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-2015-0001 FINDING OF ELIGIBILITY TO SEEK COMPENSATION

On or about February 24, 2015, 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.
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> CCR §2662.2(a)(2)(B). UP has approximately 12,000 electronic and print members and 246,000 website members.

> CCR §2662.2(a)(2)(C). UP listed the names of all individuals on its current Board of Directors and provided a business address at which they could all receive correspondence.
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> CCR §2662.2(a)(2)(D). UP stated that it disseminates a newsletter titled, "What's UP", with a circulation of approximately 12,000 members electronically and 8,500 members via print mailing.
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> CCR §2662.2(a)(2)(E). UP provided a copy of its annual or year-end report; which is incorporated in the "What's UP" newsletter.
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> 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 provided a copy of its IRS Form 990.
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> CCR §2662.2(a)(2)(G). UP submitted the percentages of funding from various categories: Contributions, Earned Revenue, Grants from Taproot Foundation, Pikes Peak Community Foundation, Long Island Community Foundation, Hurricane Sandy NJ Relief Foundation, FEMA 2012 Community Resilience Innovation Challenge, El Paso County, CO, Foothills United Way, Community Foundation of Northern Colorado. UP further stated that no individual contribution comprised more than 5% of its annual budget.

LEGAL STANDARDS

California Insurance Code section 1861.10 states in relevant part:

> (a) Any person may initiate or intervene in any proceeding permitted or established pursuant to this chapter, challenge any action of the commissioner under this article and enforce any provision of the article.
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> (b) The commissioner or a court shall award reasonable advocacy and 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 made a substantial contribution to the adoption of an order, regulation or decision by the Commissioner or a court.

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

> (a) A person or group representing the interests of consumers may provide to 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 participant's attorney and shall be submitted, at any time, in conjunction with an ongoing proceeding in which the individual or organization seeks to intervene. The request shall comply with sections 2652.1-2652.4 of this subchapter and shall include:

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

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

(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.

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

> (b) Within 10 days of receipt of a request for finding of eligibility to seek compensation, the Public Advisor shall review the request for completeness. If the request includes all of the information required by subdivision (a) above, it is complete. If the Public Advisor determines that the request is not complete because it does not include all of the information required by subdivision (a), notice stating the grounds for incompleteness will be given to the person or group who submitted the request within the 10 day period and the request will be rejected.
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> (c) The Commissioner shall rule on the request for a finding of eligibility to seek compensation in writing not later than 15 days from the receipt of a complete request.

DETERMINATIONS

UP has complied with the requirements of CCR § 2662.2.

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

This Finding of Eligibility is effective May 1, 2014.

ORDER

UP is hereby deemed eligible to seek compensation from the CDI for its representation of consumers' interests and for its participation in CDI proceedings pursuant to CIC §1861.10 for a period not to exceed two years from March 11, 2015.

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

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Dated: March 11, 2015

DAVE JONES
Insurance Commissioner

By ______________________
Edward Wu
Public Advisor

PROOF OF SERVICE

In the Matter of the Request for Finding of Eligibilty to Seek Compensation of UNITED POLICYHOLDERS
Case No. IE-2015-0001

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 March 11, 2015, 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.

Christine Warren

SERVICE LIST
In the Matter of the Request for Finding of Eligibilty to Seek Compensation of UNITED POLICYHOLDERS
Case No. IE-2015-0001

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