

**STATE OF CALIFORNIA
DEPARTMENT OF INSURANCE
45 Fremont Street, 21st Floor
San Francisco, California 94105**

NOTICE OF MATERIAL ADDED TO RULEMAKING FILE

**RH05044654
October 27, 2006**

Pursuant to the requirements of Government Code section 11346.8(d), and Section 44 of Title 1 of the California Code of Regulations, the California Department of Insurance (CDI) is providing notice of materials added to the rulemaking file relating to proposed amendments to regulations concerning Insurance Code 758(c) and Title 10, California Code of Regulations, Chapter 5, Subchapter 9, Article 7, Section 2698.91, entitled "Auto Body Repair Labor Rate Surveys". The promulgation of this regulation was the subject of regulatory hearings on October 23 and 24, 2006, and written and oral comments were received. The addition of these materials to the rulemaking record is designed to make clear to interested parties and to the public, the underlying data, methodologies and calculations employed to ascertain certain values discussed in the proposed regulations.

PUBLIC COMMENT INVITED:

The Commissioner solicits comments on the following materials which have been added to the rulemaking file:

1. A CD containing copies of all current labor rate surveys received by the Department of Insurance.
2. Order to Show Cause filed against GEICO, et al.
3. Order to Show Cause filed against Mercury Insurance Company
4. Order to Show Cause filed against Safeway Insurance Company
5. Order to Show Cause filed against Progressive Insurance Group

CONTACT PERSONS:

All written comments submitted in response to this Notice of should be directed to the following:

Teresa R. Campbell, Staff Counsel
California Department of Insurance
45 Fremont Street, 21st Floor
San Francisco, CA 94105
Telephone: (925) 518-7057

If she is unavailable, inquires may be addressed to the following backup contact person:

Tony Cignera, Division Chief, Consumer Services Division
California Department of Insurance
300 South Spring Street, 14th floor
Los Angeles, CA 90013
Telephone: (213) 346-6360

DEADLINE FOR WRITTEN COMMENTS:

All written materials must be received by the Insurance Commissioner, c/o the contact person at the address listed above, no later than **4:30 p.m. on November 11, 2006**

All written comments received by the deadline, which pertain to the addition of material to the rulemaking record will be reviewed and responded to by CDI as part of the compilation of the rulemaking file. Please comment on the additional material only.

COMMENTS TRANSMITTED BY E-MAIL OR FACSIMILE:

The Commissioner will accept written comments transmitted by e-mail provided they are sent to the following e-mail address: campbellt@insurance.ca.gov. If you are sending a comment via e-mail in PDF format, please include a Word form of the document in addition to the PDF version. The Commissioner will also accept written comments transmitted by facsimile provided they are sent to the contact person listed above at the following facsimile number: (415) 904-5490. **Comments sent to other e-mail addresses or other facsimile numbers will not be accepted. Comments sent by e-mail or facsimile are subject to the deadline for written comments set forth above.**

AUTOMATIC MAILING:

A copy of this notice will automatically be sent to all those who testified at the public hearing, all those who submitted written comments at the public hearing, all persons whose comments were received during the public comment period, all persons who requested copies of information regarding the regulations, and all persons who requested notification of the availability of such changes.

A copy of the additional material will be made available to all persons who wish to review the materials, upon appointment. Interested parties may use the contact information above to arrange for an appointment. Copies of the enforcement actions listed as items 2 through 5 above are also available on the Department's website at www.insurance.ca.gov.

Dated: October 27, 2006

JOHN GARAMENDI
Insurance Commissioner