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**BEFORE THE INSURANCE COMMISSIONER  
OF THE STATE OF CALIFORNIA**

In the Matter of the Request for Finding of  
Eligibility to Seek Compensation of:

United Policyholders,

Office of the Public Advisor  
Case No. IE-2017-0001

**FINDING OF ELIGIBILITY TO SEEK  
COMPENSATION**

On or about April 26, 2017, United Policyholders ("UP") submitted a complete Request for Finding of Eligibility to Seek Compensation ("Request"). The Commissioner has completed the review of the Request and hereby finds that, pursuant to the provisions of California Insurance Code § 1861.10 and California Code of Regulations, Title 10, § 2662.2, UP is eligible to seek compensation for its representation of consumers' interests in CDI proceedings.

This Finding of Eligibility shall remain in effect for two years from the date of this Order; however, this Finding of Eligibility does not ensure compensation in the proceeding(s) in which UP participates.

**FINDINGS**

UP provided a verified Request, in accordance with California Code of Regulations (CCR) §2662.2(a).

UP provided a description of its previous work as an intervenor in accordance with CCR §2662.2(a)(1).

UP responded to the showing required of a group intervenor, in accordance with CCR §2662.2(a)(2) (A) – 2662.2(a)(2)(G), as follows:

CCR §2662.2(a)(2)(A). The current Articles of Incorporation for UP are on file with the CDI.

CCR §2662.2(a)(2)(B). UP has approximately 12,000 electronic and print members and 472,000 website members.

1 CCR §2662.2(a)(2)(C). UP listed the names of all individuals on its  
2 current Board of Directors and provided a business address at  
which they could all receive correspondence.

3 CCR §2662.2(a)(2)(D). UP stated that it disseminates a newsletter  
4 titled, "What's UP", with a circulation of approximately 12,000  
members electronically and 8,500 members via print mailing.

5 CCR §2662.2(a)(2)(E). UP provided a copy of its newsletter and  
6 year-end report;

7 CCR §2662.2(a)(2)(F). UP stated that it has been granted non-  
profit status under Internal Revenue Code Section 501(c)(4) and  
8 provided a copy of its IRS Form 990.

9 CCR §2662.2(a)(2)(G). UP submitted the percentages of funding  
from various categories: Contributions, Earned Revenue, Grants  
10 from Wood-Feinman Fund, AT&T, Hersher Family Foundation,  
Home Depot Foundation, Consumer Federation of America,  
11 Greenspan Adjusters, Newmeyer and Dillon, LLP.

### 12 LEGAL STANDARDS

13 California Insurance Code section 1861.10 states in relevant part:

14 (a) Any person may initiate or intervene in any proceeding permitted or  
15 established pursuant to this chapter, challenge any action of the  
commissioner under this article and enforce any provision of the article.

16 (b) The commissioner or a court shall award reasonable advocacy and  
17 witness fees and expenses to any person who demonstrates that (1) the  
person represents the interests of consumers, and (2) that he or she has  
18 made a substantial contribution to the adoption of an order, regulation or  
decision by the Commissioner or a court.

19 CCR §2662.2 sets out the procedure by which intervenors are deemed eligible to  
20 seek compensation:

21 (a) A person or group representing the interests of consumers may provide to  
22 the Public Advisor a request for finding of eligibility to seek compensation.  
The request shall be verified and may be verified by the intervenor's or  
23 participant's attorney and shall be submitted, at any time, in conjunction with  
an ongoing proceeding in which the individual or organization seeks to  
24 intervene. The request shall comply with sections 2652.1-2652.4 of this  
subchapter and shall include:

25 (1) a showing by the intervenor or participant that it represents the  
26 interests of consumers, including a description of the previous work of the  
intervenor or participant; and,

27 (2) in the case of groups representing the interests of consumers, the  
28 request shall include the following as exhibits:

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(A) a copy of the group's articles of incorporation, by-laws, or (for groups not organized as corporations) other organizational documents,

(B) if the group has members, the approximate number of current members,

(C) composition of the group's current Board of Directors – including the name and business address of each director and/or the name and business address of the principals of the group if it is not a corporation,

(D) newsletter circulation, if any, along with a representative sample of newsletters and/or any other publication issued by the intervenor in California during the previous twelve (12) months,

(E) any annual or year-end report for the prior year,

(F) a statement as to whether or not the group has been granted non-profit status under Internal Revenue Code Section 501(c), and

(G) in order to allow a determination whether the group actually does represent the interests of consumers, a listing, by general category, of the group's funding sources for the prior twenty-four (24) months and the approximate total percentage of the group's annual budget from each funding category. Each foundation, corporate, business, or government grant shall be separately listed by name of foundation, corporation, business, or government agency and amount of grant. For each individual who contributed at least five percent of the group's annual budget, the name of the individual and the total amount of the annual contribution shall be separately listed.

The Public Advisor may require additional information regarding the request at any time, but not more than twice during any one calendar year from a given Intervenor or participant.

CCR §2661.1 (j) defines representing the interests of consumers as follows:

Represents the Interests of Consumers” means that the intervenor represents the interests of individual insurance consumer[s], or the intervenor is a group organized for the purpose of consumer protection as demonstrated by, but is not limited to, a history of representing consumers in administrative, legislative or judicial proceedings.

