NEW YORK STATE DEPARTMENT OF FINANCIAL SERVICES

REPORT ON EXAMINATION

OF THE

PROTECTIVE LIFE INSURANCE COMPANY OF NEW YORK

CONDITION: DECEMBER 31, 2010

DATE OF REPORT: JULY 3, 2012

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AS OF

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EXAMINER:	EDEN M. SUNDERMAN

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Andrew M. Cuomo
Governor

Benjamin M. Lawsky
Superintendent

December 23, 2013

Honorable Benjamin M. Lawsky
Superintendent of Financial Services
New York, New York 10004

Sir:

In accordance with instructions contained in Appointment No. 30697, dated March 17, 2011 and annexed hereto, an examination has been made into the condition and affairs of Protective Life Insurance Company of New York, hereinafter referred to as "the Company," at its home office located at 2672 West Ridge Road, Suite D, Greece, New York 14626.

Wherever "Department" appears in this report, it refers to the New York State Department of Financial Services.

On October 3, 2011, the Insurance Department merged with the Banking Department to create the New York State Department of Financial Services.

The report indicating the results of this examination is respectfully submitted.

1. EXECUTIVE SUMMARY

Effective July 1, 2012, the Company was merged with and into Protective Life and Annuity Insurance Company ("PL&A"). After the merger, PL&A remains the surviving legal entity and will continue to be commercially domiciled in New York, and the Company ceased to exist.

2. SCOPE OF EXAMINATION

The examination of the Company was a full scope examination as defined in the NAIC Financial Condition Examiners Handbook, 2010 Edition (the “Handbook”). The examination covers the three-year period from January 1, 2008 through December 31, 2010. The examination was conducted observing the guidelines and procedures in the Handbook and, where deemed appropriate by the examiner, transactions occurring subsequent to December 31, 2010 but prior to the date of this report (i.e., the completion date of the examination) were also reviewed.

In the course of the examination, a review was also made of the manner in which the Company conducted its business and fulfilled its contractual obligations to policyholders and claimants. The results of this review are contained in item 7 of this report.

The examination was conducted on a risk focused basis in accordance with the provisions of the Handbook published by the National Association of Insurance Commissioners (“NAIC”). The Handbook guidance provides for the establishment of an examination plan based on the examiner’s assessment of risk in the insurer’s operations and utilizing that evaluation in formulating the nature and extent of the examination. The examiner planned and performed the examination to evaluate the current financial condition as well as identify prospective risks that may have threatened the future solvency of the insurer. The examiner identified key processes, assessed the risks within those processes and evaluated the internal control systems and procedures used to mitigate those risks. The examination also included assessing the principles used and significant estimates made by management, evaluating the overall financial statement presentation, and determining management’s compliance with New York statutes and Department guidelines, Statutory Accounting Principles as adopted by the Department and annual statement instructions.

Information about the Company's organizational structure, business approach and control environment were utilized to develop the examination approach. The Company's risks and management activities were evaluated incorporating the NAIC's nine branded risk categories. These categories are as follows:

- Pricing/Underwriting
- Reserving
- Operational
- Strategic
- Credit
- Market
- Liquidity
- Legal
- Reputational

The Company was audited annually, for the years 2008 through 2010, by the accounting firm of PricewaterhouseCoopers, LLC ("PWC"). The Company received an unqualified opinion in all years. Certain audit workpapers of the accounting firm were reviewed and relied upon in conjunction with this examination. The Company's ultimate parent has an internal audit department and a separate internal control department which was given the task of assessing the internal control structure of the Company and compliance with the Sarbanes-Oxley Act of 2002 ("SOX"). Where applicable, SOX workpapers and reports were reviewed and portions were relied upon for this examination.

The examiner reviewed the corrective actions taken by the Company with respect to the violations contained in the prior report on examination. The results of the examiner's review are contained in item 8 of this report.

This report on examination is confined to financial statements and comments on those matters which involve departure from laws, regulations or rules, or which require explanation or description.

