

Appendix 2

Comments on the Exposure Draft and Subcommittee Responses

The proposed standard of practice was approved for release as an exposure draft in October 1994, with a comment deadline of March 15, 1995. Thirty-one comment letters were received and reviewed by the Subcommittee on Ratemaking of the ASB's Casualty Committee. Summarized below are the substantive issues raised and questions contained in the comment letters, printed in lightface. The subcommittee's responses to those issues appear in **boldface**.

Note also that, as mentioned in the transmittal memorandum to this standard of practice (see page vi), the ASB adopted on May 1, 1996, a new format for all actuarial standards of practice. Thus, the section numbers below refer to section numbers in the exposure draft, unless otherwise noted (some section numbers have remained the same).

Section 1. Purpose, Scope, and Effective Date

Section 1.1, Purpose—Several comments were received asking for clarification of the issues covered by the standard. **The subcommittee added the phrase *for property/casualty insurance ratemaking* to clarify that the standard is limited to ratemaking. Further, the section was revised to note that the subject of federal and foreign income taxes is clearly *excluded* by the standard. The subject of investment expenses was also specifically excluded since the subcommittee agreed that the subject should not be considered in this standard.** One commentator questioned whether allocated loss adjustment expenses were included in the standard. **The subcommittee revised the section to make it clear that all loss adjustment expenses are included in this standard.**

Section 1.2, Scope—A few commentators noted that this section is ambiguous in its use of examples. **The subcommittee modified the text to clearly note that the standard applies to all property/casualty coverages.**

Section 2. Definitions

Section 2.1, Allocated Loss Adjustment Expenses—**This definition was deleted since it is not used in the standard.**

Section 2.4, General Administrative Expenses (now section 2.3)—Several comments were received regarding reinsurance expenses. **The subcommittee added a new section, Provision for Reinsurance (see section 3.7), to discuss the treatment of reinsurance expenses. No changes were made to the definition of *general administrative expenses*.**

Section 2.5, Guaranty Fund Assessments (now section 2.10 and titled, Statutory Assessment Provision)—**The subcommittee developed a broader definition that refers to all statutory assessments in order to reflect guaranty fund assessments, and emerging statutory insurance and reinsurance mechanisms, such as the Florida Hurricane Catastrophe Fund, the Florida Windstorm Underwriting Association, and the California Earthquake**

Authority, as well as various administrative and special fund expenses for which entities are assessed. The subcommittee also replaced the word *insurer* with *entity* to further broaden the application.

Section 2.8, Policyholder Dividends (now section 2.6)—One comment letter noted that this was a weak definition. **Although the definition was slightly modified, the subcommittee believes that the revised definition is the most descriptive and definitive one available. The subcommittee deleted the phrase *charged to operations* at the end of the definition and added the phrase *or distributions of surplus*.**

Section 2.9, Rate (now section 2.8)—**No change was made. This definition is the same as the one found in the CAS *Statement of Principles Regarding Property and Casualty Insurance Ratemaking*.**

Section 2.10, Residual Market Provision (now section 2.9)—**Per comments received, the entire second sentence of the section was moved to section 4.9 of the exposure draft, which can now be found in appendix 1 under the title, Residual Market and Statutory Assessment Provisions.**

Section 2.11, Taxes, Licenses, and Fees—**Based on comments received and on an analysis of the insurance expense exhibit breakout, the subcommittee inserted the words *federal and foreign* before *income taxes* to make clear that state income, municipal, police department, fire department, etc., premium taxes should be considered.**

Section 2.12, Unallocated Loss Adjustment Expenses—Some commentators noted that since some companies contract claim handling as a percentage of each claim cost, some types of claim costs could be classified as “allocated” for one company and “unallocated” for another. **This definition was deleted since it is not used in the standard.**

Section 2.13, Variable Expenses (now section 2.7 and titled Premium-Related Expenses)—One commentator suggested that this section be titled, Premium Variable Expenses. **The subcommittee agreed in concept and changed the title to, Premium-Related Expenses.**

