

BEFORE THE NEW MEXICO OFFICE OF SUPERINTENDENT OF INSURANCE

RULEMAKING HEARING

FRIDAY, MAY 6, 2022

9:00 A.M.

IN THE MATTER OF THE ADOPTION OF)

AMENDMENTS OF RULE 13.2.9 NMAC) Docket No. 2022-0031

PROPERTY AND CASUALTY ACTUARIAL)

OPINIONS)

BEFORE: R. ALFRED WALKER, HEARING OFFICER (remote)

TRANSCRIBED BY: KIM KAY SHOLLENBARGER, COURT REPORTER
PAUL BACA PROFESSIONAL COURT REPORTING
500 4TH STREET, NORTHWEST, SUITE 105
ALBUQUERQUE, NEW MEXICO 87102

1 HEARING OFFICER WALKER: Good morning. This is
2 hearing is being recorded for later transcription by a court
3 reporter. I am R. Alfred Walker, legal counsel for the
4 Office of Superintendent of Insurance, and I have been
5 appointed by the Superintendent of Insurance as the Hearing
6 Officer for this hearing. I will be presiding over this
7 hearing in Docket Number 2022-0031. Transcripts of the
8 hearing will be filed to the docket for the proposed rule.

9 The caption in this rulemaking is in the Matter of
10 Adoption of Amendments to Rule 13.2.9 NMAC Property and
11 Casualty Actuarial Opinions. In addition to the general
12 rulemaking authority found in the New Mexico Insurance Code,
13 statutory authority for the promulgation of the proposed rule
14 is found at NMSA 1978, Section 59A-2-9 and NMSA 1978, Section
15 59A-5-29.

16 The Notice of Proposed Rulemaking was published as
17 required by law in the New Mexico Register on April 5, 2022
18 and in the Albuquerque Journal on April 5, 2022, and was
19 distributed via OSI's newsletter to a list of potentially
20 interested parties.

21 The Notice of Proposed Rulemaking and the full text
22 of the proposed rules are available through a link on the OSI
23 website. All have also been available through the New Mexico
24 Sunshine Portal and upon request from the New Mexico Office
25 of Superintendent of Insurance.

1 In addition to scheduling this public comment
2 hearing the Notice of Proposed Rulemaking provided interested
3 insurers, the Attorney General, members of the judiciary and
4 members of the public with the opportunity to submit written
5 comments no later than four o'clock p.m. today, Friday May 6,
6 2022.

7 Oral comments will be accepted today at this public
8 hearing from interested persons and written responses to any
9 written or oral comments may be filed to the docket no later
10 than four o'clock p.m. on Monday, May 16, 2022.

11 Pursuant to the Notice of Proposed Rulemaking, any
12 oral comments from today's hearing and written comments filed
13 to the docket will be considered by the Superintendent.
14 There have been written comments filed to the docket. The
15 docket remains open for filing of written comments until four
16 o'clock p.m. today.

17 So that the Superintendent does not initiate, permit
18 or consider a communication directly or indirectly with a
19 party or a party's representative outside the presence of
20 other parties regarding this matter until the record has been
21 closed, the Superintendent will close the record in this
22 matter on the earlier of 30 days following the public hearing
23 or the date final order is issued in this case. Once the
24 record is closed no further oral or written communication
25 concerning this rulemaking will be entertained or considered

1 by the Superintendent.

2 The purpose of this hearing is for the Office of
3 Superintendent of Insurance to receive oral comments on the
4 rule incorporated by reference into the Notice of Proposed
5 Rulemaking. Pursuant to the Notice of Proposed Rulemaking,
6 all public comments will be accepted at this public hearing.

7 So I will note that this hearing was scheduled to
8 commence at 9 a.m. this morning. It is now 9 minutes after 9
9 a.m. and the only person who has appeared for this public
10 hearing is Rick Blumenfeld from the Office of Legal Counsel
11 of the Office of Superintendent of Insurance, who has
12 previously indicated he doesn't have comments to make at this
13 hearing.

14 No other person has appeared in order to make public
15 comments, so I am going to conclude the hearing and
16 appreciate, Mr. Blumenfeld, you showing up. I will wait,
17 because there has been written comments filed to the docket,
18 I will wait for any response, comments before issuing my
19 written decision, my written recommendation to the
20 superintendent.

21 So with that, we are adjourned.

22 (Record closed)

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REPORTER'S CERTIFICATE

I, Kim Kay Shollenbarger, Court Reporter, do hereby
certify that I transcribed the Zoom recording of the
foregoing proceedings, and that the foregoing pages are a
transcript of those proceedings.

I FURTHER CERTIFY that I am neither employed by nor
related to any of the parties or attorneys in this case and
that I have no interest in the final disposition of this
case.

/s/ Kim Kay Shollenbarger

Kim Kay Shollenbarger, Court Reporter