A party which represents, in whole or in part, any entity regulated by the Commissioner shall not be eligible for compensation. However, nothing in this subsection shall be construed to prohibit any person from intervening or participating if that person is not seeking compensation.

1 CCR §2662.2(b) and (c) set deadlines for CDI's review of requests for finding  
2 of eligibility.

3 (b) Within 10 days of receipt of a request for finding of eligibility to  
4 seek compensation, the Public Advisor shall review the request for  
5 completeness. If the request includes all of the information required by  
6 subdivision (a) above, it is complete. If the Public Advisor determines that  
7 the request is not complete because it does not include all of the  
8 information required by subdivision (a), notice stating the grounds for  
9 incompleteness will be given to the person or group who submitted the  
10 request within the 10 day period and the request will be rejected.

11 (c) The Commissioner shall rule on the request for a finding of  
12 eligibility to seek compensation in writing not later than 15 days from the  
13 receipt of a complete request.

14 **FINDINGS**

15 UP has complied with the requirements of CCR § 2662.2.

16 UP represents the interests of consumers, and on these grounds, the  
17 Commissioner hereby finds UP eligible to seek compensation in CDI proceedings  
18 pursuant to CIC §1861.10.

19 This Finding of Eligibility is effective May 25, 2017.

20 **ORDER**

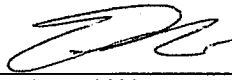
21 UP is hereby deemed eligible to seek compensation from the CDI for its representation of  
22 consumers' interests and for its participation in CDI proceedings pursuant to CIC §1861.10 for a  
23 period not to exceed two years from May 25, 2017.

24 A finding of eligibility to seek compensation does not ensure compensation. UP must  
25 comply with all relevant provisions of the California Insurance Code and the California Code of  
26 Regulations in order to participate and to submit requests and/or to receive compensation in  
27 specific hearings or proceedings.

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1 Dated: May 25, 2017

DAVE JONES  
Insurance Commissioner

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4 By   
5 Edward Wu  
6 Public Advisor

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**PROOF OF SERVICE**  
**In the Matter of the Request for Finding of Eligibility to Seek Compensation of**  
**UNITED POLICYHOLDERS**  
**Case No. IE-2017-0001**

I am over the age of eighteen years and am not a party to the within action. I am an employee of the Department of Insurance, State of California, employed at 45 Fremont Street, 19th Floor, San Francisco, California 94105. On May 26, 2017, I served the following document(s):

**FINDING OF ELIGIBILITY TO SEEK COMPENSATION**

on all persons named on the attached Service List, by the method of service indicated, as follows:

If **U.S. MAIL** is indicated, by placing on this date, true copies in sealed envelopes, addressed to each person indicated, in this office's facility for collection of outgoing items to be sent by mail, pursuant to Code of Civil Procedure Section 1013. I am familiar with this office's practice of collecting and processing documents placed for mailing by U.S. Mail. Under that practice, outgoing items are deposited, in the ordinary course of business, with the U.S. Postal Service on that same day, with postage fully prepaid, in the city and county of San Francisco, California.

If **OVERNIGHT SERVICE** is indicated, by placing on this date, true copies in sealed envelopes, addressed to each person indicated, in this office's facility for collection of outgoing items for overnight delivery, pursuant to Code of Civil Procedure Section 1013. I am familiar with this office's practice of collecting and processing documents placed for overnight delivery. Under that practice, outgoing items are deposited, in the ordinary course of business, with an authorized courier or a facility regularly maintained by one of the following overnight services in the city and county of San Francisco, California: Express Mail, UPS, Federal Express, or Golden State overnight service, with an active account number shown for payment.

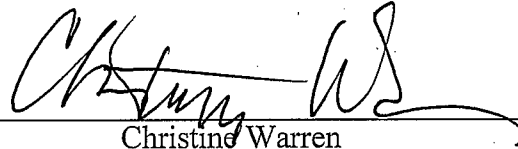
If **FAX SERVICE** is indicated, by facsimile transmission this date to fax number stated for the person(s) so marked.

If **PERSONAL SERVICE** is indicated, by hand delivery this date.

If **INTRA-AGENCY MAIL** is indicated, by placing this date in a place designated for collection for delivery by Department of Insurance intra-agency mail.

If **EMAIL** is indicated, by electronic mail transmission this date to the email address(es) listed.

Executed this date at San Francisco, California. I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

  
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Christine Warren

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**SERVICE LIST**  
**In the Matter of the Request for Finding of Eligibility to Seek Compensation of**  
**UNITED POLICYHOLDERS**  
**Case No. IE-2017-0001**

<u>Name/Address</u>	<u>Phone/Fax Numbers</u>	<u>Method of Service</u>
Amy R. Bach Daniel R. Wade UNITED POLICYHOLDERS 381 Bush Street, 8 <sup>th</sup> Floor San Francisco, CA 94104 <a href="mailto:amy.bach@uphelp.org">amy.bach@uphelp.org</a> <a href="mailto:dan.wade@uphelp.org">dan.wade@uphelp.org</a>	Tel: (415) 393-9990 Fax: (415) 677-4170	EMAIL