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1875 CONNECTICUT AVENUE, N.W.

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(202) 986-8000

TELEX: 440274 FACSIMILE: (202) 986-8102

EUROPEAN COMMUNITY: BRUSSELS, BELGIUM AND LONDON, ENGLAND

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DIRECT DIAL

(202) 986-8050

January 14, 1992

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EXPEDITED ACTION REQUIRED

VIA MESSENGER

Mr. Sidney L. Strickland, Jr.
Secretary
Interstate Commerce Commission
12th Street and Constitution Ave., N.W.
Washington, DC 20423

Re: Ex Parte No. MC-5 (Sub-No. 11
Revision of Regulations Governing Insurance
and Surety Companies Making ICC Filings

Dear Secretary Strickland:

Enclosed for filing are the original and ten copies of an Application for Stay Pending Judicial Review in the above-referenced proceeding. Until recently, the Order of the Commission, served June 13, 1991 in the above-referenced proceeding had not become effective, because of an injunction previously issued by the United States Court of Appeals for the District of Columbia Circuit in No. 90-1274. Accordingly, the matters addressed in the enclosed Application are now urgent, because Applicants and others, who are excess and surplus lines insurers in the business of providing insurance to ICC-regulated motor carriers and freight forwarders, will not be permitted to continue to do so unless the Commission's Order is stayed pending judicial review.

The Application and accompanying Affidavits, including one from the Honorable Lee Douglass, Commissioner of Insurance of the State of Arkansas, as well as Applicants' Comments filed in this proceeding on September 14, 1990, explain that the Commission's order does not serve the public interest because the state-authorized excess and surplus lines insurers that the Commission would exclude from this business are required to meet higher state standards of financial reliability than the insurers

Sidney L. Strickland, Jr.
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that the Commission would allow to continue to provide such coverage. (Because of the urgency of this matter, the Affidavits are being filed in a facsimile form.) Also, excluding those state-authorized excess and surplus lines insurers from this market may deprive some carriers and freight forwarders of the only insurance available to them, and will cause others considerable dislocation and expense even if alternative coverage can be arranged. Accordingly, Applicants respectfully and urgently request a stay of the Commission's Order pending judicial review.

Respectfully submitted,

Michael F. McBride

Michael F. McBride
L. Charles Landgraf
Loretta J. Garcia

Attorneys for National Association of Professional Insurance Agents, Mrs. Dorothy Myers, Myers General Agency, Inc., London & Hull Maritime Insurance Society Limited, Norwich Union Fire Insurance Company Limited, The Scottish Lion Insurance Company, AEGC Insurance Company (U.K.) Ltd., Anglo American Insurance Company Limited, Bishopsgate Insurance Limited, Through Transport Mutual Insurance Association Limited, and Unionamerica Insurance Company Limited

cc (w/encl.): Chairman Edward J. Philbin
Vice Chairman Gail C. McDonald
Commissioner Edward M. Emmett
Commissioner Karen Borlaug Phillips
Commissioner J.J. Simmons, III
Kathleen D. Ribaud, Esq.
Service List

JAN 14 1992

[Ex Parte No. MC-5 (Sub No. 11)]
REVISION OF REGULATIONS GOVERNING INSURANCE AND
SURETY COMPANIES MAKING ICC FILINGS

AGENCY: Interstate Commerce Commission.

ACTION: Notice.

SUMMARY: The ICC reminds the public that certificates of insurance filed by insurance/surety companies that fail to meet the ICC's regulations at 49 CFR 1043.8 and 1084.5, governing financial responsibility requirements for insurance/surety companies, as modified and clarified in the ICC's decision at 7 I.C.C. 2d 589, served June 7, 1991, will be revoked on February 24, 1992.

EFFECTIVE DATE: [Upon publication in the Federal Register]

FOR FURTHER INFORMATION CONTACT:

E. C. Fernandez (202) 927-5642

[TDD for hearing impaired: (202) 927-5721.]

SUPPLEMENTARY INFORMATION:

The ICC, in its decision at 7 I.C.C. 2d 589, revised its regulations at 49 CFR 1043.8 and 1084.5, governing financial responsibility requirements for insurance/surety companies. The decision interpreted the term "authorized" as used in those regulations to mean an insurance/surety company that is licensed or admitted in at least one state to issue insurance policies or bonds, and clarified that the ICC will accept certificates of insurance and surety bonds issued only by licensed or admitted companies. The decision ordered that certificates of insurance filed by companies that fail to meet the new regulations would be revoked after the dissolution by the United States Court of Appeals for the District of Columbia Circuit of its injunction, issued in Owner-Operator Services, Inc., et al. v. ICC, No. 90-1274, that prevented the implementation of those regulations, and that all motor carriers would be given specific notice of revocation of their certificates of insurance at least 30 days prior to the date of expiration. The D.C. Circuit, by order of November 6, 1991, certified copy served by the Clerk of that Court on December 24, 1991, has dissolved that injunction. Thus, in accordance with the deadlines adopted by the ICC in its decision, the public is reminded that all noncomplying certificates of insurance/surety bond will be revoked at 11:59 p.m. on February 24, 1992, and that operating authorities of ICC licensed motor carriers remain in effect only while appropriate insurance is in effect and on file with the ICC.

By the Commission, Sidney L. Strickland, Jr.