3. DESCRIPTION OF COMPANY

A. History

The Company was incorporated as a stock life insurance company named Chase Life and Annuity Company of New York ("CLACNY"), under the laws of New York on May 19, 1998 and commenced business on August 31, 2000. On July 3, 2006, Protective Life Insurance Company ("PLIC") and its subsidiary West Coast Life Insurance Company ("WCL") purchased the stock of five Chase insurance companies including CLACNY and Chase Insurance Life Company of New York ("CILCNY"), both New York domestic life insurers. Effective January 1, 2007, CILCNY merged into CLACNY, with CLACNY becoming the surviving entity. CLACNY was renamed Protective Life Insurance Company of New York. As a result of the acquisition of the Company by PLIC, the Company ceased marketing level premium term and other traditional life products, but continued to market fixed annuity products through February 2007. The Company's blocks of life and annuity business have been closed and in "run-off" since February 2007.

Initial resources of $6,000,000, consisting of common capital stock of $2,000,000 and paid in and contributed surplus of $4,000,000, were provided through the sale of 200,000 shares of common stock (with a par value of $10 each) for $30 per share.

Capital and paid in and contributed surplus were $2,000,000 and $179,606,972 as of December 31, 2003. Subsequent to December 31, 2003 the Company noted a tax error in the amount of $236,025 which was corrected in 2004 and resulted in an increase in paid in capital of $236,025. At December 31, 2010, the Company's paid in and contributed surplus was $179,842,997.

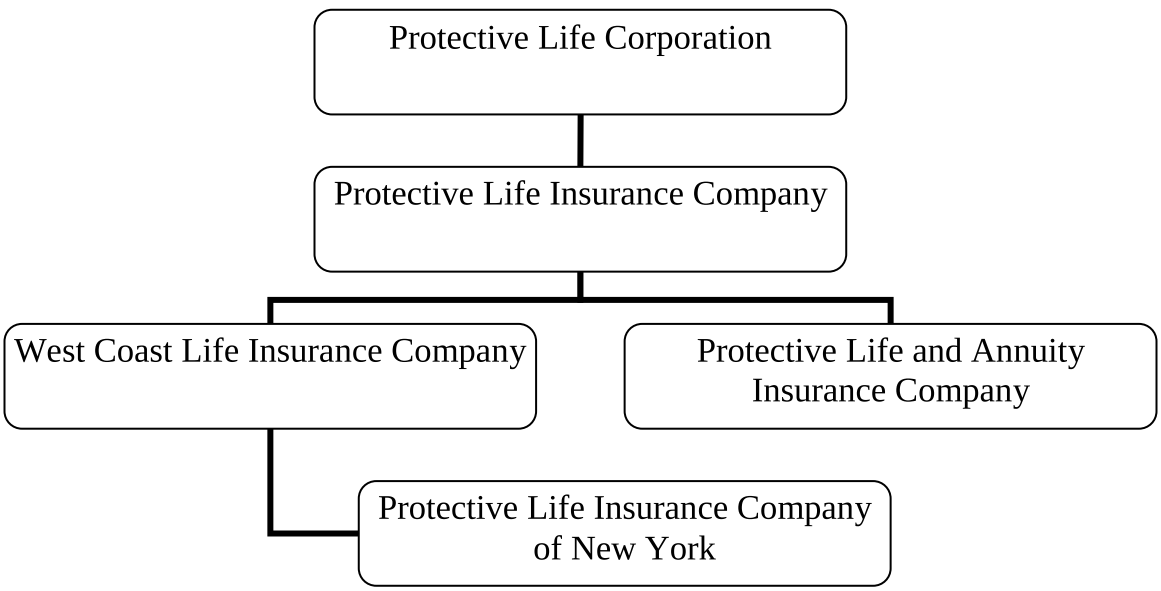
On September 12, 2008, the Department approved the payment of a cash dividend to West Coast Life Insurance Company ("WCL") in the amount of $22,719,540. On May 13, 2010, the Department approved the payment of another cash dividend to WCL in the amount of $17,600,726.

B. Holding Company

During the examination period, the Company was a wholly-owned subsidiary of WCL, a Nebraska life insurance company. WCL was in turn a wholly-owned subsidiary of Protective Life Insurance Company, a Tennessee insurance company. The ultimate parent of the Company was Protective Life Corporation ("PLC"), a Delaware holding company. During the examination period, Protective Life and Annuity Insurance Company (PL&A), an Alabama life insurance company was an affiliate of the Company. Currently, PL&A is commercially domiciled in New York and markets life insurance and annuity products in New York.