Other commentators suggested that the standard define *nonvariable expenses*, since the term is used in section 4.8 (this section can now be found in appendix 1, Current Practices, with the title, Expense Trending) and section 5.4, Measurement Base. **The subcommittee deleted use of this term. Thus, no definition is necessary. Expenses that are not related to premiums are treated in the second paragraph of section 3.2, Determining Expense Provisions, in this standard.**

Section 3. Background and Historical Issues (Now in Appendix 1 under Background)

Section 3.1, Inflation and Price Controls (this section can now be found in appendix 1 under the title, Inflation)—It was noted that *price controls* are not mentioned elsewhere in the section. **This phrase was deleted. The subcommittee also modified the wording in the last sentence of the paragraph to make the application of the loss trend less restrictive.**

Section 3.2, Expense Flattening (this section can now be found in appendix 1)—It was suggested that the word *policies* be expanded to *policies or other units of exposure*. **The subcommittee agreed and made the modification. In addition, the wording in the last sentence was changed to make the definition of *expense flattening* more explicit.**

Section 3.3, Expense Trending (this section can now be found in appendix 1 under Background)—It was noted that the phrase *expense trending* does not need to be italicized. **The subcommittee deleted the italics and replaced *measures* with *reflects*, since expense trending is not a true measure of changes.**

Section 3.4, Actuarial Literature (this section can now be found in appendix 1)— **In the first sentence, the subcommittee replaced the word *expenses* with the phrase *expense provisions in ratemaking* to make it consistent with the subject of the standard of practice. In the last sentence, the wording was modified to be consistent with the section, Expense Flattening.**

Section 3.5, Regulation (this section can now be found in appendix 1)—It was suggested that the second sentence (*These expense limitations should be taken into account when establishing the premium rate filed with the regulator.*) reflects procedure rather than background. **The subcommittee deleted this sentence from the section, and modified the wording in section 4.1 of the standard to reflect this change.**

Section 4. Current Practices and Alternatives (Now in Appendix 1 under Current Practices)

Section 4.1, Categories (this section can now be found in appendix 1)—Suggestions included rearranging this section to remove the reference to specific loss adjustment expenses and inserting this reference into section 4.2. It was also suggested that the draft may be too limiting regarding current practice. **The subcommittee moved a portion of this section to the section directly below it (i.e., the old section 4.2, Loss Adjustment Expenses), and rewrote the remaining text to broaden the scope of current practice. Also, the word *special*, describing the studies that could be conducted, was deleted.**

Section 4.2, Loss Adjustment Expenses (this section can now be found in appendix 1)—It was suggested that the third and fourth sentences were inconsistent. **The subcommittee revised the third and fourth sentences of this section to clarify that unallocated expenses may be expressed as a function of premium.**

Section 4.3, Commissions and Premium Taxes (this section can now be found in appendix 1)—A concern was expressed that this section did not mention “truly variable commissions, e.g., ones that include profit-sharing based on loss ratios.” In addition, minor editorial changes were recommended. **The subcommittee is satisfied that this section is broad enough to allow the actuary to work with variable commissions. The editorial suggestions were adopted.**

Section 4.4, General Administrative Expenses and Other Acquisition Expenses (this section can now be found in appendix 1)—One commentator suggested that this section is inconsistent with sections 4.1 and 5.1 of the exposure draft. In addition, minor editorial suggestions were offered.

The subcommittee does not agree that an inconsistency exists among the sections, but it did incorporate the suggested editorial changes.

Section 4.5, Specific Jurisdiction versus Nationwide—Minor editorial changes were suggested. **After further consideration, the subcommittee concluded that this section was not necessary and deleted it.**

Section 4.8, Nonvariable Expenses (this section can now be found in appendix 1, Current Practices, with the title, Expense Trending)—Concern was expressed that this section restricts expense trending to only nonvariable expenses. It was also suggested that this section be broadened to include a discussion of the prospective treatment of expenses. **The subcommittee renamed this section Expense Trending, modifying the text to acknowledge that expenses may need to be adjusted to reflect changes over time.**

