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

In the Matter of the Request for Finding of Eligibility of

JOHN METZ,

Petitioner.

File No. IE-2013-0003

Finding of Intervenor Eligibility

John Metz submitted his verified Request for Finding of Eligibility to Seek Compensation ("Request") on August 29, 2013. The Commissioner has reviewed the submission and makes the following findings and determinations:

1. Procedural background.

Mr. Metz applies for eligibility herein as an individual.

Mr. Metz has worked extensively representing the interests of consumers in matters relating to insurance. Mr. Metz is the chairman and a director of 501(c)3 corporation, JustHealth (aka California Consumer Health Care Council). Mr. Metz is also President of the Phoenix Business Group, a consumer advocacy services company. Mr. Metz serves on the National Coalition for Patient Privacy Rights, as the representative of JustHealth. He is also an initial sponsor of and previously was the Chairman of the HIAA Committee (Health Insurer Accountability Act of 2012).

Mr. Metz has been found eligible to seek compensation for the following two year terms: 8/15/97-8/15/99; 8/12/99-8/12/01; 5/26/05-5/26/07; 6/15/07-6/15/09; 8/24/09-8/24/2011; and 9/9/2011-9/9/2013.

Mr. Metz has participated in many CDI proceedings, has formally intervened in many of those proceedings, and has been granted compensation in many. Most recently, Mr. Metz was granted compensation in June 2007 for his participation in rulemaking proceeding

1 RH 06 09 2874, re. Rules of Practice and Procedure for Rate Proceedings and Intervention.

2 2. Legal Requirements for a finding of eligibility.

3 California Insurance Code (CIC) §1861.10 states in relevant part:

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

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

12 California Code of Regulations (CCR), Title 10 §2662.2 sets out the procedure by
13 which individuals and groups may request eligibility to seek compensation.

14 (a) A person or group representing the interests of consumers may provide
15 to the Public Advisor a request for finding of eligibility to seek
16 compensation. The request shall be verified and may be verified by the
17 intervenor's or participant's attorney and shall be submitted, at any time, in
18 conjunction with an ongoing proceeding in which the individual or
19 organization seeks to intervene. The request shall comply with sections
20 2652.1-2652.4 of this subchapter and shall include:

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

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

26 (A) a copy of the group's articles of incorporation,
27 by-laws, or (for groups not organized as corporations) other
28 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
publications 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

1 government grant shall be separately listed by name of
2 foundation, corporation, business, or government agency
3 and amount of grant. For each individual who contributed
4 at least five percent of the group's annual budget, the name
5 of the individual and the total amount of the annual
6 contribution shall be separately listed.

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

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11 (d) A Finding of Eligibility to Seek Compensation shall be valid in any proceeding
12 in which the intervenor's participation commences within two years of the Finding
13 of Eligibility so long as the intervenor (or participant) still meets the requirements
14 of subdivision (a). A Finding of Eligibility to Seek Compensation in no way
15 ensures compensation.

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

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

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

26 3. Mr. Metz is found to be eligible to request compensation.

27 Mr. Metz has complied with the requirements of CCR §2662.2(a)(1).

28 Mr. Metz represents the interests of consumers, and on that ground, the Commissioner hereby
finds him eligible to seek compensation in Department proceedings pursuant to CIC §1861.10 *et*
seq.

ORDER

John Metz is hereby deemed eligible to seek compensation from the Department of
Insurance for his representation of consumers' interests and his participation in Departmental
proceedings pursuant to CIC §1861.10, for a period not to exceed two years from
September 13, 2013. A finding of eligibility to seek compensation does not ensure compensation
and Mr. Metz must comply with all relevant provisions of the California Insurance Code and the
California Code of Regulations in order to submit requests and/or to receive compensation in

1 specific hearings or proceedings.

2 Dated: September 13, 2013

DAVE JONES
Insurance Commissioner

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By 
Edward Wu
Public Advisor

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PROOF OF SERVICE
In the Matter of the Request for Finding of Eligibility of
JOHN METZ, Petitioner
Case No. IE-2013-0003

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 September 13, 2013, I served the following document(s):

FINDING OF INTERVENOR ELIGIBILITY

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.

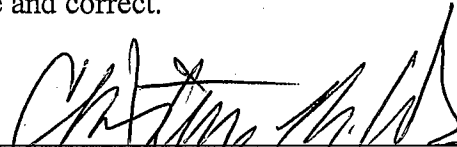
If **FAX SERVICE** is indicated, by facsimile transmission this date to fax number stated for the person(s) so marked.

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.


Christine M. Warren

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SERVICE LIST
In the Matter of the Request for Finding of Eligibility of
JOHN METZ, Petitioner
Case No. IE-2013-0003

<u>Name/Address</u>	<u>Phone/Fax Numbers</u>	<u>Method of Service</u>
Mr. John Metz 1275 Fourth Street Santa Rosa, CA 95404 <u>pbg@sonic.net</u>	Tel: (707) 539-4504 Fax: NA	EMAIL SERVICE Between 9:30 a.m. and 10:00 a.m.