



Aetna
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May 3, 2013

Alissa Deboy, Director
Exchange Policy and Operations Group
Department of Health and Human Services
Centers for Medicare & Medicaid Services
7500 Security Boulevard, Mail Stop C2-21-15
Baltimore, Maryland 21244-1850

RE: QHP Application Submission:
FOIA Confidential Treatment Request

Aetna Life Insurance Company

HIOS Issuer ID:

Arizona: 84251
Florida: 23841
Georgia: 83978
Illinois: 72547
New Jersey: 89217
Ohio: 67129
Oklahoma: 66946
Pennsylvania: 33906
Texas: 91716
Virginia: 38234

Dear Ms. Deboy:

By separate submission Aetna Life Insurance Company is applying for Qualified Health Plan (QHP) Certification in connection with the State Partnership Exchange in Illinois and the Federally-facilitated Exchanges in Arizona, Florida, Georgia, New Jersey, Ohio, Oklahoma, Pennsylvania, Texas and Virginia. As directed, the QHP submission is being submitted through HIOS and/or through SERFF.

We are writing to request that HHS treat as confidential under Exemption 4 of the federal Freedom of Information Act (FOIA), 5 U.S.C.A. § 552(b)(4), the information so designated below. By copy of this letter to the Departments of Insurance in each of these states, we request that any such information which is submitted through SERFF or which HHS may disclose to the states similarly be treated as confidential under the comparable exemption from each state's own Freedom of Information Act.

We are designating the following categories of information, which are being submitted as required by HHS in the context of QHP Certification, as confidential trade secret, commercial and/or financial information, as defined under 45 C.F.R. § 5.65:

- Business Rules Template: all fields
- Essential Community Providers Template: all fields
- Prescription Drug Formulary Template: all fields
- Rate Template: all fields
- Service Area Template: all fields
- Uniform Rate Review (Data Collection) Template: all fields
- URRT Part 3 Actuarial Memorandum and Certification

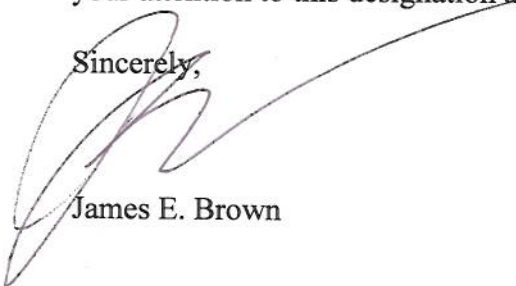
Because of the format we are required to follow in providing this information, we are generally not able to designate this information as confidential on the templates themselves. Disclosure of this confidential trade secret, commercial, and/or financial information pursuant to the FOIA or otherwise would substantially harm the competitive position of Aetna in the marketplace in these states, and would negatively impact the overall health of the health insurance marketplace and ultimately the consumer. The designated information is held in strict confidence by Aetna and is not disclosed publicly. It is not known or otherwise generally available in the public. The information would be of tremendous value to Aetna's competitors because it reveals confidential and proprietary strategic information.

HHS's regulations implementing the FOIA state that the Department "will not disclose records whose information is 'commercial or financial,' ... and is 'privileged or confidential'" and that the Department interprets this category of records "broadly." 45 C.F.R. § 5.65(b). Pursuant to that provision, and in accordance with section 5.65(e), Aetna requests that you provide pre-disclosure notification of any of the data designated above and any other data for which the government has substantial reason to believe that information in the records could reasonably be considered exempt under Exemption 4 of the FOIA, 5 U.S.C. section 552(b)(4), and 45 C.F.R. section 5.65 (b) and (c). In addition, we specifically request that we be provided with the full five (5) working days from receipt of that notice to object to the disclosure, as provided in section 5.65(e)(2). As indicated, by copy of this letter we request similar treatment under each state's comparable Freedom of Information law.¹

¹ Arizona: Title 39, A.R.S.A., Chapter 1
Florida: Title X, F.S.A., Chapter 119
Georgia: Title 50, Code of Georgia, Chapter 18, Article 4
Illinois: Title 5, I.L.C.S. § 140/7
New Jersey: Title 47, N.J.S.A., Chapter 1A
Ohio: Title 1, O.R.C.A., Chapter 149

State and federal law has long protected the trade secrets and proprietary business information of companies. Such protection is crucial to a vibrant competitive marketplace. We appreciate your attention to this designation and request.

Sincerely,



James E. Brown

Cc: Departments of Insurance, Freedom of Information Officer

Oklahoma: Title 51, Okl.St. Ann., Chapter 1
Pennsylvania: Title 65, P.S., Chapter 3A
Texas: Title 5, V.T.C.A., Chapter 552
Virginia: Title 2.2 Code of Virginia, Chapter 37