Section 4.9, Residual Market Provisions and Guaranty Fund Assessments (this section can now be found in appendix 1 with the title, Residual Market and Statutory Assessment Provisions)—A few comment letters requested making this section more general by removing references to *guaranty funds* and removing the reference to *state-specific residual market costs*. **The phrase *guaranty fund* was replaced with the term *statutory* in the title, and the phrase *state-specific* was eliminated from the section. The subcommittee also added language to identify an appropriate treatment of a residual market provision.**

Section 5. Analysis of Issues and Recommended Practices (Now Section 3)

Section 5.1, Categorizing Expenses (now section 3.1)—Concerns were expressed that requiring the actuary to be familiar with the *Instructions for Uniform Classification of Expenses* and with the entity's own methods of classifying expenses is too onerous. **This information (i.e., that contained in the NAIC publication and the entity's own methods) is important to the selection of an appropriate expense methodology. The section was left unchanged.** It was also suggested that the National Council on Compensation Insurance statistical plan be added to the list of expense definitions. **The subcommittee believes that the requirement to be “familiar with the entity's own methods” covers this issue.**

Section 5.2, Determining Expense Components (now section 3.2 and titled Determining Expense Provisions)—Several concerns were expressed about the discussion of ULAE and ALAE. Also, several comments requested that residual market costs be discussed in a separate section. **The discussion of ULAE and ALAE was deleted. Also, the subcommittee added a new section, Residual Market and Statutory Assessment Provisions (see section 3.6), and a new paragraph providing direction for handling expenses that do not vary directly with premium. This new paragraph replaces section 5.4 of the exposure draft.**

Section 5.3, Start-Up Costs (now section 3.3)—Comments were received that start-up costs should be more precisely defined. **The subcommittee believes that the determination of which costs are start-up costs and which are not should be made by the actuary in each unique situation. The subcommittee changed the language to include development costs, and made**

other editorial changes, but did not think it appropriate to more explicitly define these costs.

Section 5.4, Measurement Base—Several comment letters stated that the term *nonvariable expenses* needs to be defined. It was also suggested that the reference to *premium discounts or expense constants* be deleted. **As noted earlier regarding comments on section 5.2, the subcommittee deleted this section and moved the discussion of expenses that do not vary directly with premium to the second paragraph of section 3.2 of this standard.**

Section 5.5, Expense Trending (now section 3.4)—It was suggested that this section specifically identify the pertinent sections of ASOP No. 13, so that actuaries would not need to review the other standard of practice. **ASOP No. 13, *Trending Procedures in Property/Casualty Insurance Ratemaking*, should be reviewed whenever an actuary is engaged in ratemaking. No changes were made to this section.**

Section 5.6, Policyholder Dividends (now section 3.5)—Concerns were expressed that this section is unclear as to when policyholder dividends are (or are not) associated with the transfer of risk. **The subcommittee rewrote this section for clarification and to provide additional guidance.**

Note, as well, that two new sections have been added: section 3.6, Residual Market and Statutory Assessment Provisions (see the comments above regarding section 5.2 of the exposure draft), and section 3.7, Provision for Reinsurance (see the comments above regarding section 2.4 of the exposure draft).

Section 6. Communications and Disclosure (Now Section 4)

Section 6.1, Conflict with Law or Regulation (now section 4.1)—It was suggested that the actuary should quantify the economic impact of any limitations or exclusions. It was also suggested that conflicts should be disclosed to the regulator, in addition to the client or employer. **The subcommittee revised this section to note that, if a law or regulation conflicts with the provisions of this standard, the actuary should develop a rate in accordance with the law or regulation, and disclose any material difference between the rate so developed and the actuarially determined rate to the client or employer. In those situations where the regulator is neither a client nor an employer, it could be inappropriate for an actuary to disclose information directly to the regulator. Thus, the section was modified accordingly.**

Section 6.2, Documentation—One comment letter suggested that this section should simply reference ASOP No. 9, *Documentation and Disclosure in Property and Casualty Insurance Ratemaking, Loss Reserving, and Valuations*. **The subcommittee made the suggested change.** The Subcommittee on Ratemaking of the Casualty Committee thanks everyone who took the time and made the effort to write comment letters. The input was helpful in developing the final standard.