REPORT ON EXAMINATION

<u>OF</u>

SELECTIVE INSURANCE COMPANY OF NEW YORK

AS OF

DECEMBER 31, 2017

<u>DATE OF REPORT</u> <u>OCTOBER 5, 2018</u>

EXAMINER SABU CHERIAN

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Andrew M. Cuomo Governor

Maria T. Vullo Superintendent

September 20, 2018

Honorable Maria T. Vullo Superintendent New York State Department of Financial Services Albany, New York 12257

Madam:

Pursuant to the requirements of the New York Insurance Law, and in compliance with the instructions contained in Appointment Number 31711 dated February 20, 2018, attached hereto, I have made an examination into the condition and affairs of Selective Insurance Company of New York as of December 31, 2017, and submit the following report thereon.

Wherever the designation "the Company" appears herein without qualification, it should be understood to indicate Selective Insurance Company of New York.

Wherever the term "Department" appears herein without qualification, it should be understood to mean the New York State Department of Financial Services.

The examination was conducted at the Company's administrative office located at 40 Wantage Avenue, Branchville, New Jersey 07890.

1. SCOPE OF EXAMINATION

The Department has performed an examination of the Company, a multi-state insurer. The previous examination was conducted as of December 31, 2012. This examination covered the five-year period from January 1, 2013 through December 31, 2017. Transactions occurring subsequent to this period were reviewed where deemed appropriate by the examiner.

The examination was conducted in conjunction with the state of New Jersey, which was the lead state of the Selective Insurance Group, Inc. The examination was performed concurrently with the examinations of the following insurers:

Company	State of Domicile
Selective Insurance Company of America	New Jersey
Selective Way Insurance Company	New Jersey
Selective Insurance Company of the Southeast	Indiana
Selective Insurance Company of South Carolina	Indiana
Selective Insurance Company of New England	New Jersey
Selective Auto Insurance Company of New Jersey	New Jersey
Mesa Underwriters Specialty Insurance Company	New Jersey
Selective Casualty Insurance Company	New Jersey
Selective Fire and Casualty Insurance Company	New Jersey

The state of Indiana also participated in this examination.

This examination was conducted in accordance with the National Association of Insurance Commissioners ("NAIC") Financial Condition Examiners Handbook ("Handbook"), which requires that we plan and perform the examination to evaluate the financial condition and identify current and prospective risks of the Company by obtaining information about the Company including corporate governance, identifying and assessing inherent risks within the Company and evaluating system controls and procedures used to mitigate those risks. This examination also includes assessing the principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation, management's compliance with New York Laws, statutory accounting principles, and annual statement instructions.

This examination report includes, but is not limited to, the following:

Company history
Management and control
Territory and plan of operation
Holding company description
Reinsurance
Loss review and analysis
Financial statement presentation
Significant subsequent events
Summary of recommendations

A review was also made to ascertain what action was taken by the Company with regard to comments and recommendations contained in the prior report on examination.

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

2. <u>DESCRIPTION OF COMPANY</u>

The Company was incorporated under the laws of the State of New York as Exchange Mutual Indemnity Insurance Company on April 30, 1914 and commenced business on July 1, 1914. It was organized for the purpose of transacting the business of workers' compensation and employers' liability insurance.

On May 28, 1956, the Company changed its name to Exchange Mutual Insurance Company and later added additional property and casualty underwriting powers to its charter.

In 1984, the Company merged with Saratoga Mutual Insurance Company of Round Lake, New York, with the Company as the surviving entity.

In 1985, the Company amended its articles of incorporation, pursuant to Section 7307 of the New York Insurance Law to become a stock company and the Company's name was changed to Exchange Insurance Company.

On August 27, 1992, the Selective Insurance Group, Inc. ("SIGI") acquired all of the issued and outstanding shares of the Company's parent, Niagara Exchange Corporation ("Niagara"), a Delaware

Corporation. Effective June 19, 1997, the Company's name was changed to Selective Insurance Company of New York.

On October 20, 2005, the Company became a direct subsidiary of SIGI when Niagara was dissolved and all of the Company's outstanding shares of common stock were transferred to SIGI.

The Company is wholly-owned by Selective Insurance Group, Inc. ("SIGI"), which is domiciled in the State of New Jersey.

