

**FILED**

APR - 6 2004

**BEFORE THE INSURANCE COMMISSIONER OF THE  
STATE OF OKLAHOMA**

INSURANCE COMMISSIONER  
OKLAHOMA

**IN THE MATTER OF THE RATE FILING )  
BY THE MEDICAL PROTECTIVE )  
COMPANY )**

**FILE NO. 04-0215-PRJ**

**ORDER**

This matter came before the Insurance Commissioner for hearing on the 26<sup>th</sup> day of March, 2004. After giving due consideration to the statutorily required factors and the oral and written evidence submitted at the hearing, the Commissioner issues the following order.

**FINDINGS OF FACT**

1. The Medical Protective Company is an authorized insurer in the State of Oklahoma, holding certificate of authority number 4937.
2. On or about December 30, 2003, Medical Protective filed a Rate Application with the Commissioner, seeking a rate change, with a proposed effective date of June 1, 2004. The Oklahoma Insurance Department file number is 03-4356C.
3. Simultaneous with its filing and pursuant to 36 O.S. § 6821, policyholders were notified of the desired rate change.
4. On February 12th, 2004, the Commissioner issued a Notice of Hearing for the above styled cause of action, pursuant to 36 O.S. § 6821.

## CONCLUSIONS OF LAW

1. Notice of the public hearing containing a statement of the time, place and nature of the hearing was properly given in compliance with the requirements of Title 75, Section 309 of the Oklahoma Administrative Procedures Act.
2. The public hearing on March 26<sup>th</sup>, 2004, concerning Medical Protective's rate change application was held in compliance with the provisions of Title 36, Section 6821.
3. Pursuant to Section 6821, the Commissioner shall not approve rates that are excessive, inadequate, unfairly discriminatory or in other violation of the statute. The burden of proof of the justification for the requested rate change is on the insurer, as well as the burden of proof of statutory compliance.
4. The Order of the Commissioner will not produce medical professional liability rates that are excessive, inadequate, unfairly discriminatory or in other violation of Title 36, Section 6821.
5. The requested rate change is not excessive, inadequate, unfairly discriminatory or in other violation of Title 36, Section 6821.

ORDER

It is therefore ordered the above referenced rate change application filed by the Medical Protective Company is approved as follows:

1. The rate change shall be 105%, beginning June 1, 2004.
2. The Commissioner reserves the right to reconsider these changes.

WITNESS My Hand and Official Seal this 6th day of April, 2004.



*Carroll Fisher*  
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CARROLL FISHER  
INSURANCE COMMISSIONER  
STATE OF OKLAHOMA

CERTIFICATE OF MAILING

I, Robert Noll, hereby certify that a true and correct copy of the above and foregoing Order was mailed postage prepaid on this 6th day of April, 2004, to Oklahoma Secretary of State.

Copies of this notice were posted on the bulletin board and the web site ([www.insurance.state.ok.us](http://www.insurance.state.ok.us)) of the Oklahoma Insurance Department, as well as delivered to the Oklahoma State Medical Association.



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Robert Noll  
Assistant General Counsel