C. Organizational Chart

An organization chart reflecting the relationship between the Company and significant entities in its holding company system as of December 31, 2010 follows:



D. Service Agreements

The Company had three service agreements in effect with affiliates during the examination period.

Type of Agreement and Department File Number	Effective Date	Provider(s) of Service(s)	Recipient(s) of Service(s)	Specific Service(s) Covered	Income/ (Expense)* For Each Year of the Examination
Administrative Services Agreement - (File Numbers 35056A and 35057A)	7/3/2006	PLIC	The Company	Marketing, compliance, policy administration, policy issue, accounting and financial reporting, licensing, and underwriting services	2008 - $(2,398,622) 2009 - $(1,809,048) 2010 - $(1,027,945)
Investment Services Agreement — File Numbers 35056A and 35057A	7/3/2006	PLC	The Company	Investment management and administrative services	2008 - $(3,147,635) 2009 - $(2,487,595) 2010 - $(2,383,323)
Legal Services Agreement – File Numbers 35056A and 35057A	7/03/2006	PLC	The Company	General corporate, insurance, regulatory, litigation supervision, and contract related legal services	2008 - $ (113,439) 2009 - $ (16,544) 2010 - $ (13,738)

* Amount of Income or (Expense) Incurred by the Company

The Company does not participate in a federal income tax allocation agreement with its parent and affiliates.

E. Management

The Company's by-laws provide that the board of directors shall be comprised of not less than nine and not more than 21 directors. The board of directors shall be increased to not less than 13 within one year following the end of a calendar year in which the Company's admitted assets exceed $1,500,000,000. Directors are elected for a period of one year at the annual meeting of the stockholders held in May of each year. As of December 31, 2010, the board of directors consisted of nine members. Generally, meetings of the board were held quarterly.

The nine board members and their principal business affiliation, as of December 31, 2010, were as follows:

Name and Residence	Principal Business Affiliation	Year First Elected
Marcia D. Alazraki* Albany, NY	Attorney Manatt, Phelps & Phillips LLP	2006
Richard J. Bielen Birmingham, AL	Vice chairman and Chief Financial Officer Protective Life Insurance Company of New York	2006
Perry H. Braun* Scarsdale, NY	Senior Vice President Wilton Re Services	2006
Stephen D. Foster* Little Rock, AR	Attorney Mitchell, Williams, Selig, Gates & Woodyard, P.L.L.C	2006
Carolyn M. Johnson Birmingham, AL	Executive Vice President and Chief Operating Officer Protective Life Insurance Company of New York	2007
Carolyn King Birmingham, AL	Senior Vice President, Acquisition and Corporate Development Protective Life Insurance Company of New York	2006
Mark R. Sarlitto* Cross River, NY	General Counsel Wilton Re Services	2006
Wayne E. Stuenkel Birmingham, AL	President and Chief Actuary Protective Life Insurance Company of New York	2006
Steven G. Walker Birmingham, AL	Senior Vice President, Controller and Chief Accounting Officer Protective Life Insurance Company of New York	2006

* Not affiliated with the Company or any other company in the holding company system

Director Mark R. Sarlitto failed to attend five of ten board meetings held during the examination period. Members of the board of directors have a fiduciary responsibility and must evince an ongoing interest in the affairs of the Company.

The examiner recommends that the Company replace those board members who fail to attend a majority of the meetings.

Section 1202(b)(2) of the New York Insurance Law states, in part:

> "The board of directors of a domestic life insurance company shall establish one or more committees comprised solely of directors who are not officers or employees of the company or of any entity controlling, controlled by, or under common control with the company and who are not beneficial owners of a controlling interest in the voting stock of the company or any such entity. Such committee or committees shall have responsibility for . . . evaluating the performance of officers deemed by such committee or committees to be principal officers of the company and recommending to the board of directors the selection and compensation of such principal officers and in the case of a domestic stock life insurance company, recommending to its board of directors any plan to issue options to its officers and employees for the purchase of shares of stock, pursuant to section one thousand two hundred seven of this article."