As of December 31, 2017, the Selective Insurance Group consisted of the following members:

Company	State of Domicile
Selective Insurance Company of America ("SICA")	New Jersey
Selective Way Insurance Company ("SWIC")	New Jersey
Selective Insurance Company of the Southeast ("SICSE")	Indiana
Selective Insurance Company of South Carolina ("SICSC")	Indiana
Selective Insurance Company of New York ("SICNY")	New York
Selective Insurance Company of New England ("SICNE")	New Jersey
Selective Auto Insurance Company of New Jersey ("SAICNJ")	New Jersey
Mesa Underwriters Specialty Insurance Company ("MUSIC")	New Jersey
Selective Casualty Insurance Company ("SCIC")	New Jersey
Selective Fire and Casualty Insurance Company ("SFCIC")	New Jersey

A. Corporate Governance

Pursuant to the Company's charter and by-laws, management of the Company is vested in a board of directors consisting of not less than seven nor more than twenty members. The board meets four times during each calendar year. At December 31, 2017, the board of directors was comprised of the following seven members:

Name and Residence	Principal Business Affiliation
Jeffrey Francis Kamrowski	President and Assistant Secretary,
Warwick, New York	Selective Insurance Group, Inc.
Michael Haran Lanza Newport, Rhode Island	Executive Vice President and General Counsel Selective Insurance Group, Inc.
John Joseph Marchioni	President and Chief Operating Officer,
Sparta, New Jersey	Selective Insurance Group, Inc.

Name and Residence Principal Business Affiliation

Senior Vice President and Chief Risk Officer, Yanna Montau-Hupka

Milford, Pennsylvania Selective Insurance Group, Inc.

Gregory Edward Murphy Chairman and Chief Executive Officer,

Sparta, New Jersey Selective Insurance Group, Inc.

Vincent Matthew Senia Executive Vice President and Chief Actuary, Morristown, New Jersey Selective Insurance Company of America

Mark Alexander Wilcox Executive Vice President, Chief Financial

Chatham, New Jersey Officer.

Selective Insurance Group, Inc.

As of December 31, 2017, the principal officers of the Company were as follows:

Name Title

Gregory Edward Murphy Chief Executive Officer

Jeffrey Francis Kamrowski President

Chief Operating Officer John Joseph Marchioni

Michael Haran Lanza Secretary Rohan Ajit Pai Treasurer

Anthony David Harnett Senior Vice President Vincent Matthew Senia **Executive Vice President** Mark Alexander Wilcox **Executive Vice President** George David Dufala, Jr. **Executive Vice President**

B. Territory and Plan of Operation

As of December 31, 2017, the Company was licensed to write business in the following thirteen states: Arizona, Colorado, Idaho, Maine, Massachusetts, Michigan, New Jersey, New Mexico, New York, Pennsylvania, South Carolina, Utah and Vermont and is an accredited reinsurer in North Carolina.

As of the examination date, the Company was authorized to transact the kinds of insurance as defined in the following numbered paragraphs of Section 1113(a) of the New York Insurance Law:

<u>Paragraph</u>	Line of Business
3	Accident & health
4	Fire
5	Miscellaneous property
6	Water damage

<u>Paragraph</u>	<u>Line of Business</u>
7	Burglary and theft
8	Glass
9	Boiler and machinery
10	Elevator
11	Animal
12	Collision
13	Personal injury liability
14	Property damage liability
15	Workers' compensation and employers' liability
16	Fidelity and surety
17	Credit
19	Motor vehicle and aircraft physical damage
20	Marine and inland marine
21	Marine protection and indemnity
26(A)(B)(C)(D)	Gap
29	Legal services

The Company is also authorized to transact such workers' compensation insurance as may be incident to coverages contemplated under paragraphs 20 and 21 of Section 1113(a), including insurance described in the Longshoremen's and Harbor Workers' Compensation Act (Public Law No. 803, 69th Congress as amended; 33 USC Section 901 et seq. as amended). In addition, the Company is licensed to conduct within this State the business of special risk insurance pursuant to Article 63 of the New York Insurance Law.

Based upon the lines of business for which the Company is licensed and the Company's current capital structure, and pursuant to the requirements of Articles 13, 41 and 63 of the New York Insurance Law, the Company is required to maintain a minimum surplus to policyholders in the amount of \$6,400,000.

