

STATE OF WEST VIRGINIA  
DEPARTMENT OF ADMINISTRATION  
BOARD OF RISK AND INSURANCE MANAGEMENT



John McHugh  
Acting Cabinet Secretary

Melody Duke  
Executive Director  
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October 10, 2024

Paul Davis  
Tri State Transit Authority  
1120 Virginia Avenue  
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OCT 15 2024

TTA

RE: Executive Director Decision from Tri State Transit Appeal

I, Melody Duke, Executive Director of the West Virginia Board of Risk and Insurance Management (hereinafter, BRIM), pursuant to my duties as Executive Director, have received the proposed decision of Hearing Examiner Mark Carbone in relation to Tri State Transit Authority's appeal of the decision of BRIM to cancel that entity's insurance, due to a negative loss ratio for three of the last five years. I have reviewed that decision and attach it in its entirety to this letter.

The Hearing Examiner finds that BRIM followed all the proper procedures and notice requirements in relation to the Notice of Cancellation of Insurance to the Tri-State Transit Authority. Further, the Hearing Examiner found that the Tri-State Transit Authority did meet the criterion as established in W.Va. Code of Regulation 115 CSR 2-7, 7.1.3.d, for cancellation in that their loss ratio was above One Hundred Percent (100%) for three of the last five years. As such, the Hearing Examiner found that the cancellation of insurance for Tri State Transit Authority could move forward as scheduled with the cancellation of insurance effective on October 14, 2024.

At the hearing, matters other than the notice requirements were discussed, particularly how difficult if not impossible it would be for Tri State Transit Authority to find alternate insurance because of a cancellation of insurance, versus a non-renewal. It was also established that the Tri State Transit Authority provided important, if not vital, infrastructure in and around the City of Huntington and Cabell County for public bus service. As a result of those discussions, it is the opinion of BRIM that the Notice of Cancellation should be rescinded and rather the insurance be non-renewed at the end of the fiscal year, thus giving additional and important time to Tri State Transit Authority to locate and negotiate new insurance for their operations. Therefore, the insurance shall continue until June 30, 2023, with a premium of \$266,000, and will be non-renewed on June 30, 2025.

Sincerely,

*Melody Duke*  
Melody Duke  
Executive Director

cc: James Crouse, USI  
Steve Fowler, Pullin, Fowler, Flanagan and Poe  
Mark Carbone, Law Office of Mark W Carbone Professional

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