Section 4230(c) of the New York Insurance Law states, in part:

> "No principal officer or employee . . . who is paid a salary for his services shall receive any other compensation, bonus or emolument from such company, directly or indirectly, except in accordance with a plan recommended by a committee of the board pursuant to subsection (b) of section one thousand two hundred two of this chapter and approved by the board of directors."

Article III, Section 9 of the Company's amended by-laws state, in part:

> " . . . The Board of Directors shall also establish one or more Committees composed solely of Outside Directors. Such Committee or Committees shall have the responsibility for recommending the selection of independent certified public accountants, reviewing the corporation's financial condition, the scope and results of the independent audit and any internal audit, nominating candidates for director for election by Shareholders, evaluating performance of officers of the corporation deemed to be principal officers and recommending to the Board of Directors their selection and compensation and recommending any plan to issue options to officers and employees for the purchase of shares of its stock."

The examiner reviewed the minutes of the board of directors and the audit committee for the period under examination. During the examination period, it was common for non-members, including principal officer directors, to attend the audit committee meetings. The minutes of the audit committee documented that non-member affiliated officers were present when the evaluation of principal officers and the recommendation to the board of the selection and compensation of such principal officers were discussed. The practice of senior officers participating or being present at meetings of the audit committee is inconsistent with the purpose of establishing and maintaining an independent committee of the board whose responsibilities include evaluating the performance of officers deemed by such committee or committees to be principal officers of the Company and recommending to the board of directors the selection and compensation of such principal officers; and, in the case of a domestic stock life insurance company, recommending to its board of directors any plan to issue options to its officers and employees for the purchase of shares of stock.

The examiner recommends that Company officers and affiliated directors attending meetings of the audit committee for the purposes of briefing such independent committee members recuse themselves from such meeting during actions on matters involving the following:

- Recommending the selection of independent certified public accountants;
- Nominating candidates for director for election by shareholders;
- Evaluating the performance of the Company's principal officers and recommending the selection and compensation of such principal officers;
- Recommending any plan of additional compensation (other than salary) for principal officers and employees whose salary is "equal to or greater than" principal officers; and
- Reviewing the scope of independent and internal audits.

The examiner recommends that the minutes of the meetings reflect the absence of all non-committee members while members are fulfilling their fiduciary responsibilities.

The following is a listing of the principal officers of the Company as of December 31, 2010:

Name	Title
Wayne E. Stuenkel	President and Chief Actuary
Richard J. Bielen	Vice Chairman and Chief Financial Officer
Edward M. Berko	Executive Vice President & Chief Risk Officer
Carl S. Thigpen	Executive Vice President & Chief Investment Officer
Carolyn M. Johnson	Executive Vice President and Chief Operating Officer
Deborah J. Long	Executive Vice President, Secretary & General Counsel
Steven G. Walker	Senior Vice President, Controller and Chief Accounting Officer
Lance P. Black	Senior Vice President, Investments and Treasurer
Kevin B. Borie	Vice President and Appointed Actuary
Steven M. Callaway*	Senior Associate Counsel and Primary Intelligence/Information Officer

* Designated consumer services officer per Section 216.4(c) of Department Regulation No. 64

4. TERRITORY AND PLAN OF OPERATIONS

During the examination period, the Company was authorized to write life insurance, annuities and accident and health insurance as defined in paragraphs 1, 2 and 3 of Section 1113(a) of the New York Insurance Law.

The Company was licensed to transact business only in New York. In 2010, 92.2% of life premiums and 96.2% of annuity considerations were received from New York.

A. Statutory and Special Deposits

As of December 31, 2010, the Company had $555,000 (par value) of United States Treasury Notes on deposit with the State of New York, its domiciliary state, for the benefit of all policyholders, claimants and creditors of the Company.

B. Direct Operations

The Company ceased writing all new business after the first quarter of 2007. The Company planned to allow all business acquired from the Chase companies to run-off. Policies were written on a non-participating basis.

The Company's agency operations were conducted on a general agency basis.

C. Reinsurance

As of December 31, 2010, the Company had reinsurance treaties in effect with thirteen companies, of which ten were authorized or accredited. The Company's life business was reinsured on a coinsurance, modified-coinsurance, or yearly renewable term basis. Reinsurance was provided on an automatic and facultative basis.