The following schedule shows the direct and assumed premiums written by the Company for the period under examination:

Calendar Year	Direct Premiums	Assumed Premiums	Total Gross Premiums
2013	\$38,900,923	\$131,467,809	\$170,368,732
2014	\$47,561,956	\$132,645,258	\$180,207,214
2015	\$52,358,045	\$145,085,264	\$197,443,309
2016	\$62,274,762	\$156,804,752	\$219,079,514
2017	\$67,921,665	\$166,320,149	\$234,241,814

Approximately 95% of the Company's direct writings in 2017 were concentrated in New York and Massachusetts. Major written product lines, direct and assumed in 2017 for the Company were in other liability – occurrence (23.1%), allied lines (15.8%), commercial auto liability (13.5%) and workers compensation (12.1%). Other liability - occurrence was comprised of the following: employment related practices liability, liquor law liability, owners or contractors' protective liability, personal excess, physicians, surgeons and dentists' professional liability, pollution liability, premises/operational liability, professional liability, premises, garage liability and terrorism. The Company's products and services are distributed through a network of independent agents. As of December 31, 2017, business for the Company and its insurance company affiliates was produced through approximately: 1,250 distribution partners (agencies), 5,800 retail agents selling flood insurance products written under the National Flood Insurance Program's Write Your Own program, 85 wholesale general agents and 9 wholesale brokers located throughout the United States.

Due to the intercompany pooling agreement (described in Section 2C of this report), the net exposure of the Company is significantly different than its direct exposure. At December 31, 2017, the Company reported \$165,944,879 in net premiums written, \$67,921,665 in direct premiums written and \$166,320,149 in assumed premiums written.

C. Reinsurance Ceded

<u>Intercompany Pooling Agreement</u>

Since September 1, 1992, the Company has participated in an intercompany reinsurance pooling agreement. Effective January 1, 2014 the Company and its affiliated insurance companies ("Pool Members") entered into the Third Amended and Restated Reinsurance Pooling Agreement. Under this agreement, the Pool Members cede one hundred percent of their premiums written to Selective Insurance Company of America (SICA), the lead reinsurer. SICA then retrocedes those premiums back to each Pool Member based on the Pool Member's participation percentage. All losses, loss adjustment expenses, underwriting and administrative expenses less all salvage and similar recoveries are based on each company's pool percentage.

Each company's pool percentage as of December 31, 2017 was as follows:

Pool Participant	Pooling Participation Percentage
Selective Insurance Company of America	32%
Selective Way Insurance Company	21%
Selective Insurance Company of South Carolina	9%
Selective Insurance Company of the Southeast	7%
Selective Insurance Company of New York	7%
Selective Casualty Insurance Company	7%
Selective Auto Insurance Company of New Jersey	6%
Mesa Underwriters Specialty Insurance Company	5%
Selective Insurance Company of New England	3%
Selective Fire and Casualty Insurance Company	3%

The Company ceded \$41,333,000 of premiums and has a reinsurance recoverable of \$82,619,000 from its affiliate, SICA, as reported in the Company's Schedule F as of December 31, 2017.

The intercompany pooling agreement was submitted to and approved by the Department pursuant to the provisions of Section 1505(d) of the New York Insurance Law.

The reinsurance treaties and arrangements of the Company principally consists of traditional reinsurance arrangements whereby the reinsurer assumes a portion of the losses for a cost. The reinsurance contracts cover property and casualty business and are as follows:

Property reinsurance consists of property excess of loss contract that covers large individual property losses and property catastrophe contract that covers property against severe catastrophe events. The property excess of loss reinsurance coverage has \$58 million above a \$2 million retention covering 100% in three layers. The property catastrophe excess of loss has \$685 million above a \$40 million retention in four layers.

Casualty reinsurance consists of casualty excess of loss contract coverage for casualty losses claimants or individuals. The casualty excess of loss has six layers covering 100% of \$88 million above a \$2 million retention.

In 2017, the Company ceded approximately \$68,300,000, in premiums. Per the terms of the intercompany pooling agreement approximately \$41,330,000 was ceded to its affiliate and the pool leader Selective Insurance Company of America. Approximately \$26,964,000 was ceded to external non-affiliated reinsurers as follows: \$26,600,000 (Authorized), and \$364,000 (Unauthorized).

The vast majority of the recoverable amounts reported on Schedule F – Part 3 are due from SICA, an affiliate and an authorized insurer. It is noted that the reinsurance recoverables from SICA (78% of surplus) is the Company's most significant financial item and ultimately the Company's most significant financial risk is its ability to collect on the reinsurance recoverables.

