

EXHIBIT C

STATE OF NORTH CAROLINA
DURHAM COUNTY

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
23 INS 738

BLUE CROSS AND BLUE SHIELD)
OF NORTH CAROLINA,)
)
Petitioner,)
)
v.)
)
NORTH CAROLINA STATE)
HEALTH PLAN FOR)
TEACHERS AND STATE)
EMPLOYEES,)
)
Respondent,)
)
and)
)
AETNA LIFE INSURANCE)
COMPANY,)
)
Respondent-Intervenor.)

BLUE CROSS NC'S RESPONSES TO
AETNA'S FIRST SET OF REQUESTS
FOR ADMISSION

Pursuant to 26 N.C. Admin. Code 03.0112 and N.C. Gen. Stat. § 1A-1, Rules 26 and 36, Blue Cross NC serves these responses to Aetna's First Set of Requests for Admission.

GENERAL OBJECTIONS

Blue Cross NC's responses and objections to the requests are based on the information presently known to Blue Cross NC and are given without prejudice to Blue Cross NC's right to adduce evidence discovered or analyzed after the date of these responses and objections. Blue Cross NC expressly reserves the right to

revise, supplement, or otherwise amend these responses and objections to the extent permitted by the North Carolina Rules of Civil Procedure or the North Carolina Administrative Code.

Blue Cross NC does not intend, and these responses and objections should not be construed as, an agreement with any characterization of fact or conclusion of law contained in or implied by any request. Blue Cross NC expressly reserves the right to object to the admissibility and admission into evidence of any of these responses.

Blue Cross NC objects to the Instructions in the Requests for Admission to the extent that they purport to impose obligations greater than the obligations imposed by the North Carolina Administrative Code, the North Carolina Rules of Civil Procedure, applicable case law, or any orders or stipulations in this case.

RESPONSES

1. Admit that Blue Cross NC did not ask the Plan for any clarification pursuant to the procedures set forth in Sections 2.3–2.5 of the 2022 RFP regarding the criteria the Plan would use to decide whether a vendor would be awarded one or zero points for administrative fees, as referenced in paragraph 19 of the Petition for Contested Case Hearing.

RESPONSE: Blue Cross NC incorporates its General Objections here. Blue Cross NC further objects to this request because of the request's false premise. Nothing in Sections 2.3, 2.4, or 2.5 of the RFP required or even permitted Blue Cross NC to ask any questions about the methodology that the Plan would use to

allocate points in its scoring of administrative-fee proposals, as opposed to questions about the RFP's requirements. To the extent that a further response is required, and for the reasons stated above, the Request for Admission is denied.

2. Admit that Blue Cross NC did not ask the Plan for any clarification pursuant to the procedures set forth in Sections 2.3–2.5 of the 2022 RFP regarding the criteria the Plan would use to decide whether a vendor that did not offer the network-pricing guarantees “with the greatest value” would get one point or zero points, as referenced in paragraph 21 of the Petition for Contested Case Hearing.

RESPONSE: Blue Cross NC incorporates its General Objections here. Blue Cross NC further objects to this request because of the request's false premise. Nothing in Sections 2.3, 2.4, or 2.5 of the RFP required or even permitted Blue Cross NC to ask any questions about the methodology that the Plan would use to allocate points in its scoring of proposals on network-pricing guarantees, as opposed to questions about the RFP's requirements. To the extent that a further response is required, and for the reasons stated above, the Request for Admission is denied.

3. Admit that Blue Cross NC did not ask the Plan to reconsider the relative allocation of points to vendors' cost and technical proposals, pursuant to the procedures set forth in Sections 2.3–2.5 of the 2022 RFP.

RESPONSE: Blue Cross NC incorporates its General Objections here. Blue Cross NC further objects to this request because of the request's false premise. Nothing in Sections 2.3, 2.4, or 2.5 of the RFP required or even permitted Blue Cross NC to ask the Plan to change the relative point allocation of vendors' cost and

technical proposals for purposes of scoring the RFP, as opposed to asking questions about the RFP's requirements. To the extent that a further response is required, and for the reasons stated above, the Request for Admission is denied.

4. Admit that Blue Cross NC did not ask the Plan to consider assigning more points to administrative fees than network pricing guarantees, pursuant to the procedures set forth in Sections 2.3–2.5 of the 2022 RFP.

RESPONSE: Blue Cross NC incorporates its General Objections here. Blue Cross NC further objects to this request because of the request's false premise. Nothing in Sections 2.3, 2.4, or 2.5 of the RFP required or even permitted Blue Cross NC to ask the Plan to change the points allocated to vendors' administrative-fee and network-pricing guarantee proposals for purposes of scoring the RFP, as opposed to asking questions about the RFP's requirements. To the extent that a further response is required, and for the reasons stated above, the Request for Admission is denied.

5. Admit that Blue Cross NC did not ask the Plan to clarify how it would determine whether to award one or zero points to a given proposal for administrative fees pursuant to the procedures set forth in Sections 2.3–2.5 of the 2022 RFP.

RESPONSE: Blue Cross NC incorporates its General Objections here. Blue Cross NC further objects to this request because of the request's false premise. Nothing in Sections 2.3, 2.4, or 2.5 of the RFP required or even permitted Blue Cross NC to ask any questions about the methodology that the Plan would use to

allocate points in its scoring of administrative-fee proposals, as opposed to questions about the RFP's requirements. To the extent that a further response is required, and for the reasons stated above, the Request for Admission is denied.