The maximum retention limit for individual life contracts was $300,000. The total face amount of life insurance ceded as of December 31, 2010, was $4,962,970,104 which represented 91.8% of the total face amount of life insurance in force. Reserve credit taken for reinsurance ceded to unauthorized companies, totaling $2,261,129, was supported by letters of credit and funds withheld. All of the Company's life and annuity business was in run-off.

The Company had no life insurance assumed as of December 31, 2010.

5. SIGNIFICANT OPERATING RESULTS

Indicated below is significant information concerning the operations of the Company during the period under examination as extracted from its filed annual statements. Failure of items to add to the totals shown in any table in this report is due to rounding.

The following table indicates the Company's financial growth (decline) during the period under review:

	December 31, 2007	December 31, 2010	Increase (Decrease)
Admitted assets	$1,119,494,391	$684,630,150	$(434,864,241)
Liabilities	$ 991,967,663	$595,026,787	$(396,940,876)
Common capital stock	$ 2,000,000	$ 2,000,000	$ 0
Gross paid in and contributed surplus	145,678,180	179,842,997	34,164,817
Additional admitted deferred tax Assets	0	3,254,467	3,254,467
Unassigned funds (surplus)	(20,151,452)	(95,494,100)	(75,342,648)
Total capital and surplus	$ 127,526,728	$ 89,603,364	$ (37,923,364)
Total liabilities, capital and surplus	$1,119,494,391	$684,630,150	$(434,864,241)

The Company's invested assets as of December 31, 2010 were mainly comprised of bonds (89.9%) and cash and short-term investments (10%).

The majority (94.0%) of the Company's bond portfolio, as of December 31, 2010, was comprised of investment grade obligations.

The following is the net gain (loss) from operations by line of business after federal income taxes but before realized capital gains (losses) reported for each of the years under examination in the Company's filed annual statements:

	2008	2009	2010
Ordinary:			
Life insurance	$ 1,282,477	$ 157,807	$ 1,253,204
Individual annuities	(2,675,451)	2,347,319	10,000,848
Supplementary contracts	(21,330)	8,396	12,247
Total ordinary	$(1,414,304)	$2,513,522	$11,266,299
All other lines	$ 2,145,856	$ (114,248)	$ (34,195)
Total	$ 731,553	$2,399,274	$11,232,104

6. FINANCIAL STATEMENTS

The following statements show the assets, liabilities, capital and surplus as of December 31, 2010, as contained in the Company's 2010 filed annual statement, a condensed summary of operations and a reconciliation of the capital and surplus account for each of the years under review. The examiner's review of a sample of transactions did not reveal any differences which materially affected the Company's financial condition as presented in its financial statements contained in the December 31, 2010 filed annual statement.

A. Independent Accountants

The firm of PWC was retained by the Company to audit the Company's combined statutory basis statements of financial position of the Company as of December 31st of each year in the examination period, and the related statutory-basis statements of operations, capital and surplus, and cash flows for the year then ended.

PWC concluded that the statutory financial statements presented fairly, in all material respects, the financial position of the Company at the respective audit dates. Balances reported in these audited financial statements were reconciled to the corresponding years' annual statements with no discrepancies noted.

B. Net Admitted Assets

Bonds	$603,290,869
Cash, cash equivalents and short term investments	67,040,905
Contract loans	5,363
Receivable for securities	8,653
Investment income due and accrued	5,964,181
Premiums and considerations:	
Uncollected premiums and agents' balances in the course of collection	(193,833)
Deferred premiums, agents' balances and installments booked but deferred and not yet due	236,114
Reinsurance:	
Amounts recoverable from reinsurers	105,424
Other amounts receivable under reinsurance contracts	53,298
Current federal and foreign income tax recoverable and interest thereon	2,112,966
Net deferred tax asset	5,235,204
Receivables from parent, subsidiaries and affiliates	596,985
Premium tax recoverable	16,190
Insolvency fund	210
Payroll tax recoverable	87,327
State tax recoverable	70,295
Total admitted assets	$684,630,150

