting, Policy Issuance & Rating/Billing	\$714	3.26%
Missouri Injury Management Program	\$88	0.40%
Data Processing	\$847	3.87%
Premium Audit	\$615	2.81%
Loss Control and Prevention	\$296	1.35%
Actuarial, Finance, & Human Resources	\$238	1.09%
Other Overhead	<u>\$324</u>	<u>1.48%</u>
Total	\$3,121	14.26%

(Exhibit 1, Section IX, p. 2; Exhibit A, pp. 16-17).

6. Unallocated Loss Adjustment Expense: Travelers based the ARM Plan's Unallocated Loss Adjustment Expense ("ULAE") calculation on the Missouri Loss Cost Filing, filed by the National Council on Compensation Insurance, Inc. ("NCCI") with a proposed effective date of January 1, 2022. Using the NCCI statistics, Travelers arrived at the ARM Plan's ULAE as 5.5% of premium for the upcoming policy year. (Exhibit 1, Section IX, p. 3; Exhibit A, p. 17).

7. Loading for Taxes, Licenses & Fees: Travelers anticipated paying taxes, licenses, and fees at the equivalent of 1.5% of premium. The amount includes premium to pay the current Missouri Workers' Compensation Administrative Tax, the Missouri Property and Casualty Guaranty Fund assessment, and miscellaneous taxes such as personal property taxes, National Association of Insurance Commissioners ("NAIC") zone examinations, and agent license fees. (Exhibit 1, Section IX, p. 4; Exhibit A, p. 17).

8. Agents' Commissions: Travelers compared ARM premiums with agent commissions for twenty-six (26) previous contract periods in order to calculate the corresponding commission "rates." Travelers selected 3.8% for the upcoming policy period based on historical commissions. (Exhibit 1, Section IX, p. 5; Exhibit A, p. 17).

9. Loading for Uncollectible Premiums: Travelers projects loading needed to cover uncollectible premiums for the upcoming policy year by calculating averages based on ARM Plan history. Travelers selected 3.4% for the 2022 policy year. This selection uses the same methodology that Travelers used for this cost item in previous years and is not unreasonable. (Exhibit 1, Section IX, p. 6; Exhibit A, pp. 17-18).

10. Catastrophic Provision: Since 2003, Travelers has included a catastrophe provision. This year, NCCI and Travelers (based on an NCCI change to its methodology) are now including a non-terrorism catastrophe estimate in addition to the terrorism estimate. The non-terrorism provision is designed to cover losses resulting from an event such as the current COVID-19 pandemic. Travelers removed the eight lost time claims it had attributable to the pandemic from the ratemaking analysis, as is appropriate. Those estimates are now part of the catastrophic loss provision. The current Filing uses a load of \$0.015 per \$100 of payroll, which is consistent with the most recent NCCI loss cost filings effective January 1, 2022. Travelers translates the NCCI losses-to-exposure provision into an estimated losses-to-premium ratio. (Exhibit 1, Section X, pp. 1-2; Exhibit A, p. 18).

11. Loading for Profit & Contingency: The Filing includes loading for profit and contingencies of 2.0% of premium. The 2.0% selection has been used in Missouri ARM rate filings since 2003 and is not unreasonable. (Exhibit A, pp. 18-19).

12. Proposed Allocation of a Rate Increase Among Class Codes: Travelers' Filing included a proposal for changes to manual rates at the detailed class code level. The initial proposed rate by class equals the product of: (1) the exposure-weighted average ratio over all classes of policy year 2021 ARM rates to the 2022 NCCI loss costs; (2) the 6.5% average decrease expressed as a factor; and (3) the 2022 NCCI loss cost for the individual class. As a result, the initial rate by class may be expressed as the 2022 NCCI loss cost times a constant multiplier of 2.248. (Exhibit 1, Sections XI and XII; Exhibit A, p. 3).

According to Travelers, the rates will align with NCCI loss costs except in instances where they have deemed the premium impact to be too severe to be taken at once. To avoid price volatilities, Travelers proposes that the rates be capped, and Travelers makes adjustments to make sure the capped rates still yield a 6.5% decrease in manual rates. (Exhibit 1, Section XII; Exhibit A, p. 3).

13. The Department's Actuarial Analysis of Premium Level Need: Travelers' actuary, Rucci, testified that the proposed rates were neither excessive nor inadequate, nor were they unfairly discriminatory, and that they were actuarially sufficient to support the claims and losses with respect to the reasonable operating expenses of Travelers. (Transcript, p. 18).

The Department's actuary, Lederer, also reviewed the Filing and testified that the rates were not inadequate, excessive, or unfairly discriminatory, and that the proposed rates were actuarially sufficient to cover claims, losses, and reasonable operating expenses of the insurer. (Transcript, pp. 26-27; Exhibit A, p. 1).

CONCLUSIONS OF LAW

Based on the substantial and competent evidence provided by Travelers and the Department and presented at the November 4, 2021, hearing in the matter, and upon the record as a whole, the Director concludes as follows:


1. The subject matter of Travelers' Filing and the hearing held by the Department of Commerce and Insurance, on November 4, 2021, are within the jurisdiction of the Director under § 287.896, RSMo.
2. January 1, 2022 is a reasonable date for new premium rates and rating structures authorized pursuant to this Order for new and renewal business in the Missouri residual market.
3. Travelers' proposed -5.8% average premium level change at the proposed 110% loss ratio retention level option, with the proposed methodology of calculating manual rates by class code, will produce a level of premium, investment income and final premium rates which are not excessive,

inadequate, or unfairly discriminatory and which will be actuarially sufficient to cover the claims, losses, and reasonable operating expenses of the Missouri residual market under the ARM Plan.

ORDER

IT IS THEREFORE ORDERED that the rates, as proposed by Travelers, for use in the ARM Plan effective January 1, 2022, as set forth above, are hereby approved.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 1st
DAY OF December, 2021.


Chlora Lindley-Myers, Director
Missouri Department of
Commerce and Insurance



CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served by certified mail, postage prepaid, and courtesy copy by electronic mail, on December 2, 2021, to:

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