

Wisconsin Reinsurance Corporation (In Rehabilitation)
1st Auto & Casualty Insurance Company (In Rehabilitation)

Frequently Asked Questions (FAQ) for Agents and Brokers
Updated: July 7, 2023

On May 23, 2023, the Wisconsin Office of the Commissioner of Insurance (OCI) filed a Petition with the Dane County Circuit Court in Madison, Wisconsin (the Court) to place Wisconsin Reinsurance Corporation (WRC) and its subsidiary, 1st Auto & Casualty Insurance Company (1st Auto), into rehabilitation. The Court has granted and entered an Order for Temporary Injunctive Relief, which prohibits certain actions while the Court considers the Petition. The following are answers to anticipated questions.

General

What is WRC and 1st Auto?

Wisconsin Reinsurance Corporation is a stock property and casualty insurance company with its primary business to reinsure property and nonproperty liability risks written on a direct basis by small mutual insurance companies.

1st Auto & Casualty Insurance Company is a stock property and casualty insurance company that writes primarily private passenger automobile liability and physical damage insurance, personal and farm umbrella and liability, and commercial automobile liability and commercial automobile physical damage insurance. These products are primarily marketed to policyholders of town mutual insurers that are reinsured by WRC.

Where is WRC and 1st Auto located?

WRC and 1st Auto is a Wisconsin-domiciled insurance company, and its primary office is located in Madison, Wisconsin.

Is WRC and 1st Auto still in business?

Yes. The OCI Petition as well as the Court's Order allow WRC and 1st Auto to continue to conduct its business as usual, subject to the limitations of Rehabilitation explained in these FAQs.

Is WRC and 1st Auto selling new insurance policies?

WRC is no longer issuing reinsurance policies in the same form as they have in prior years. The conceptual framework that the RMT is working towards is outlined in the [WRC Rehabilitation Planning Meeting Slide Deck](#), which includes creating a reinsurance pool option.

1st Auto continues to sell and renew policies based on their underwriting guidelines.

Who is in charge of WRC and 1st Auto during rehabilitation?

OCI has asked the Court to appoint Wisconsin Insurance Commissioner, Nathan Houdek (the Commissioner), and any successor as the Rehabilitator of WRC and 1st Auto. OCI's Division of Financial Regulation (DFR), under the direction of Administrator Amy Malm, will oversee WRC and 1st Auto's rehabilitation. This is standard practice for all Wisconsin insurance liquidations and rehabilitations. The Commissioner has asked the Court to appoint Justin Schrader of Noble Consulting as its Special Deputy Commissioner (SDC) to represent and assist OCI in this matter.

Who is the Rehabilitation Management Team at the OCI?

The Rehabilitation Management Team (RMT) at OCI is an informal group that consists of the Rehabilitator, the Special Deputy Commissioner (SDC), Administrator Amy Malm, and the DFR.

Who is the Special Deputy Commissioner and what is his role?

As outlined in the Rehabilitation Petition and Wis. Stat. § 645.33 (1), the Commissioner has asked the Court to appoint Justin Schrader, an insurance rehabilitation expert, as its Special Deputy Commissioner (SDC). Under the Rehabilitation Order and the statute, Mr. Schrader "shall have all the powers of the rehabilitator" and will be in charge of the company's day-to-day affairs and of the rehabilitation efforts, subject to the oversight of the Commissioner, OCI, and the Court.

What does rehabilitation mean?

Rehabilitation is a court-supervised process intended to remedy the company's financial condition to protect policyholders and creditors. The Rehabilitator and the SDC, in conjunction with the RMT, are charged with the protection of WRC and 1st Auto's policyholders, creditors, and the public. The RMT's actions are pursuant to the laws and regulations of Wisconsin and are subject to review by the Court.

What does the Rehabilitation Order provide?

You can review the proposed Rehabilitation Order in its entirety at:

[WRC and 1st Auto Rehabilitation](#)

Generally, the Rehabilitation Order, in keeping with Wisconsin law, appoints the Commissioner as Rehabilitator. It also authorizes and directs the Commissioner as Rehabilitator and the SDC to take possession of WRC's and 1st Auto's business. This allows for actions to be taken to correct the financial condition that prompted WRC's and 1st Auto's rehabilitation.

How will rehabilitation change the company's business?

Initially, WRC and 1st Auto will continue operating largely as it has been except that it will be under the control of OCI and the RMT. The goal of OCI, in this case, is to propose and obtain Court approval of a Rehabilitation Plan on an expeditious basis. If a Rehabilitation Plan is approved by the Court, the Rehabilitation Plan may mandate changes in WRC and 1st Auto's business to protect WRC's and 1st Auto's policyholders, creditors, and the public.

Why was this action necessary?

On March 31, 2023, WRC filed with the Wisconsin Office of the Commissioner of Insurance its 2022 statutory financial statements which contained the disclosure that: "Losses to surplus in the last two years resulting from severe convective storm activity in the Midwest has raised substantial doubt about the Corporation's ability to continue as a going concern within one year following the date of the financial statements."

On March 31, 2023, 1st Auto filed with the Wisconsin Office of the Commissioner of Insurance its 2022 statutory financial statement which contained the disclosure that: "The Company relies on reinsurance arrangements with its Parent, Wisconsin Reinsurance Corporation (WRC), to partially support underwriting losses associated with its personal and commercial auto business. Continued underwriting losses caused by increasing claims costs in recent years along with losses to WRC's surplus in the last two years resulting from severe convective storm activity in the Midwest has raised substantial doubt about the Company's ability to continue as a going concern within one-year following the date of the financial statements."

