

STATE OF MAINE

DIRIGO HEALTH AGENCY

RE: DETERMINATION OF ) PROCEDURAL ORDER  
AGGREGATE MEASURABLE ) ON REMAND  
COST SAVING FOR THE FOURTH )  
ASSESSMENT YEAR (2009) )

PROCEDURAL ORDER ON REMAND

The Dirigo Board of Trustees determined aggregate measurable cost savings for the Fourth Assessment Year in July 2008 and filed its determination with the Superintendent of Insurance. The Superintendent, in a two part decision and order dated September 23, 2008 and September 30, 2008, approved in part and disapproved in part the Board's determination. Certain parties appealed the decision of the Superintendent to Superior Court. On August 31, 2009, the Superior Court granted the appeal and remanded the case back to the Superintendent and further ordered that the Superintendent remand the matter back to the Board. The Superintendent remanded the matter to the Board by order dated October 2, 2009.

The Board hereby sets forth the schedule of proceedings on remand. All parties are advised that this schedule is subject to change based upon developments in the proceeding and should verify the current schedule as necessary.

Disclosure of DHA Methodology	5:00 pm November 3, 2009
Production of Supporting Documentation by DHA	5:00 pm November 3, 2009
DHA Disclosure of Witnesses	5:00 pm November 3, 2009

Intervenors Disclosure of Witnesses	5:00 pm November 23, 2009
Production of Documents by Intervenors	5:00 pm November 23, 2009
Pre-filed Testimony And Exhibits by DHA	5:00 pm November 25, 2009
Pre-filed Testimony And Exhibits by Intervenors	5:00 pm December 4, 2009
Pre-Hearing Conference	11:00 am December 8, 2009
Pre-Hearing Brief of DHA	12:00 noon December 9, 2009
Pre-Hearing Brief of Intervenors	12:00 noon December 11, 2009
First Session of Public Hearing	9:00 a.m. December 16, 2009

The hearing will continue on December 17, 2009 if deemed necessary by the Board. The location of the hearing will be designated at a later date.

## 2. Witness List and Documents

A party shall provide to other parties and file with the Board in accordance with the Schedule of Proceeding the following information:

- a. The name, address and telephone number of each witness the party intends to, or may, present at the hearing;
- b. A summary of the testimony to be presented by each witness;
- c. A copy of each document or other exhibit, including summaries of other evidence, the party intends to, or may, present at the hearing;
- d. The name, address and telephone number of each person the party expects to call as an expert witness; and,
- e. A summary, including qualifications, of the testimony to be presented of each expert witness.

## 3. Service of Documents

a. All filings and other correspondence relating to this proceeding should be filed electronically with the Board at the offices of the Dirigo Health Agency, 211 Water Street, Augusta, Maine as follows:

Dirigo Health Agency

Attn. [Ruth.A.Burke@maine.gov](mailto:Ruth.A.Burke@maine.gov)

53 State House Station

Augusta, Maine 04333-0053

b. One identical electronic copy shall be served on each party to the proceedings.

c. Documents that cannot be filed electronically shall be filed or served as appropriate in hand or by mail. Two copies of each document not filed electronically shall be filed with the Board. One copy shall be served on each party to the proceedings.

d. Service List

The Board will establish a service list and provide the list to all parties. Each party shall provide the Board within forty-eight (48) hours of being granted party status the name, address, telephone number, FAX number and e-mail address of one person to accept service for that party.

#### 4. Motions

Every request or motion for an order or ruling by the Board shall be in writing, unless made on the record during the hearing to which the request or motion is related. Every request or motion shall state with particularity the grounds therefore and shall set forth the order or ruling sought. A party shall file with the request or motion or incorporate within the request or motion (i) a memorandum with citations to supporting authorities and (ii) a draft order which grants the motion and specifically states the relief to be granted.

Any party opposing a request or motion shall file within four (4) calendar days after receipt of the motion a memorandum in opposition to the request or motion.

Memorandum in support of or in opposition to a request or motion shall not exceed five (5) pages.

5. Pre-filed Testimony and Exhibits

On the deadline established for pre-filing, any party wishing to present evidence shall pre-file with the Board written testimony and exhibits of each witness the party intends to present in support of its direct case. A copy of all testimony and exhibits must be served on all other parties to the proceeding in accordance with the requirements set forth above. Such testimony will be admitted at the hearing only if the witness, under oath, affirms the pre-filed testimony and is subject to cross-examination. The pre-filed testimony shall be in question and answer format; summary or other non-testimonial material shall not be accepted.

Pre-filed testimony and exhibits are subject to objection when offered at the hearing, but in no event will be admitted unless the witness submitting the testimony is available at the hearing for cross-examination.

Pre-filed testimony and exhibits shall be limited to the issues and subject matter outlined in the applicable statutes and by any applicable order of the Board.

6. Consolidation of Presentations

The Board will require parties with similar interests to consolidate presentations of evidence and argument at the hearing. Accordingly, parties with similar interests shall, among other matters, coordinate the use of experts and the testimony of witnesses and issues to be addressed at the hearing.

Dated: October 30, 2009

BOARD OF TRUSTEES  
DIRIGO HEALTH AGENCY

A handwritten signature in cursive script, appearing to read "Robert McAfee".

Robert McAfee, M.D., Chair