

TEXAS WATCH

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February 9, 2012

VIA FACSIMILE: 512-475-1772

Agency Counsel Section
Texas Department of Insurance
P.O. Box 149104, Mail Code 110-1A
Austin, Texas 78714-9104

Re: Open records request; residential property and personal automobile insurance policy forms and endorsements

Dear Counsel:

Pursuant to the Texas Public Information Act (TEX. GOV'T CODE § 552.001, *et seq.*), we hereby request the following information:

- 1) All residential property insurance¹ policy forms that are currently in use in the State of Texas;
- 2) All residential property insurance policy endorsements that are currently in use in the State of Texas;
- 3) All personal automobile insurance² policy forms that are currently in use in the State of Texas;
- 4) All personal automobile insurance policy endorsements that are currently in use in the State of Texas;
- 5) All residential property insurance policy forms that were filed with the Texas Department of Insurance (TDI) but disapproved, whether under TEX. INS. CODE § 2301.001, *et seq.*, or any other applicable law or regulation, in the last ten (10) years;
- 6) All residential property insurance policy forms that were filed with TDI but for which approval was withdrawn, whether under TEX. INS. CODE § 2301.001, *et seq.*, or any other applicable law or regulation, in the last ten (10) years;
- 7) All residential property insurance policy endorsements that were filed with TDI but disapproved, whether under TEX. INS. CODE § 2301.001, *et seq.*, or any other applicable law or regulation, in the last ten (10) years;
- 8) All residential property insurance policy endorsements that were filed with TDI but for which approval was withdrawn, whether under TEX. INS. CODE § 2301.001, *et seq.*, or any other applicable law or regulation, in the last ten (10) years;

¹ "Residential property insurance" has the meaning given to the term in TEX. INS. CODE § 2301.051(3); *see* <http://www.statutes.legis.state.tx.us/Docs/IN/htm/IN.2301.htm>.

² "Personal automobile insurance" has the meaning given to the term in TEX. INS. CODE § 23.01.051(2); *see id.*

- 9) All personal automobile insurance policy forms that were filed with TDI but disapproved, whether under TEX. INS. CODE § 2301.001, *et seq.*, or any other applicable law or regulation, in the last ten (10) years;
- 10) All personal automobile insurance policy forms that were filed with TDI but for which approval was withdrawn, whether under TEX. INS. CODE § 2301.001, *et seq.*, or any other applicable law or regulation, in the last ten (10) years;
- 11) All personal automobile insurance policy endorsements that were filed with TDI but disapproved, whether under TEX. INS. CODE § 2301.001, *et seq.*, or any other applicable law or regulation, in the last ten (10) years;
- 12) All personal automobile insurance policy endorsements that were filed with TDI but for which approval was withdrawn, whether under TEX. INS. CODE § 2301.001, *et seq.*, or any other applicable law or regulation, in the last ten (10) years;
- 13) All memoranda prepared in support or challenging approval of any residential property insurance policies in the last ten (10) years;
- 14) All memoranda prepared in support or challenging approval of any residential property insurance endorsements in the last ten (10) years;
- 15) All memoranda prepared in support or challenging approval of any personal automobile insurance policies in the last ten (10) years;
- 16) All memoranda prepared in support or challenging approval of any personal automobile insurance endorsements in the last ten (10) years;
- 17) A list of all residential property insurance policies and endorsements that are in use in the State of Texas, indicating the corresponding:
 - a. Individual insurer's name and NAIC³ company code number,
 - b. Group insurer's name and NAIC group code number,
 - c. Date that the policy was filed,
 - d. Date that the policy was approved,
 - e. Date that the endorsement was filed, and
 - f. Date that the endorsement was approved;
- 18) A list of all personal automobile insurance policies and endorsements that are in use in the State of Texas, indicating the corresponding:
 - a. Individual insurer's name and NAIC company code number,
 - b. Group insurer's name and NAIC group code number,
 - c. Date that the policy was filed,
 - d. Date that the policy was approved,
 - e. Date that the endorsement was filed, and
 - f. Date that the endorsement was approved;
- 19) A list of all residential property insurance policies and endorsements that were disapproved by the commissioner,⁴ indicating the corresponding:
 - a. Individual insurer's name and NAIC⁵ company code number,

³ "NAIC" refers to the National Association of Insurance Commissioners; see <http://www.naic.org/>.

⁴ With respect to this request, disapproval also includes instances where the commissioner withdrew his or her approval. "Commissioner" refers to the commissioner of the Texas Department of Insurance.

- b. Group insurer's name and NAIC group code number,
 - c. Date that the policy was filed,
 - d. Date that the policy was disapproved,
 - e. Date that the endorsement was filed, and
 - f. Date that the endorsement was disapproved; and
- 20) A list of all personal automobile insurance policies and endorsements that were disapproved by the commissioner,⁶ indicating the corresponding:
- a. Individual insurer's name and NAIC company code number,
 - b. Group insurer's name and NAIC group code number,
 - c. Date that the policy was filed,
 - d. Date that the policy was disapproved,
 - e. Date that the endorsement was filed, and
 - f. Date that the endorsement was disapproved.

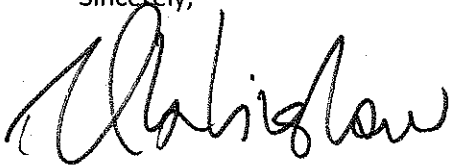
In fulfilling these requests, please indicate which documents are responsive to each request. Also, if anyone outside of the Texas Department of Insurance is consulted or involved in responding to part or all of these requests, please indicate the name, role, company, and contact information for all such persons.

We trust that there should be no difficulty in providing these records, as these documents have already been made public to the individual policyholders who have purchased coverage, rendering any arguments about them being confidential, proprietary, or trade secrets altogether frivolous, groundless, and in bad faith.

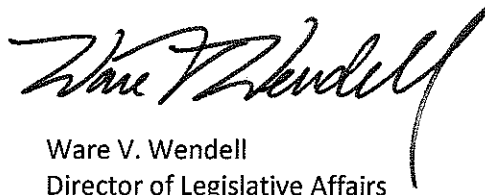
We would prefer that this information be produced in an electronic format (namely, PDF or Microsoft Office files). If any charges are associated with honoring these requests, please notify us before the charges are incurred and describe in detail your methodology for calculating these charges.

Thank you in advance for your timely response.

Sincerely,



N. Alex Winslow
Executive Director



Ware V. Wendell
Director of Legislative Affairs

cc: Commissioner Eleanor Kitzman
Via facsimile: 512-475-2005

⁵ "NAIC" refers to the National Association of Insurance Commissioners; see <http://www.naic.org/>.

⁶ See *supra* text accompanying note 4.