It is noted that SICA was examined concurrently with the Company and that there were no financial adjustments that impacted the surplus of SICA as a result of the examination.

All reinsurance agreements in effect as of the examination date were reviewed and found to contain the required clauses, including an insolvency clause, meeting the requirements of Section 1308 of the New York Insurance Law.

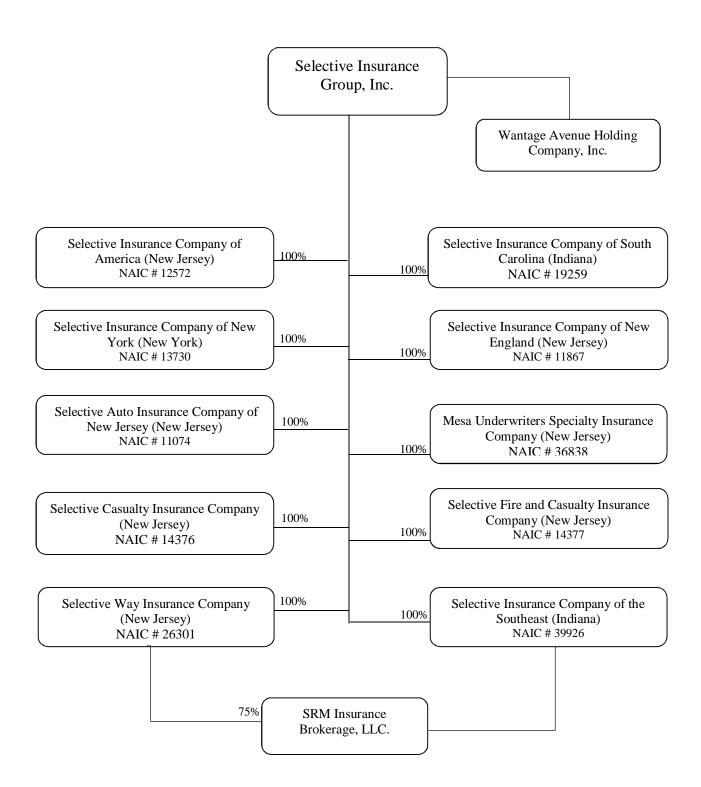
Examination review found that the Schedule F data reported by the Company in its filed annual statement accurately reflected its reinsurance transactions. Additionally, management has represented that all material ceded reinsurance agreements transfer both underwriting and timing risk as set forth in SSAP No. 62R. Representations were supported by an appropriate risk transfer analysis and an attestation from the Company's Chief Executive Officer and Chief Financial Officer pursuant to the NAIC Annual Statement Instructions. Additionally, examination review indicated that the Company was not a party to any finite reinsurance agreements. All ceded reinsurance agreements were accounted for utilizing reinsurance accounting as set forth in SSAP No. 62R.

D. Holding Company System

The Company is a wholly-owned subsidiary of Selective Insurance Group, Inc, a New Jersey domiciled corporation.

A review of the Holding Company Registration Statements filed with this Department indicated that such filings were complete and were filed in a timely manner pursuant to Article 15 of the New York Insurance Law and Department Regulation 52.

The following is the chart of the holding company system as of December 31, 2017:



Holding Company Agreements

At December 31, 2017, the Company was party to the following agreements with other members of its holding company system:

Investment Services Agreement

Effective January 1, 1993, and amended as of August 1, 1993, the Company entered into an investment services agreement with Selective Insurance Company of America (SICA) under which SICA provides various services relative to the management of the Company's investment portfolio.

Tax Allocation Agreement

Effective July 1, 1995, the Company entered into a tax allocation agreement which covers the allocation, settlement and financial statement presentation of current federal income taxes among companies in the consolidated income tax return of SIGI and its subsidiaries. The agreement was amended on January 1, 2012 and July 1, 2012 to add various parties to the agreement.

The agreements were filed with the Department pursuant to Section 1505 of the New York Insurance Law.

E. Significant Ratios

The Company's operating ratios, computed as of December 31, 2017, fall within the benchmark ranges set forth in the Insurance Regulatory Information System of the National Association of Insurance Commissioners.