C. Liabilities, Capital and Surplus

Aggregate reserve for life policies and contracts	$580,909,941
Liability for deposit-type contracts	291,754
Contract claims:	
Life	5,003,355
Premiums and annuity considerations for life and accident and health contracts received in advance	21,034
Contract liabilities not included elsewhere:	
Other amounts payable on reinsurance	783,055
Interest maintenance reserve	4,004,985
Commissions to agents due or accrued	11,981
General expenses due or accrued	2,271
Taxes, licenses and fees due or accrued, excluding federal income taxes	244
Amounts withheld or retained by company as agent or trustee	110,325
Remittances and items not allocated	2,753,604
Miscellaneous liabilities:	
Asset valuation reserve	1,130,784
Payable to parent, subsidiaries and affiliates	3,454
Total liabilities	$595,026,787
Common capital stock	$ 2,000,000
Gross paid in and contributed surplus	$179,842,997
Additional admitted deferred tax assets	3,254,467
Unassigned funds (surplus)	(95,494,100)
Surplus	$ 87,603,364
Total capital and surplus	$ 89,603,364
Total liabilities, capital and surplus	$684,630,150

D. Condensed Summary of Operations

	2008	2009	2010
Premiums and considerations	$ 2,583,594	$ 5,326,083	$ 11,687,191
Investment income	42,884,245	29,380,886	27,712,967
Commissions and reserve adjustments on reinsurance ceded	(138,927,059)	(58,575,424)	(21,300,312)
Miscellaneous income	202,385	40,631	3,603
Total income (loss)	$ (93,256,835)	$ (23,827,824)	$ 18,103,449
Benefit payments	$ 151,191,812	$ 71,469,278	$ 34,162,606
Increase in reserves	(252,849,896)	(108,010,975)	(30,312,755)
Commissions	134,489	356,047	849,921
General expenses and taxes	3,440,076	2,536,403	1,438,144
Increase in loading on deferred and uncollected premiums	(223)	(288)	(1,108)
Miscellaneous deductions	278,367	87,812	14,851
Total deductions	$ (97,805,375)	$ (33,561,723)	$ 6,151,659
Net gain	$ 4,548,540	$ 9,733,899	$ 11,951,790
Federal and foreign income taxes incurred	3,816,985	7,334,625	719,686
Net gain from operations before net realized capital gains	$ 731,555	$ 2,399,274	$ 11,232,104
Net realized capital (losses)	(7,320,512)	(6,216,992)	(476,328)
Net income (loss)	$ (6,588,959)	$ (3,817,718)	$ 10,755,776

The Company ceased writing all new business after the first quarter of 2007. The decreases in premiums and investment income, and the increases in commissions and reserve adjustments on reinsurance ceded, and reserve liabilities resulted from the run-off of these blocks of business. A combination of changing economic conditions, available interest rates, and rising consumer confidence resulted in the submission of larger annuity considerations for existing annuity policies in 2010 as compared to 2008 and 2009.

E. Capital and Surplus Account

	2008	2009	2010
Capital and surplus, December 31, prior year	$127,526,728	$ 99,783,788	$100,235,619
Net income (loss)	$ (6,588,959)	$ (3,817,718)	$ 10,755,776
Change in net unrealized capital gains (losses)	(162,046)	51,875	155,680
Change in net deferred income tax	(1,749,000)	2,229,960	(2,503,567)
Change in non-admitted assets and related items	1,857,722	1,871,633	2,760,907
Change in asset valuation reserve	4,831,081	720,303	(1,130,784)
Change in surplus as a result of reinsurance	(931,739)	(604,222)	(670,266)
Dividends to stockholders	(25,000,000)	0	(20,000,000)
Net change in capital and surplus for the year	$ (27,742,940)	$ 451,831	$ (10,632,254)
Capital and surplus, December 31, current year	$ 99,783,788	$100,235,619	$ 89,603,364

The decrease in capital and surplus in 2008 and 2010 was primarily attributable to the $25 million and $20 million, respectively, dividend payment to the Company's parent, WCL, in those years. The decrease in 2010 was offset partially by net income of $11 million in 2010.

F. Reserves

The Department conducted a review of reserves as of December 31, 2010. During the review, the Department found that greater conservatism was needed in the assumptions and methodology used for asset adequacy analysis pursuant to Department Regulation No. 126. In response, the Company agreed to incorporate various refinements within future analyses in a manner acceptable to the Department. These refinements would have produced additional reserves of approximately $8 million as of 12/31/2010.

