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June 30, 2008

VIA Electronic Mail

Dirigo Health Agency
Attn: Ruth.A.Burke@maine.gov
Dirigo Health Agency
53 State House Station
Augusta, Maine 04333-0053

In Re: Determination of Aggregate Measurable Cost Savings
For The Fourth Assessment Year (2009)

FILING COVERSHEET

Dear Ms. Burke:

Enclosed for filing please find the following:

SUBMITTED BY: Christopher T. Roach

DATE: June 30, 2008

DOCUMENT TITLE: Anthem Health Plans of Maine, Inc.'s Opposition to Dirigo Health Agency's Motion for Order Requiring More Specific Disclosure of Testimony

DOCUMENT TYPE: Opposition to Motion

CONFIDENTIAL: **NO**

Thank you for your assistance in this matter.

Very truly yours,

Christopher T. Roach

STATE OF MAINE
DIRIGO HEALTH AGENCY

IN RE:)
)
DETERMINATION OF AGGREGATE) **ANTHEM HEALTH PLANS**
MEASURABLE COST SAVINGS FOR) **OF MAINE, INC.’S**
THE FOURTH ASSESSMENT YEAR) **OPPOSITION TO DIRIGO**
(2009)) **HEALTH AGENCY’S**
) **MOTION FOR ORDER**
) **REQUIRING MORE**
) **SPECIFIC DISCLOSURE OF**
) **TESTIMONY**

Anthem Health Plans of Maine, Inc. d/b/a/ Anthem Blue Cross and Blue Shield (“Anthem BCBS”) files this opposition to Dirigo Health Agency’s (“DHA”) motion requesting more specific disclosure of Intervenor’s expert witness testimony, and states as follows:

1. The Board of Directors of the Dirigo Health Agency’s (“DHA Board”) Procedural Order on Intervention and Procedures dated May 20, 2008 (“Procedural Order”) directs that all Intervenor, including Anthem BCBS, provide to all other parties and file with the DHA Board witness disclosures by 3:00 p.m. on June 23, 2008. The Procedural Order further directs that Intervenor provide to all other parties and file with the DHA Board pre-filed testimony and exhibits by 3:00 p.m. on July 9, 2008. The Procedural Order does not distinguish between fact and expert witnesses, and nowhere states that expert disclosures must satisfy the requirements of Rule 26 of the Maine Rules of Civil Procedure (“Rule 26”).

2. Pursuant to the Procedural Order, Anthem BCBS filed its designation of witnesses identifying each person that it may call as a witness at hearing, together with a summary of the expected testimony of each witness, on June 23, 2008. Among those identified in the designation were Anthem BCBS expert witnesses William Whitmore and Vincent Maffei, and

also Jack Burke, a joint expert witness for Anthem BCBS and the Maine Association of Health Plans (“MEAHP”). Anthem BCBS provided summaries of Msrs. Whitmore and Maffei’s expected testimony, and incorporated by reference MEAHP’s designation for Mr. Burke.

3. Anthem BCBS’s June 23, 2008 witness disclosures were as fulsome as time and the materials then provided by DHA allowed. On June 2, 2008, DHA disclosed a new methodology for the fourth assessment year that differs greatly from the methodology proposed in the prior three years. DHA provided voluminous materials in connection with its initial filing, and has supplemented that filing on several occasions with disks containing additional voluminous materials that are still under review. In fact, on June 20, 2008, there was a telephone conference with DHA’s consultants the purpose of which was for DHA to supply additional information on the various assumptions and calculations necessary for Intervenor’s experts to be able to understand the complex underlying assumptions, calculations, steps and variables employed in the DHA methodology. The Intervenor’s June 23, 2008 witness disclosures were thus of necessity preliminary in nature.

4. Requiring expert disclosures that comply with Rule 26 on or before 3:00 p.m on July 9, 2008 as requested by DHA would be redundant to Intervenor’s efforts to submit pre-filed witness testimony on that same date. As explained above, Intervenor’s pre-filed testimony is due on or before 3:00 p.m on July 9, 2008. As in past assessment years, Anthem BCBS’s pre-filed testimony will provide the opinions of its witnesses, including experts, as well as the bases for those opinions. This is precisely the information that DHA suggests it and the DHA Board need to properly determine AMCS for the fourth assessment year. *See* DHA Motion at 2-3.

5. To require Intervenor’s to file and serve expert disclosures that satisfy Rule 26 would demand substantial effort, time and resources, and thus prejudice Intervenor in

completing their pre-filed witness testimony and otherwise preparing their positions in this proceeding.

For the foregoing reasons, Anthem BCBS respectfully requests that DHA's motion requesting more specific disclosure of Intervenor's expert witness testimony be denied.

DATED: June 30, 2008

/s/ Christopher T. Roach

Christopher T. Roach, Esq.

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Attorney for Applicant

Anthem Health Plans of Maine, Inc.

Certificate of Service

I, Christopher T. Roach, Esq. certify that the foregoing Opposition to Dirigo Health Agency's Motion for Order Requiring More Specific Disclosure of Testimony was served this day upon the following parties via Electronic Mail.

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Dated: June 30, 2008

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