

**THE STATE OF NEW HAMPSHIRE
INSURANCE DEPARTMENT**

**PUBLIC HEARING ON FORM A STATEMENT
REGARDING THE ACQUISITION OF CONTROL OF THE HANOVER NEW JERSEY
INSURANCE COMPANY BY XLNT HOLDCO, INC.**

Docket No: INS-22-057-AP

ORDER ALLOWING REMOTE WITNESS

XLNT Holdco Inc. filed a motion pursuant to INS 206.01 to allow its Chief Executive Officer, Craig Poulton (“Poulton”) to testify remotely by video conference at the evidentiary hearing set in the above-referenced matter on January 12, 2023, at 1:30 p.m. at NHID offices, 21 S. Fruit Street, Concord, New Hampshire. For the reasons stated below, the motion is GRANTED.

INS 206.01 states in subsection (b) that:

...A remote hearing shall be conducted upon motion of any party if the hearing officer determines that:

- (1) There is good cause as set forth in paragraph (c), below; and
- (2) Conducting the hearing with one or more parties participating remotely would not violate any law or rule or constitutional protections, and would promote the fair, accurate, and efficient resolution of issues pending before the department.

(c) Good cause shall include:


- (1) Excessive distance to the hearing location;
- (2) Physical disability or impairment of the respondent;
- (3) Transportation difficulties;
- (4) The physical presence of the respondent would threaten the health or safety of the respondent or any other individual; or
- (5) Other circumstance that would prevent the respondent or other parties from being able to appear and participate in person at the hearing.

According to the representations in the Motion, Poulton lives in Utah and underwent a medical procedure in Utah on January 3, 2023. XLNT’s President, Diane Nergaard and Vice President, Ken Soldwedel will provide testimony in person in connection with the application. Poulton wishes to testify in person but

may be physically unable to travel. If Poulton is unable to travel due to his surgery, the combination of the distance, plane travel and the recent surgery are sufficient to satisfy the “good cause” requirement of Rule 206.01 (b)(1). Further, appearing remotely in what appears to be an uncontested hearing does not violate any law or rule or constitutional protections and promotes fairness, accuracy and the efficiency of these proceedings within the meaning and intention of Rule 206.01(b)(2). All XLNT witnesses can be cross-examined in live time through the video conferencing services available at the hearing.

SO ORDERED,

1/5/2023
Date



Christopher R. Nicolopoulos, Insurance Commissioner