

April 22, 2022

VIA ELECTRONIC APPLICATION

The Honorable Nathan Houdek
Commissioner of Insurance
Wisconsin Office of the
Commissioner of Insurance
125 S. Webster Street
Madison, Wisconsin 53703

Attn: Chris Martin, Division of Financial Regulation

RE: Form A Statement Regarding the Proposed Acquisition of Control of
Capitol Indemnity Corporation and Capitol Specialty Insurance Corporation

Dear Commissioner Houdek:

On behalf of Berkshire Hathaway, Inc. ("Berkshire Hathaway"), O&M Acquisition Corp., a wholly owned subsidiary of Berkshire Hathaway ("Merger Sub"), and Mr. Warren E. Buffett (collectively, the "Applicants"), enclosed please find a Form A Statement Regarding the Acquisition of Control of a Domestic Insurer (the "Form A") seeking the approval of the Commissioner of Insurance of the State of Wisconsin (the "Commissioner") pursuant to Wis. Stat. § 611.72(2) and Wis. Admin. Code § Ins 40.02 for the proposed acquisition of control of Capitol Indemnity Corporation ("CIC") and Capitol Specialty Insurance Corporation ("CSIC", together with CIC, the "Domestic Insurers"), by the Applicants. The Domestic Insurers are currently indirect, wholly owned subsidiaries of Alleghany Corporation ("Alleghany").

The proposed acquisition of the Domestic Insurers is part of a broader transaction (the "Proposed Transaction") governed by the terms and conditions set forth in an Agreement and Plan of Merger, dated as of March 20, 2022, by and among Berkshire Hathaway, O&M Acquisition Corp., and Alleghany.

A copy of the Form A is being provided simultaneously to the Domestic Insurers.

Exhibit CE-1 through Exhibit CE-4 to the Form A will be filed under separate cover as part of a confidential supplement to the Form A. These Exhibits contain confidential and/or proprietary information, business plans and strategies that are trade secrets and are not otherwise available to the public and that, if disclosed, could cause substantial injury to the competitive position of the Applicants. Pursuant to Wis. Admin. Code § Ins 40.05, such information is

Commissioner Nathan Houdek
Wisconsin Office of the
Commissioner of Insurance
April 22, 2022
Page 2

required under Wis. Stat. § 601.42; therefore, the Commissioner may withhold this information from public disclosure under Wis. Stat. § 601.465(1m)(a) and Wis. Admin. Code § Ins 6.13(3), and, moreover, because the information is not public, it is presumed under Wis. Stat. § 601.465(1n)(a), notwithstanding the public records law, that it is proprietary and confidential and that the potential for harm and competitive disadvantage if it is made public by the Commissioner outweighs the public interest in the disclosure of the information. Accordingly, the Applicants respectfully request that Exhibit CE-1 through Exhibit CE-4 be afforded confidential treatment and be excepted from disclosure pursuant to all applicable provisions of law, including but not limited to the provisions referenced above, and any other applicable statutory or regulatory authority available to the Commissioner. All such information is provided with the express understanding that the confidentiality of such information will be safeguarded.

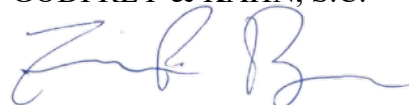
Further, Exhibit CE-3 and Exhibit CE-4 also includes “trade secrets” as defined under Wis. Stat. § 134.90(1)(c). A trade secret is exempt from the public records law under Wis. Stat. § 19.36(5) and Wis. Admin. Code § Ins 6.13(2). Accordingly, the Applicants respectfully request that the Commissioner afford Exhibit CE-3 and Exhibit CE-4 confidential treatment and except them from disclosure pursuant to this authority.

Additionally, the NAIC biographical affidavits provided as Exhibit CE-1 and Exhibit CE-2 to the Form A contain certain information that is not otherwise available to the public, is subject to financial privacy and individual privacy protections, and should be afforded confidential treatment.

We look forward to working with you on this matter and we appreciate your assistance with respect to this filing. Should you have any questions or require any further information, please do not hesitate to contact me at (608) 284-2224 (or by e-mail at zbemis@gklaw.com).

Very truly yours,

GODFREY & KAHN, S.C.



Zachary Bemis

Enclosures

cc: Bruce Byrnes, Berkshire Hathaway Group

27096013.1