 Operating Ratios
 Result

 Net premiums written to surplus as regards policyholders
 156%

Liabilities to liquid assets (cash and invested assets less investments in affiliates)

79%

Underwriting Ratios

The underwriting ratios presented below are on an earned/incurred basis and encompass the fiveyear period covered by this examination:

	<u>Amounts</u>	<u>Ratio</u>
Losses and loss adjustment expenses incurred	\$420,272,069	59.92%
Other underwriting expenses incurred	247,011,150	35.21
Net underwriting gain	<u>34,155,586</u>	4.87
Premiums earned	<u>\$701,438,805</u>	100.00%

The Company's reported risk based capital score ("RBC") was 456.1% at 12/31/2017. The RBC is a measure of the minimum amount of capital appropriate for a reporting entity to support its overall business operations in consideration of its size and risk profile. An RBC of 200 or below can result in regulatory action. There were no financial adjustments in this report that impacted the Company's RBC score.

3. <u>FINANCIAL STATEMENTS</u>

A. <u>Balance Sheet</u>

The following shows the assets, liabilities and surplus as regards policyholders as of December 31, 2017, as reported by the Company:

<u>Assets</u>	<u>Assets</u>	Assets Not Admitted	Net Admitted Assets
Bonds	\$362,814,145		\$362,814,145
Common stocks	50,600		50,600
Cash, cash equivalents and short-term investments	3,766,286		3,766,286
Other invested assets	2		2
Receivables for securities	4,288		4,288
Investment income due and accrued	2,664,724		2,664,724
Uncollected premiums and agents' balances in the course of			
collection	17,902,947	\$1,221,343	16,681,604
Deferred premiums, agents' balances and installments			
booked but deferred and not yet due	43,557,563	231,357	43,326,206
Accrued retrospective premiums and			
contracts subject to redetermination	91,585	6,915	84,670
Amounts recoverable from reinsurers	933,479		933,479
Net deferred tax asset	7,438,072	49,160	7,388,912
Guaranty funds receivable on deposit	69,233		69,233
Receivables from parent, subsidiaries and affiliates	2,009,751		2,009,751
Company owned life insurance	1,278,545		1,278,545
Equities and deposits in pools and associations	1,031,522		1,031,522
Other assets	1,478,352	1,063,758	414,594
		·	
Total assets	\$ <u>445,091,094</u>	\$ <u>2,572,533</u>	\$ <u>442,518,561</u>

Liabilities, Surplus and Other Funds

Liabilities		
Losses and loss adjustment expenses		\$221,722,727
Reinsurance payable on paid losses and loss adjustment expenses		8,326,401
Commissions payable, contingent commissions and other similar		
charges		6,100,615
Other expenses (excluding taxes, licenses and fees)		5,934,326
Taxes, licenses and fees (excluding federal and foreign income		
taxes)		2,147,680
Current federal and foreign income taxes		1,382,534
Unearned premiums		83,730,549
Advance premium		394,340
Policyholders (dividends declared and unpaid)		350,754
Ceded reinsurance premiums payable (net of ceding commissions)		3,535,021
Amounts withheld or retained by company for account of others		486,316
Provision for reinsurance		5,385
Aggregate write-ins for liabilities		1,922,054
Total liabilities		\$336,038,702
Surplus and other funds		
Common capital stock	\$ 3,575,156	
Gross paid in and contributed surplus	24,138,401	
Unassigned funds (surplus)	<u>78,766,302</u>	
Surplus as regards policyholders		<u>106,479,859</u>
Total liabilities, surplus and other funds		<u>\$442,518,561</u>

<u>Note</u>: The Internal Revenue Service has completed its audit for examination year 2013 and the audit closed with no material changes. To date the Internal Revenue Service has not performed any audits of the 2014 to 2017 examination years. The examiner is unaware of any potential exposure of the Company to any tax assessment and no liability has been established herein relative to such contingency.

