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FILED

JUN 20 2005

OFFICE OF
WORKER'S COMPENSATION JUDGE
HELENA, MONTANA

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

ROBERT FLYNN and CARL MILLER,
individually and on behalf of others similarly
situated

Petitioners,

-vs.-

MONTANA STATE FUND,

Respondent/Insurer.

WCC NO. 2000-0222

**ANSWER OF
FEDERATED RURAL ELECTRIC
INSURANCE EXCHANGE AND
MONTANA ELECTRIC & TELEPHONE
POOL TO COURT'S MAY 4, 2005 ORDER**

Federated Rural Electric Ins. Exchange ("Federated") and Montana Electric & Telephone Pool ("METSPool") respectfully submit the following response to the Court's May 4, 2005 Order.

Federated Rural Electric Ins. Exchange wrote workers' compensation coverage in Montana from April 1, 1980 through approximately 1993. During that time period, its only insurer in Montana was Glacier Electric.

In 1994 Glacier Electric pooled with various other electric and telephone entities and became self-insured. That organization is known as Montana Electric & Telephone Pool or "METSPool." Federated is the claims administrator for METSPool.

METSPool is still writing workers' compensation coverage in Montana.

During the time period of approximately 1980 through 1993, when Federated was a direct carrier, approximately twenty-four (24) workers' compensation claims were made to Federated.

Federated and METSPool are currently not certain how many claims have been made since 1994. Federated has located fourteen (14) boxes of claim files. Federated is in the process of going through those files by hand to identifying any possible claims that are impacted by the decision of Flynn v. State Compensation Ins. Fund, 2002 MT 279, 312 Mont. 410, 60 P.3d 397. Federated and METSPool currently do not know if any such claims exist.

DOCKET ITEM NO. 209

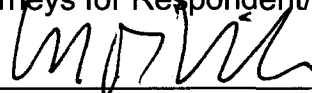
The review of the claims files cannot be accomplished by June 20, 2005. However, Federated and METSPool believe they will be able to acquire all information requested in the May 4, 2005 Order by August 1, 2005.

At this time, Federated and METSPool will not dispute the entitlements of claimants, as contemplated under Paragraph 4 of the Order. However, Federated and METSPool respectfully reserve their rights to rely on any defense asserted by any other insurer or self-insurer named in this action.

DATED this 17th day of JUNE, 2005.

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By



William R. Bieler, Esq.

CERTIFICATE OF SERVICE

I hereby certify that on the 17TH day of JUNE, 2005, a copy of the foregoing was served upon the following by Mail, Express Mail, Hand-Delivery, Fax, or Federal Express:

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Gwen Berard, Secretary

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June 17, 2005

Patricia J. Kessner, Clerk of Court
Montana Workers Compensation Court
1625 11th Avenue
P.O. Box 537
Helena, MT 59624-0537

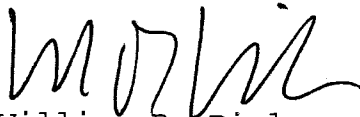
RE: WCC No. 2000-0222
Flynn, et al v. Montana State Fund
WLF FILE: 7188 FUND (wrb)

Dear Ms. Kessner:

Enclosed for filing is the *Answer of Federated Rural Electric Insurance Exchange and Montana Electric & Telephone Pool to Court's May 4, 2005 Order*.

Yours truly,

WILLIAMS LAW FIRM, P.C.



William R. Bieler

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Enclosure

cc Rex L. Palmer, Esq.