The examiner recommends that the Company compute reserves using the assumptions and methodology as agreed upon with the Department.

7. MARKET CONDUCT ACTIVITIES

The examiner reviewed various elements of the Company's market conduct activities affecting policyholders, claimants, and beneficiaries to determine compliance with applicable statutes and regulations and the operating rules of the Company.

A. Advertising and Sales Activities

The Company did not use advertising material during the examination period since it is no longer actively marketing new life or annuity contracts.

B. Underwriting and Policy Forms

The Company did not issue any new life or annuity policies and contracts during the examination period.

C. Treatment of Policyholders

The examiner reviewed a sample of various types of claims, surrenders, changes and lapses. The examiner also reviewed the various controls involved, checked the accuracy of the computations and traced the accounting data to the books of account.

Based upon the sample reviewed, no significant findings were noted.

8. PRIOR REPORT SUMMARY AND CONCLUSIONS

Following are the violations contained in the prior report on examination and the subsequent actions taken by the Company in response to each citation:

Item	Description
A	The Company violated Section 1202(b)(2) of the New York Insurance Law when it failed to have its Audit and Nominating Committee meet and perform the duties required of it by such Section. Based upon the examiner's review of the Audit and Nominating Committee minutes, the Audit and Nominating committee met via teleconference during the examination period and according to the record of all such meetings, the Audit and Nominating Committee fulfilled its responsibilities under Section 1202(b)(2) of the New York Insurance Law.
B	The Company violated Section 51.7(b) and Section 51.6(b)(3) of Department Regulation No. 60 and Section 243(b)(1) and (8) of Department Regulation No. 152 in the cases where it failed to provide an accurate and timely Disclosure Statement to the applicant. Effective February 2007, the Company's blocks of life and annuity business have been closed and are in run-off. The Company did not issue any new life insurance policies or annuity contracts during the examination period. Any new life insurance policies were the result of conversions from existing life policies.

9. SUMMARY AND CONCLUSIONS

Following are the violations and recommendations contained in this report:

Item	Description	Page No(s).
A	The examiner recommends that the Company replace those board members whom fail to attend a majority of the meetings.	8
B	The examiner recommends that Company officers and affiliated directors attending meetings of the audit committee for the purposes of briefing such independent committee members recuse themselves from such meeting during actions on matters involving the following: • Recommending the selection of independent certified public accountants; • Nominating candidates for director for election by shareholders; • Evaluating the performance of the Company's principal officers and recommending the selection and compensation of such principal officers; • Recommending any plan of additional compensation (other than salary) for principal officers and employees whose salary is "equal to or greater than" principal officers; and • Reviewing the scope of independent and internal audits.	10
C	The examiner recommends that the minutes of the meetings reflect the absence of all non-committee members while members are fulfilling their fiduciary responsibilities.	10
D	The examiner recommends that the Company compute reserves using the assumptions and methodology as agreed upon with the Department.	17

Respectfully submitted,

/s/
Eden M. Sunderman
Associate Insurance Examiner

STATE OF NEW YORK)
)SS:
COUNTY OF NEW YORK)

Eden M. Sunderman, being duly sworn, deposes and says that the foregoing report, subscribed by her, is true to the best of her knowledge and belief.

/s/
Eden M. Sunderman

Subscribed and sworn to before me

this__________ day of ____________________

APPOINTMENT NO. 30697

STATE OF NEW YORK

INSURANCE DEPARTMENT

I, JAMES J. WRYNN, Superintendent of Insurance of the State of New York, pursuant to the provisions of the Insurance Law, do hereby appoint:

EDEN SUNDERMAN

as a proper person to examine into the affairs of the

PROTECTIVE LIFE INSURANCE COMPANY OF NEW YORK

and to make a report to me in writing of the condition of the said

COMPANY

with such other information as she shall deem requisite.

In Witness Whereof, I have hereunto subscribed by name
and affixed the official Seal of the Department
at the City of New York

this 17th day of March, 2011

JAMES J. WRYNN
Superintendent of Insurance

Superintendent