B. <u>Statement of Income</u>

The net income for the examination period as reported by the Company was \$56,202,371 as detailed below:

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Lind	erwriting	income
Ond	CI WIILIII	, mcome

Premiums earned		\$701,438,805
Deductions: Losses and loss adjustment expenses incurred Other underwriting expenses incurred Aggregate write-ins for underwriting deductions	\$420,272,069 246,799,180 211,970	
Total underwriting deductions		667,283,219
Net underwriting gain		\$ 34,155,586
<u>Investment income</u>		
Net investment income earned Net realized capital gain or (loss)	\$ 41,612,746 (718,447)	
Net investment gain		40,894,299
Other income		
Net gain or (loss) from agents' or premium balances charged off Finance and service charges not included in premiums Aggregate write-ins for miscellaneous income	\$ (933,979) 2,169,607 1,704,798	
Total other income		<u>2,940,426</u>
Net income before dividends to policyholders and before federal and foreign income taxes		\$ 77,990,311
Dividends to policyholders		1,747,059
Net income after dividends to policyholders but before federal and foreign income taxes		\$ 76,243,252
Federal and foreign income taxes incurred		20,040,881
Net income		\$ <u>56,202,371</u>

C. <u>Capital and Surplus</u>

Surplus as regards policyholders increased \$33,876,847 during the five-year examination period January 1, 2013 through December 31, 2017 as reported by the Company, detailed as follows:

Surplus as regards policyholders as reported by the Company as of December 31, 2012

\$ 72,603,012

	Gains in	Losses in	
	Surplus	<u>Surplus</u>	
Net income Net unrealized capital gains or (losses) Change in net deferred income tax Change in non-admitted assets Change in provision for reinsurance Surplus adjustments paid in Dividends to stockholders	\$56,202,371 78,570 3,437,611 143,945 375,000	\$ 6,954,624 16,889,056	
Aggregate write-ins for gains and losses in surplus Total gains and losses	\$60,237,497	2,516,970 \$26,360,650	
Net increase in surplus			\$ 33,876,847
Surplus as regards policyholders as reported by the Company as of December 31, 2017			\$ <u>106,479,859</u>

No adjustments were made to surplus as a result of this examination.

Capital paid in is \$3,575,156 consisting of 357,515.6 shares of \$10 par value per share common stock. Gross paid in and contributed surplus is \$24,138,401. Gross paid in and contributed surplus increased by \$375,000 during the examination period, as follows:

<u>Year</u>	<u>Description</u>	<u>Amount</u>
2013	Beginning gross paid in and contributed surplus	\$23,763,401
2013	Surplus contribution	375,000
	-	
	Total Surplus Contributions	375,000
2017	Ending gross paid in and contributed surplus	\$ <u>24,138,401</u>

4. LOSSES AND LOSS ADJUSTMENT EXPENSES

The examination liability for the captioned items of \$221,722,727 is the same as reported by the Company as of December 31, 2017. The examination analysis of the Loss and Loss Adjustment Expense reserves was conducted in accordance with generally accepted actuarial principles and statutory accounting principles, including the NAIC Accounting Practices & Procedures Manual, Statement of Statutory Accounting Principle No. 55 ("SSAP No. 55").

Significant reserves are concentrated in the following lines of business: Workers' Compensation (30%), Other Liability - Occurrence (29.8%) and Commercial Auto Liability (15.2%). Other Liability - Occurrence consists of employment related practices liability, liquor law liability, owners or contractors' protective liability, personal excess, physicians, surgeons and dentists' professional liability, pollution liability, premises, garage liability, and terrorism.

5. <u>COMPLIANCE WITH PRIOR REPORT ON EXAMINATION</u>

The prior report on examination did not contain any recommendations.

6. <u>SUMMARY OF COMMENTS AND RECOMMENDATIONS</u>

This report on examination does not contain any comments or recommendations.

	Respectfully submitted,
	Sabu Cherian Senior Insurance Examiner
STATE OF NEW YORK))ss:
COUNTY OF NEW YORK	
Sabu Cherian, being duly sv	worn, deposes and says that the foregoing report, subscribed by him, is
true to the best of his know	ledge and belief.
	/S/ Sabu Cherian
Subscribed and sworn to be	
thisday of	, 2018.

NEW YORK STATE

DEPARTMENT OF FINANCIAL SERVICES

I, Maria T. Vullo, Superintendent of Financial Services of the State of New York, pursuant to the provisions of the Financial Services Law and the Insurance Law, do hereby appoint:

Sabu Cherian

as a proper person to examine the affairs of the

Selective Insurance Company of New York

and to make a report to me in writing of the condition of 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 20th day of February, 2018

MARIA T. VULLO Superintendent of Financial Services

YORK STATE SADINAS OF FINANCIAL SADINAS OF FINANCIA

Bv

Joan Riddell Deputy Bureau Chief