6. Admit that Blue Cross NC did not ask the Plan to define or clarify the meaning of "greatest value," with respect to scoring vendors' network-pricing guarantees, as referenced in paragraphs 67–70 of the Petition for Contested Case Hearing, pursuant to the procedures set forth in Sections 2.3–2.5 of the 2022 RFP.

RESPONSE: Blue Cross NC incorporates its General Objections here. Blue Cross NC further objects to this request because of the request's false premise. Nothing in Sections 2.3, 2.4, or 2.5 of the RFP required or even permitted Blue Cross NC to ask any questions about the methodology that the Plan would use to allocate points in its scoring of proposals on network-pricing guarantees, as opposed to questions about the RFP's requirements. To the extent that a further response is required, and for the reasons stated above, the Request for Admission is denied.

7. Admit that Blue Cross NC did not ask the Plan to clarify how it would determine whether to award one or zero points to a given proposal for network-pricing guarantees pursuant to the procedures set forth in Sections 2.3–2.5 of the 2022 RFP.

RESPONSE: Blue Cross NC incorporates its General Objections here. Blue Cross NC further objects to this request because of the request's false premise. Nothing in Sections 2.3, 2.4, or 2.5 of the RFP required or even permitted Blue Cross NC to ask any questions about the methodology that the Plan would use to

allocate points in its scoring of proposals on network-pricing guarantees, as opposed to questions about the RFP's requirements. To the extent that a further response is required, and for the reasons stated above, the Request for Admission is denied.

8. Admit that Blue Cross NC did not ask the Plan to reconsider Technical Requirement 5.2.3.2(b)(iii) of the 2022 RFP, including for the reasons stated in paragraphs 87–93 of the Petition for Contested Case Hearing, pursuant to the procedures set forth in Sections 2.3–2.5 of the 2022 RFP.

RESPONSE: Blue Cross NC incorporates its General Objections here. Blue Cross NC further objects to this request because of the request's false premise. Nothing in Sections 2.3, 2.4, or 2.5 of the RFP required or even permitted Blue Cross NC to ask the Plan to reconsider the inclusion of Technical Requirement 5.2.3.2(b)(iii) in the RFP. Blue Cross did not confirm this technical requirement for the reasons stated in paragraph 87 of its petition, and paragraphs 88 through 93 of the petition explain why this requirement is not in the best interest of the Plan or its members. To the extent that a further response is required, and for the reasons stated above, the Request for Admission is denied.

9. Admit that Blue Cross NC did not ask the Plan to reconsider Technical Requirement 5.2.6.2(b)(xvi) of the 2022 RFP, including for the reasons stated in paragraphs 103–105 of the Petition for Contested Case Hearing, pursuant to the procedures set forth in Sections 2.3–2.5 of the 2022 RFP.

RESPONSE: Blue Cross NC incorporates its General Objections here. Blue Cross NC further objects to this request because of the request's false premise.

Nothing in Sections 2.3, 2.4, or 2.5 of the RFP required or even permitted Blue Cross NC to ask the Plan to reconsider the inclusion of Technical Requirement 5.2.6.2(b)(xvi) in the RFP. Blue Cross NC did not confirm this technical requirement for the reasons stated in paragraph 103 of its petition, and paragraphs 104 and 105 of the petition explain why this requirement would be counterproductive for the Plan's members and would cause confusion and disruption with providers. To the extent that a further response is required, and for the reasons stated above, the Request for Admission is denied.

10. Admit that Blue Cross NC did not ask the Plan to reconsider Technical Requirement 5.2.7.2(b)(xxiv)(1)–(4) of the 2022 RFP, including for the reasons stated in paragraphs 94–98 of the Petition for Contested Case Hearing, pursuant to the procedures set forth in Sections 2.3–2.5 of the 2022 RFP.

RESPONSE: Blue Cross NC incorporates its General Objections here. Blue Cross NC further objects to this request because of the request's false premise. Nothing in Sections 2.3, 2.4, or 2.5 of the RFP required or even permitted Blue Cross NC to ask the Plan to reconsider the inclusion of Technical Requirements 5.2.7.2(b)(xxiv)(1)–(4) in the RFP. Blue Cross NC did not confirm these technical requirements for the reasons stated in paragraphs 95 through 97 of its petition. To the extent that a further response is required, and for the reasons stated above, the Request for Admission is denied.

11. Admit that Blue Cross NC did not ask the Plan to reconsider Technical Requirement 5.2.8.2(b)(v) of the 2022 RFP, including for the reasons stated in

paragraphs 100–101 of the Petition for Contested Case Hearing, pursuant to the procedures set forth in Sections 2.3–2.5 of the 2022 RFP.

RESPONSE: Blue Cross NC incorporates its General Objections here. Blue Cross NC further objects to this request because of the request’s false premise. Nothing in Sections 2.3, 2.4, or 2.5 of the RFP required or even permitted Blue Cross NC to ask the Plan to reconsider the inclusion of Technical Requirement 5.2.8.2(b)(v) in the RFP. Blue Cross NC did not confirm this technical requirement for the reasons stated in paragraphs 100–101 of its petition. These paragraphs also explain why this technical requirement is not in the interest of the Plan or its members. To the extent that a further response is required, and for the reasons stated above, the Request for Admission is denied.

This the 16th day of May, 2023.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was served on the following by electronic mail at the electronic mailing addresses shown below:

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This the 16th day of May, 2023.

/s/ Nathan C. Chase, Jr.

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