

**STATE OF NEW HAMPSHIRE
INSURANCE DEPARTMENT**

In re: Customer Engineering Services

Docket No.: INS No. 20-079-AP

PREHEARING ORDER

On February 19, 2021, a Prehearing Conference was held in accordance with RSA 541-A:31, V(c) and New Hampshire Administrative Rule Ins 206.07. Customer Engineering Services (“CES”), Petitioner, was represented by Scott Priz and Mitsui Sumitomo Insurance USA, Inc. (“Mitsui”), Respondent, was represented by Karen Asher-Cohen.

The parties reported that although they continue to discuss settlement, a settlement is unlikely at this time as the parties are too far apart. A similar hearing was held in Florida and the parties are waiting for the order, but are unsure when the order will be issued.

The issues in dispute as articulated in the Notice of Hearing and the parties’ prehearing statements were discussed. The issue to be determine at the hearing is whether the classification code 3724 is the appropriate classification for Petitioner's New Hampshire employees for policy years 2015/2016, 2016/2017, 2017/2018, and 2018/2019. The parties dispute whether there is sufficient evidence available to support the imposition of a different classification code in accordance with NCCI procedure manual rules.

The parties will work together to submit a stipulation of facts and joint exhibits prior to the hearing. If any dispute arises regarding the admissibility of a proposed exhibit, the objecting party must file a motion objecting to the exhibits admission. The stipulation of facts, joint exhibits, and any related motions must be filed electronically by email no later than **March 15, 2021**. All exhibits will be admitted as filed unless an objection in writing is received.

CES anticipates calling Jerry Hope, Vice President of CES, and Christian Frindholm, Vice President and General Manager of Technical Services Division, Fujifilm North America Corporation, as witnesses. Mitsui anticipates calling Steven Zaeh, a regional underwriting executive vice president with Mitsui, and Catherine Tralha, a premium audit manager with Mitsui. The parties have already participated in a similar hearing in Florida and will consider offering portions of the transcripts from that hearing as exhibits to cut down on the amount of live testimony needed for this hearing. The parties are encouraged to submit written testimony as exhibits in lieu of providing live testimony where appropriate. Each party has the right to present and cross-examine witnesses as necessary.

Respondent's motion to sequester witnesses is GRANTED. All witnesses will be sequestered during the hearing. Sequestered witnesses are required to join the Webex hearing and will be placed in the "waiting room" until they are called to testify.

The hearing will take place virtually using WebEx on **March 22 and March 24, 2021 from 10:00 a.m. to 3:00 p.m. ET**. The parties are directed to discuss the best way to allocate the allotted time for the hearing.

The parties' request to submit proposed findings of fact and conclusions of law is GRANTED. The parties shall submit proposed findings of fact and conclusions of law no later than 30 days after the transcript of hearing is available.

All submissions must be emailed to Linda.M.Zalinskie@ins.nh.gov and Sandra.L.Barlow@ins.nh.gov.

SO ORDERED.

Date: February 24, 2021



Michelle Heaton, Hearing Officer