

To: Green Mountain Care Board  
From: Falko Schilling,  
Consumer Protection Advocate,  
Vermont Public Interest Research Group  
Date: 9/10/12  
Re: Proposed Rule 2.000 Rate Review

### **Comments on Proposed Rule 2.000 Rate Review**

We want to thank the Board for taking the time to thoroughly consider how best to design a system for rate review in Vermont. We generally support proposed rule 2.000 as written, but we are concerned with the public comment opportunities laid out in section 2.200. Our recommendations are described below.

#### **Standard Comment Period**

One of the goals of the rate review process is to encourage public participation. A major point of concern around consumer participation is the fact that there is not a standard duration for public comment periods in front of the Green Mountain Care Board (Board) after the Department of Financial Regulation (DFR) has submitted the Commissioner's recommendation. Few consumers have the expertise to analyze rate increase requests without the assistance of the DFR's actuarial opinion, and a standard comment period is necessary to allow consumers adequate time to review the DFR recommendation before submitting comments to the Board.

The rule currently requires that parties receive notice of a hearing within five days of the Board's receipt of the Commissioner's recommendation, and that public comments will only be received by the Board up to five business days before the date of the hearing. This means that the closer a hearing is scheduled to the date the Board receives the Commissioner's recommendation, the less opportunity the public has to offer comment. To address this issue we suggest a 14 day open public comment period, starting when the Commissioner's recommendation is posted on the Board's website. This would give consumers time to review the recommendation, and submit informed comments to the Board, and give the board adequate time to review public comments. Though not all comments may be received before the hearing, additional comments could still be taken into consideration by the Board during their 30 day review period, as stated in 2.200(d).

This recommended change could be accomplished by amending the language of 2.200(c) as follows.

(c) Written Comments to the Board. The Board will accept written comments on rate requests as follows:

1. For rate increases of 5% or less, the Board will accept written comments up to fourteen days from the date of posting to the Board's website, ~~up to five business days prior to the hearing date scheduled by the Board pursuant to Section 2.302(b) of these Rules.~~
2. For rate increases of more than 5%, the Board will accept written comments beginning after the Department's 21-day comment period has expired up to fourteen days after the date of posting on the Board's website. ~~business days prior to the hearing date scheduled by the Board pursuant to Section 2.303(b) of these Rules.~~