OCI has determined WRC and 1st Auto has become or is about to become insolvent as defined under Wis. Stat. § 645.41 (2).

WRC and 1st Auto management team continue to work with OCI on opportunities to bring additional capital resources into WRC and 1st Auto to reverse the unfavorable operating trend. The filing of the Rehabilitation Petition was a step toward developing a Rehabilitation Plan which can gain the approval of both OCI and the Court.

How will the company be rehabilitated?

The Commissioner and SDC will, within 45 days after the Court enters the Rehabilitation Order (and potentially sooner), propose to the Court a Plan for the rehabilitation of WRC and 1st Auto (the Rehabilitation Plan).

When will the Rehabilitation Plan be filed and provided to policyholders and interested parties?

The proposed Court Order placing WRC and 1st Auto in rehabilitation (the Rehabilitation Order) requires that a Preliminary Rehabilitation plan be filed within 45 days of the Court entering the Rehabilitation Order unless the Court extends that deadline.

How can I get a copy of the Rehabilitation Order?

The proposed Rehabilitation Order can be downloaded from the OCI's website [WRC and 1st Auto Rehabilitation](#)

Were other efforts made to address WRC and 1st Auto financial problems before it was placed in rehabilitation?

Yes. The Commissioner and WRC and 1st Auto's management have been working since October to restore WRC and 1st Auto's financial condition before seeking its Rehabilitation. Those efforts continue now with the supervision of the Court.

Is it likely that WRC and 1st Auto will be placed in liquidation?

The goal of rehabilitation is to avoid placing WRC and 1st Auto into liquidation, and every effort will be made to avoid that outcome. However, there can be no assurance that a Rehabilitation Plan will be approved and successfully implemented to avoid liquidation.

If WRC and 1st Auto is placed in liquidation, when will that happen?

The RMT cannot predict at this time whether, and if so when, WRC and 1st Auto may be placed in liquidation. WRC and 1st Auto would be placed into liquidation if the Court finds that the Rehabilitation should be converted to a liquidation. Under Wis. Stat. § 645.35 (1), the Commissioner can request that the Rehabilitation be converted to a liquidation "whenever the rehabilitator believes that further attempts to rehabilitate an insurer would substantially increase the risk of loss to creditors, policyholders, or the public, or would be futile"

I have information I want to send only to the rehabilitation team. How do I do that?

You may send an email to jschrader@noblecon.net. This is an address accessible only by the SDC.

What is the exact legal name of the court case for WRC and 1st Auto's rehabilitation?

The case is titled *In the Matter of the Rehabilitation of Wisconsin Reinsurance Corporation and 1st Auto & Casualty Insurance Company*, Case No. 2023 CV 001310, in Dane County Circuit Court of Madison, Wisconsin.

How do I keep up with what is going on with WRC and 1st Auto?

All pleadings filed in the WRC and 1st Auto rehabilitation, as well as relevant notices, will be posted on OCI's website [WRC and 1st Auto Rehabilitation](#)

Whom should I contact for additional information regarding WRC and 1st Auto or the rehabilitation?

You may write to the company at:

Justin Schrader
Special Deputy Commissioner
C/O 1st Auto & Casualty Insurance Company
Office of the Commissioner of Insurance
PO Box 7873
Madison, WI 53707

You may send electronic mail to:

jschrader@noblecon.net

You may also call:

(402) 617-9340

Agents and Brokers

Is 1st Auto paying commissions?

Yes, 1st Auto will continue to pay commissions while in rehabilitation.

Will the Rehabilitation Plan affect the payment of commissions?

We will not know the terms of the Rehabilitation Plan until it is approved by the Court. In some rehabilitation plans in other cases, the Court has approved the suspension of commission payments until policyholders have been made whole. No such determination has been made in this case.

Should I provide my customers with notice of the rehabilitation?

No, the Rehabilitator does not recommend that you replace any 1st Auto policies unless you can assure that doing so is in the best interest of the policyholders. The Company is notifying policyholders. You should make sure that the Company has your customers' current addresses and other contact information.

Should I move my customers' policies to other companies?

That is a decision to be made by your customers. The Rehabilitator does not recommend that you replace 1st Auto coverages unless you can assure that doing so is in the policyholders' best interests.

What do I do about amounts I owe 1st Auto?

Any amounts that are past due should be paid in full immediately. The Rehabilitator and SDC are authorized by the Court to collect all such amounts and to initiate legal action to do so if necessary. Amounts that are not past due should be paid when due.

ABOUT THESE QUESTIONS AND ANSWERS: The information contained in these questions and answers is intended to be general guidance and does not address any specific claim or circumstances. Nothing herein constitutes a binding legal statement by the Commissioner, the Rehabilitator, the SDC, the RMT, OCI, or WRC and 1st Auto. The statements contained herein are not intended to serve as and do not constitute legal advice or complete legal descriptions of the events or matters to which they relate. Any forward-looking statements are based on current expectations and assumptions, which are subject to inherent uncertainties, risks, and changes in circumstances that are difficult to predict. For full legal information, interested parties should review the Rehabilitation Order and the applicable Wisconsin statutes, and other legal authorities.