

**[IN ACCORDANCE WITH CALIFORNIA INSURANCE CODE (CIC) SECTION 12938,
THIS REPORT WILL BE MADE PUBLIC AND PUBLISHED ON THE
CALIFORNIA DEPARTMENT OF INSURANCE (CDI) WEBSITE]**

**WEBSITE PUBLISHED REPORT OF THE
MARKET CONDUCT EXAMINATION OF THE
CLAIMS HANDLING, RATING, AND UNDERWRITING PRACTICES OF**

**BERKSHIRE HATHAWAY LIFE INSURANCE COMPANY
OF NEBRASKA**

NAIC # 62345 CDI # 3729-1

AS OF APRIL 30, 2014

ADOPTED MAY 4, 2015

STATE OF CALIFORNIA



**CALIFORNIA DEPARTMENT OF INSURANCE
MARKET CONDUCT DIVISION**

NOTICE

The provisions of Section 735.5(a) (b) and (c) of the California Insurance Code (CIC) describe the Commissioner's authority and exercise of discretion in the use and/or publication of any final or preliminary examination report or other associated documents. The following examination report is a report that is made public pursuant to California Insurance Code Section 12938(b)(1) which requires the publication of every adopted report on an examination of unfair or deceptive practices in the business of insurance as defined in Section 790.03 that is adopted as filed, or as modified or corrected, by the Commissioner pursuant to Section 734.1.

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DEPARTMENT OF INSURANCE

Market Conduct Division
300 Capitol Mall
Sacramento, CA 95814



May 4, 2015

The Honorable Dave Jones
Insurance Commissioner
State of California
300 Capitol Mall
Sacramento, California 95814

Honorable Commissioner:

Pursuant to instructions, and under the authority granted under the California Insurance Code Part 2, Chapter 1, Article 4, Sections 730, 733, 736; Article 6.5, Section 790.04; and California Code of Regulations Title 10, Chapter 5, Subchapter 7.5, Section 2695.3(a), a limited examination was made of the claims handling, rating, and underwriting practices and procedures in California of:

Berkshire Hathaway Life Insurance Company of Nebraska
NAIC # 32345
Group NAIC # 0031

Hereinafter, the Company listed above also will be referred to as BHLN or the Company.

This report is made available for public inspection and is published on the California Department of Insurance website (www.insurance.ca.gov) pursuant to California Insurance Code section 12938(b)(1).

FOREWORD

This limited desk examination covered the claims handling, rating, and underwriting practices of the aforementioned Company's annuity line of business during the period from May 1, 2013 through April 30, 2014. The limited examination was made to discover, in general, if these and other operating procedures of the Company conform to the contractual obligations in the policy forms, the California Insurance Code (CIC), the California Code of Regulations (CCR) and case law.

This report pertains to Section 790.03 and Title 10, California Code of Regulations, Section 2695 et al. A separate report pertains to laws other than Section 790.03 and Title 10, California Code of Regulations, Section 2695 et al.

The report does not present a comprehensive overview of the subject insurer's practices. The report contains a summary of pertinent information about the lines of business examined, details of the non-compliant or problematic activities that were discovered during the course of the examination and the insurer's proposals for correcting the deficiencies. When identified violations result in payments by the Company to policyholders or claimants, those amounts paid are identified as recoveries in this report. All unacceptable or non-compliant activities may not have been discovered. Failure to identify, comment upon or criticize non-compliant practices in this state or other jurisdictions does not constitute acceptance of such practices.

Alleged violations identified in this report, any criticisms of practices and the Company's responses, if any, have not undergone a formal administrative or judicial process.

SCOPE OF THE EXAMINATION

To accomplish the foregoing, the examination included:

1. A review of specified guidelines, procedures, and forms adopted by the Company for use in California.
2. A review of the California Department of Insurance's (CDI) market analysis results; a review of consumer complaints and inquiries about this Company closed by the CDI during the period from May 1, 2013 through April 30, 2014; a review of reports on the previous CDI market conduct examination of this Company; and a review of prior CDI enforcement actions.

This limited examination was conducted at the offices of the California Department of Insurance in Los Angeles, California.

EXECUTIVE SUMMARY

This desk examination was limited in scope to market analysis information, including California consumer complaint information, to national enforcement activity and to information provided by the Company in response to the Department's data request. There was no review of underwriting or claims files during this examination.

There were no alleged violations or findings of non-compliance within the scope of this report.

Berkshire Hathaway Life Insurance Company of Nebraska reported \$26,126,942 in written premiums on annuity line of business insurance coverage in California during 2013. BHLN did not have any claim activities in California during 2013 for its annuity line of business.