Sidney L. Strickland, Jr.
Secretary

FEB 24 1992

INTERSTATE COMMERCE COMMISSION

Washington, D.C. 20423

February 20, 1992

*Ex Parte MC-5 (Sub-No. 11)***REVISION OF REGULATIONS GOVERNING INSURANCE AND SURETY
COMPANIES MAKING ICC FILINGS****NOTICE**

In the court action, entitled as shown below, and
instituted on or about August 19, 1991,
petitioners, among other things, seek a stay of
the Commission's decision in the above-entitled proceeding:

No. 91-1355

**NATIONAL ASSOCIATION OF PROFESSIONAL INSURANCE
AGENTS, MRS. DOROTHY MYERS, MYERS GENETRAL AGENCY
INC., LONDON & HULL MARITIME INSURANCE COMPANY
LIMITED AND THE SCOTTISH LION INSURANCE COMPANY
LIMITED**

v.

**INTERSTATE COMMERCE COMMISSION
AND UNITED STATES OF AMERICA**

before the

*United States Court of Appeals for the District of Columbia Circuit***SIDNEY L. STRICKLAND, JR.**

EXPEDITED ACTION REQUIRED

**UNITED STATES OF AMERICA
INTERSTATE COMMERCE COMMISSION**

Ex Parte No. MC-5 (Sub-No. 11)

**REVISION OF REGULATIONS GOVERNING
INSURANCE AND SURETY COMPANIES
MAKING ICC FILINGS**

APPLICATION FOR STAY PENDING JUDICIAL REVIEW

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of January, 1992,
one copy of the foregoing document was served by first-class
mail, postage prepaid and properly addressed to each of the following:

James L. Kimble, Esq.
Pamela M. Young, Esq.
American Insurance Association
1130 Connecticut Avenue, N.W.
Suite 1000
Washington, DC 20036

Joaquin G. Blaz
Insurance Commissioner
Department of Revenue & Taxation
Government of Guam
West Marine Drive
Agana, Guam 96910

Mr. Duncan Alexander, President
American Live Stock Insurance Co.
200 South Fourth Street
Geneva, IL 60134

Mr. Robert M. Dols
Senior Vice President, Operations
Edison Insurance Company
200 Middlesex Turnpike
Iselin, NJ 06830

Mr. Wayne E. Schooling
Director of Safety
California Cartage Co.
1600 East Hill Street, Bldg. 9
P.O. Box 92829
Long Beach, CA 90809

Mr. Arthur S. Wilson
Senior Vice President
Essex Insurance Company
P.O. Box 11046
Richmond, VA 23230

Mr. Conrad R. Jurgens
Senior Vice President
Underwriting & Marketing
Carolina Casualty Insurance Co.
P.O. Box 2575
Jacksonville, FL 32203

Mr. Thomas D. Silver, CPCU
Executive Vice President,
Operations
Harco National Insurance Co.
P.O. Box 68309
Schaumburg, IL 60168

Saul Sorkin, Esq.
Kroll & Tract
500 Fifth Avenue
New York, NY 10110
for The Home Insurance Co.

R. Patrick Gilmore, Esq.
National American Insurance Co.
1008 Manvel Avenue
P.O. Drawer 9
Chandler, OK 74834

Terry E. Tyrpin, Esq.
Assistant Vice President and
Assistant General Counsel
National Association of
Independent Insurers
2600 River Road
Des Plaines, IL 60018

Mr. Richard M. Bouhan
Executive Director
National Association of
Professional Surplus Lines
Offices, Ltd.
5746 North Broadway
P.O. Box 28660
Kansas City, MO 64118

Mr. Don Hannon
Vice President Marketing
Commercial Auto Division
Northland Insurance Companies
1295 Northland Drive
St. Paul, MN 55120

K. Michael O'Connell, Esq.
Daniel J. Harrold, Esq.
Collier, Shannon & Scott
3050 K Street, N.W., #400
Washington, DC 20007
Counsel to Owner-Operator Services
Inc. and Stephen Crumly, d/b/a
S&S Trucking

Mr. Gary Y. Kusumi
President, Transportation Division
Progressive Corporation
3401 Enterprise Highway
Beachwood, OH 44122

Paul D. Cullen, Esq.
K. Michael O'Connell, Esq.
Collier, Shannon & Scott
3050 K Street, N.W.
Washington, DC 20007
Counsel to The Scottish Lion
Insurance Co. Ltd.

Patrick Watts, Esq.
Department of Insurance
P.O. Box 512
Frankfort, KY 40602

Asst. Commissioner Verice M. Mason
Legislative & Regulatory Affairs
State of New Jersey
Department of Insurance
CN 325
Trenton, NJ 08625

Mr. Larry Maslowski
Senior Analyst, Insurance Dept.
State of North Dakota
State Capitol
600 East Broadway
Bismarck, ND 58505

Mr. James E. Saxton, Jr., Chairman
State Board of Insurance
1110 San Jacinto
Austin, TX 78701


Mr. Robert D. Haase
Commissioner of Insurance
State of Wisconsin
121 East Wilson Street
Madison, WI 53767

William F. White, Jr., Esq.
Daar & Newman
The Olympic Plaza - Suite 600
11500 West Olympic Boulevard
Los Angeles, CA 90064
for Two Alien Insurers

Rosalind A. Knapp, Esq.
Paul Samuel Smith, Esq.
U.S. Department of Transportation
400 Seventh Street, S.W.
Washington, DC 20590

Robert S. Burk, Esq.
Kathleen D. Kibanda, Esq.
Interstate Commerce Commission
12th Street and
Constitution Ave., N.W.
Washington, DC 20423

John P. Ponte, Esq.
Department of Justice
Antitrust Division
Maine Building, Room 3316
12th Street and
Constitution Ave., N.W.
Washington, DC 20530


Isabella D. Garcia