

**NEW YORK STATE  
DEPARTMENT OF FINANCIAL SERVICES  
PROPOSED  
SIXTH AMENDMENT TO 11 NYCRR 80-1  
(INSURANCE REGULATION 52)**

**HOLDING COMPANIES**

I, Maria T. Vullo, Superintendent of Financial Services, pursuant to the authority granted by Sections 202 and 302 of the Financial Services Law and Sections 301, 1502(b) and 1506 of the Insurance Law, do hereby promulgate the following Sixth Amendment to 11 NYCRR 80-1 (Insurance Regulation 52), to take effect upon publication in the State Register, to read as follows:

**(Matter in brackets is deleted; new matter is underlined)**

**Item 3 of section 80-1.6 is amended as follows:**

Item 3. Financial statements.

(a) [Furnish] Except as provided in subdivision (b) of this item, furnish a consolidated balance sheet of the applicant, each person identified pursuant to Note B, and each controlled person who would constitute a significant person were applicant a holding company under the Insurance Law, as of the end of applicant's fiscal year and related consolidated statements of income and surplus for the year then ended. Such financial statements shall be accompanied by an opinion of an independent certified public accountant to the effect that such financials present fairly the consolidated financial position of the applicant and such persons, and the results of their operations for the year then ended, in conformity with generally accepted accounting principles or with requirements of insurance or other accounting principles prescribed or permitted under law. In lieu of fully consolidated statements, applicant may furnish separate certified financial statements with respect to any person or persons, and certified consolidated or combined statements with respect to any group of persons.

(b)(1) A [controlled] significant person who is an individual or any person identified pursuant to Note B who is an individual may make a written application to the superintendent for permission to submit a certified public accountant compilation rather than an opinion of an independent certified public accountant on the grounds that submitting an opinion of an independent certified public accountant would constitute a hardship upon the [controlled] significant person or person identified pursuant to Note B. The written application shall explain how submitting an opinion of an independent certified public accountant would constitute a hardship upon the [controlled] significant person or person identified pursuant to Note B.

(2) An executive officer or director of a corporation may make a written application to the superintendent for an exemption from the requirement that the person furnish a consolidated balance sheet as of the end of the applicant's fiscal year and related consolidated statements of income and surplus for the year then ended on the grounds that submitting the documents is not

pertinent in determining the financial condition of the corporation of which the individual is an executive officer or director. The written application shall explain how furnishing a consolidated balance sheet as of the end of the applicant's fiscal year and related consolidated statements of income and surplus for the year then ended would not be pertinent in determining the financial condition of the corporation.