During the examination review period BHLN was authorized to sell structured settlement annuity (SSA) and single premium immediate annuity (SPIA) products in California. Structured settlement annuities are sold primarily through structured settlement brokers who request quotes from BHLN's sales team. BHLN does not market or advertise to individual consumers either of the annuity products that it is authorized to sell in California. There was only one single premium immediate annuity that was issued to a California consumer during the review period; it was a result of a contract that was issued in connection with an attorney fee in a structured settlement case. It was not a common practice of BHLN to sell the SPIA product, therefore, October 8, 2014 BHLN issued an internal directive to clarify that the sale of single premium immediate annuity contracts is discontinued.

**RESULTS OF REVIEWS OF MARKET ANALYSIS, CONSUMER
COMPLAINTS AND INQUIRIES, PREVIOUS EXAMINATIONS, AND PRIOR
ENFORCEMENT ACTIONS**

The market analysis did not identify any specific issues of concern within the scope of this report.

The Company was not the subject of any California consumer complaints and inquiries closed from May 1, 2013 through April 30, 2014, in regard to the line of business reviewed in this examination.

No market conduct examinations have been conducted upon this Company by the Department during the last 10 years. No other state has completed a market conduct exam of this carrier during the past 3 years.

The Company has not been the subject of any California enforcement actions during the examination period of May 1, 2013 through April 30, 2014.

DETAILS OF THE CURRENT EXAMINATION

The following tables summarize the Company’s responses, within the scope of this report, to the Department’s data request and the alleged violations under Section 790.03 and title 10, California Code of Regulations, Section 2695 et al., that resulted from the review of that data. All “NO” answers in the Areas of Review table are addressed in the Summary of Examination Results section of this report. A summary of each of the laws cited due to a “NO” answer is provided in the Cited Statutes and Regulations table.

AREAS OF REVIEW		
SPECIFIC ISSUE REVIEWED	INDICATION OF COMPLIANCE (YES/NO)	SUMMARY OF RESULTS ITEM #
Certification of claims training by a principal – CCR §2695.6(b) [CIC §790.03(h)(3)]	*N/A	--
Copy of written standards for claims – CCR §2695.6(a) [CIC §790.03(h)(3)]	*N/A	--
Compliance with Special Investigative Unit Regulations – CIC §1875.20 and CCR §§2698.30-2698.43 [CIC §790.03(h)(3)]	*N/A	--
Compliance of letters and forms – CIC §1879.2(a) [CIC §790.03(h)(3)]	*N/A	--
Compliance with requirements for acknowledgement of claims CCR §2695.5(e)(1) [CIC §790.03(h)(2)]	*N/A	--
Compliance with requirements for reasonable assistance – CCR §2695.5(e)(2) [CIC §790.03(h)(3)]	*N/A	--
Compliance with requirement to pay statutory interest from date of death for claims on contracts with a situs of California - CIC §10172.5(a) [CIC §790.03(h)(5)]	*N/A	--
Compliance with requirements to disclose statutory rate of interest – CIC §10172.5(c) [CIC §790.03(h)(3)]	*N/A	--
Compliance with requirement to explain settlement options – CCR §2695.4(a) [CIC §790.03(h)(1)]	*N/A	--

AREAS OF REVIEW		
SPECIFIC ISSUE REVIEWED	INDICATION OF COMPLIANCE (YES/NO)	SUMMARY OF RESULTS ITEM #
Compliance with required disclosure when a retained asset account is a settlement option – CIC §10170(f) [CIC §790.03(h)(1)]	*N/A	--
Compliance with required written disclosures prior to establishment of retained asset account – CIC §10509.937 [CIC §790.03(h)(1)]	*N/A	--
Compliance with providing supplemental contract when life insurance benefits are provided through a retained asset account – CIC §10509.935 [CIC §790.03(h)(1)]	*N/A	--
Compliance with statements for retained asset accounts – CIC §10509.936 [CIC §790.03(h)(1)]	*N/A	--
Compliance with requirement to reference a CDI review on denial letters – CCR §2695.7(b)(3) [CIC §790.03(h)(3)]	*N/A	--

*N/A – Not applicable; the Company indicates that this law is not relevant to its particular rating, underwriting or claims practices for its structured settlement annuity (SSA)** and single premium immediate annuity (SPIA) contracts.

**Please Note: For SSA contracts the plaintiff (insured) is not the owner of the annuity; instead, the assignee (Third Party) is the owner.

SUMMARY OF EXAMINATION RESULTS

There were no alleged violations or criticisms of the Company's practices made within the scope of this report. There were no recoveries discovered within the scope of this report.