

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE
CAUSE NUMBER:10195-CO11-0329-005

IN THE MATTER OF:)
)
Homesite Insurance Company of the Midwest)
)
Respondent,)
)
99 Bedford St.)
Boston, MA 02111)
)
NAIC No.: 13927)
)

FILED
MAY 09 2011
STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER AND APPROVAL

The Indiana Department of Insurance (“Department”) and Homesite Insurance Company of the Midwest. (“Respondent”) signed an Agreed Entry which purports to resolve all issues involved in the above cause number. The Agreed Entry has been submitted to the Commissioner of Insurance (the “Commissioner”) for approval.


The Commissioner, after reviewing the Agreed Entry, finds it has been entered into fairly and without fraud, duress or undue influence, and is fair and equitable between the parties. The Commissioner hereby incorporates the Agreed Entry as if fully set forth herein, and approves and adopts in full the Agreed Entry as a resolution of this matter.

IT IS THEREFORE ORDERED by the Commissioner of Insurance:

1. The Department alleges that Respondent used unfiled rates that resulted in erroneous overcharges to Indiana consumers holding renter’s policies with the company.

2. Respondent shall pay an administrative fine of \$3,000.00 within thirty (30) days of the filing of this Final Order.
3. Respondent shall make efforts to refund the overcharged premium to the 81 affected Indiana policyholders in the manner prescribed in the Agreed Entry.
4. Respondent shall self-report any future discoveries of instances where Indiana consumers were charged rates differing from those filed with the Department within thirty (30) days of identifying the issue.

ALL OF WHICH IS ORDERED this 9th day of May 2011.


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

Maureen Fidler
Homesite Insurance Company of the Midwest
99 Bedford St.
Boston, MA 02111

Nikolas P. Mann
INDIANA DEPARTMENT OF INSURANCE
311 West Washington Street, Suite 300
Indianapolis, Indiana 46204-2787

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DEPT. OF INSURANCE

AGREED ENTRY

This Agreed Entry is executed by Nikolas P. Mann, Attorney for and on behalf of the State of Indiana, Indiana Department of Insurance (“Department”), and Homesite Insurance Company of the Midwest (“Respondent”), an insurance company holding a Certificate of Authority to conduct business in Indiana, to resolve all issues in the above cause number. This Agreed Entry is subject to the review and approval of Stephen W. Robertson, Commissioner, Indiana Department of Insurance.

WHEREAS, Respondent is an insurer with a statutory home office located in the State of North Dakota and licensed to do business in the State of Indiana; and

WHEREAS, in March, 2011, the Department learned that Respondent had been using unfiled rates that resulted in erroneous overcharges to Indiana consumers holding renter’s policies with Respondent; and

WHEREAS, Respondent has notified the Department that 81 policyholders, for a period of 120 terms, were overcharged a combined total of \$710.00 over the rates filed with the Department between 2003 and 2009; and

WHEREAS, Respondent's actions, as described herein, are violative of Indiana Code § 27-1-22-4 (k); and

WHEREAS, the Department and Respondent desire to resolve their differences and settle their issues without a hearing;

IT IS, THEREFORE, NOW AGREED by and between the parties as follows:

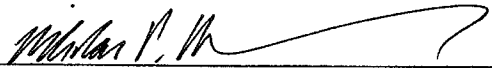
1. The Commissioner has jurisdiction over the subject matter and Respondent in this administrative action.
2. This Agreed Entry is executed voluntarily by the parties.
3. Respondent voluntarily and freely waives the right to a public hearing in this matter.
4. Respondent voluntarily and freely waives the right to judicial review of this matter.
5. Respondent agrees to pay a fine of \$3,000.00 within thirty (30) days of the Final Order adopting this Agreed Entry.
6. Respondent will make all reasonable efforts to refund the overcharged premiums to the 81 affected policyholders. These efforts will include attempts to contact affected policyholders using any and all contact information (e.g. telephone, regular mail and electronic mail) available to Respondent to confirm mailing addresses for each policyholder. Once

confirmed, Respondent will refund the overcharged premium to each policyholder.

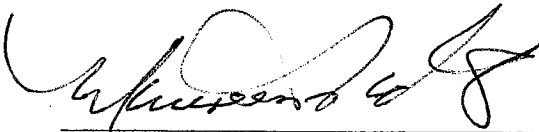
7. In the event an affected policyholder cannot be located after six (6) months, Respondent will remit the overcharged premiums to the Indiana Attorney General Unclaimed Property Division.
8. The refund of premiums described in paragraph 6 shall be repaid with 8% simple (not compound) interest.
9. Respondent agrees to self-report any future discoveries of instances where Indiana consumers were charged rates differing from those filed with the Department. Such self-reports will be done within thirty (30) days of identifying the issue.
10. Should this Agreed Entry not be accepted by the Commissioner, it is agreed that presentation to and consideration of this Agreed Entry by the Commissioner shall not unfairly or illegally prejudice the Commissioner from further participation in or resolution of these proceedings.
11. Respondent has carefully read and examined this agreement and fully understands its terms.

4/29/11
Date Signed

4/27/2011
Date Signed



Nikolas P. Mann, Attorney
Indiana Department of Insurance

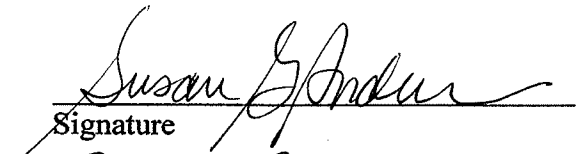


Maureen Fidler
Homesite Insurance Company of the Midwest

STATE OF Mass.)
COUNTY OF Suffolk) SS:

Before me a Notary Public for Suffolk County, State of ~~Massachusetts~~ personally appeared Maureen Fidler, on behalf of Homesite Insurance Company of the Midwest, and being first duly sworn by me upon his/her oath, says that the facts alleged in the foregoing instrument are true.

Signed and sealed this 27th day of April, 2011.



Signature

SUSAN Goemly Anderson
Printed

My Commissioner expires: 4/13/2012

County of Residence: Norfolk Co, MA