

SERFF Tracking Number: GARD-128066858 State: Arkansas  
Filing Company: The Guardian Life Insurance Company of America State Tracking Number:  
Company Tracking Number: 12-412(E)(3)  
TOI: A02I Individual Annuities- Deferred Non- Variable Sub-TOI: A02I.001 Fixed Premium  
Product Name: PTR A Tie-in Endorsements  
Project Name/Number: PTR A Tie-in Endorsements/12-412(e)(3)

## Filing at a Glance

Company: The Guardian Life Insurance Company of America

Product Name: PTR A Tie-in Endorsements SERFF Tr Num: GARD-128066858 State: Arkansas  
TOI: A02I Individual Annuities- Deferred Non- Variable SERFF Status: Closed-Approved- Closed State Tr Num:  
Sub-TOI: A02I.001 Fixed Premium Co Tr Num: 12-412(E)(3) State Status: Approved-Closed  
Filing Type: Form Reviewer(s): Linda Bird  
Disposition Date: 02/29/2012  
Authors: Lisa Capella, Louis A Conte, Peter Diggins, Margaret Lewis-Forbes, John Monahan, Monica Wilson, Connie Gelfat, Carline Hamilton, Kathleen Tobin  
Date Submitted: 02/03/2012 Disposition Status: Approved-Closed  
Implementation Date Requested: Implementation Date:  
State Filing Description:

## General Information

Project Name: PTR A Tie-in Endorsements Status of Filing in Domicile:  
Project Number: 12-412(e)(3) Date Approved in Domicile:  
Requested Filing Mode: Review & Approval Domicile Status Comments:  
Explanation for Combination/Other: Market Type: Individual  
Submission Type: New Submission Individual Market Type:  
Overall Rate Impact: Filing Status Changed: 02/29/2012  
State Status Changed: 02/29/2012  
Deemer Date: Created By: Lisa Capella  
Submitted By: Kathleen Tobin Corresponding Filing Tracking Number:  
Filing Description:  
The Guardian Life Insurance Company of America  
NAIC #: 429-64246 FEIN #: 13-5123390  
Endorsement Forms 12-412(e)(3) PTR A and 12-412(e)(3) PTWL

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We are enclosing 2 new forms for your Department's review and approval. These forms are for use with individual life insurance products sold in the pension trust marketplace. They do not replace any forms previously approved by your Department.

We currently offer fixed deferred annuity contracts in the pension trust marketplace (see the Appendix for the form numbers and approval information related to these contracts). While we intend to continue to sell these products, it is also our intent to implement certain restrictions on when these contracts can be sold. We intend to restrict the sale of these contracts to situations where the owner is also purchasing a life insurance policy. The Appendix provides information on life policies that would satisfy this requirement.

Because we will be requiring a life policy to be issued in order for the annuity contracts to be purchased, we will be endorsing both the annuity contract and life policy. Endorsement 12-412(e)(3) PTR A will be included in the annuity contracts listed in the Appendix and states that a condition to the sale of the annuity contract was the purchase of a life insurance policy. Endorsement 12-412(e)(3) PTWL will be attached to permanent life policies that are listed in the Appendix and being issued in conjunction with the annuity contract and states that the life policy was a condition to the sale of the annuity contracts.

I hope this information is satisfactory and that we may receive your Department's approval of this submission at your earliest convenience. If you have any questions or concerns over this submission, please feel free to contact me toll-free at 1-877-600-1460, or via SERFF.

Sincerely,

Pete Diggins  
Director, Individual Life Product Filing and Compliance

## Company and Contact

### Filing Contact Information

Lisa Capella, Specialist lcapella@glic.com  
7 Hanover Square 212-598-1321 [Phone]  
New York, NY 10004 212-919-2592 [FAX]

### Filing Company Information

The Guardian Life Insurance Company of America CoCode: 64246 State of Domicile: New York

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 7 Hanover Square Group Code: 429 Company Type: Life  
 New York, NY 10004 Group Name: State ID Number:  
 (212) 598-8704 ext. [Phone] FEIN Number: 13-5123390  
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## Filing Fees

Fee Required? Yes  
 Fee Amount: \$100.00  
 Retaliatory? No  
 Fee Explanation: \$50 per form  
  
 2 forms X \$50= \$100  
 Per Company: No

COMPANY	AMOUNT	DATE PROCESSED	TRANSACTION #
The Guardian Life Insurance Company of America	\$100.00	02/03/2012	56060259

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## Correspondence Summary

### Dispositions

Status	Created By	Created On	Date Submitted
Approved- Closed	Linda Bird	02/29/2012	02/29/2012

### Objection Letters and Response Letters

Objection Letters				Response Letters		
Status	Created By	Created On	Date Submitted	Responded By	Created On	Date Submitted
Pending Industry Response	Linda Bird	02/09/2012	02/09/2012	Lisa Capella	02/27/2012	02/27/2012

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## **Disposition**

Disposition Date: 02/29/2012

Implementation Date:

Status: Approved-Closed

Comment:

Rate data does NOT apply to filing.

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Schedule	Schedule Item	Schedule Item Status	Public Access
Supporting Document	Flesch Certification		Yes
Supporting Document	Application		No
Supporting Document	Life & Annuity - Acturial Memo		No
Supporting Document	Appendix A		Yes
Form	Endorsement		Yes
Form	Endorsement		Yes

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## Objection Letter

Objection Letter Status Pending Industry Response  
Objection Letter Date 02/09/2012  
Submitted Date 02/09/2012  
Respond By Date 03/09/2012

Dear Lisa Capella,

This will acknowledge receipt of the captioned filing.

### Objection 1

#### Comment:

In order to continue our review of this submission the Department would like additional clarification. What is your business reason to implement this restriction on the sale of these annuity contracts?

A.C.A. 23-79-109(1)-(5) sets forth the procedure by which filings may be deemed approved upon the expiration of certain time periods with no affirmative action by the commissioner. If the commissioner determines that additional information is needed to make a decision regarding approval, such request for information will be made to the company. The filing will not be considered complete until said additional information is received. The time periods set forth in this statute will not begin to run until the filing is complete.

Please feel free to contact me if you have questions.

Sincerely,  
Linda Bird

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## Response Letter

Response Letter Status Submitted to State  
Response Letter Date 02/27/2012  
Submitted Date 02/27/2012

Dear Linda Bird,

### Comments:

This is in response to your objection letter of 2/9/12.

### Response 1

Comments: The reason for the restriction is that we only want to make the annuity contract to be available in limited situations. The annuity contracts are generally sold to fund fully insured plans where there is also a corresponding life policy being sold. This scenario was the main reason for developing the annuity contracts in the first place. As such, we recently decided that we wanted to no longer allow the annuity contracts to be sold outside the specific situation for which it was originally developed. We do not believe that this is unfair and/or deceptive. Please note that these products are sold exclusively in the pension marketplace where the products are used to fund a pension plan. Since the annuity contracts are already sold in a limited marketplace where the clients are using these products to fund a specific benefit, we hope that your Department will reconsider its position on this matter.

### Related Objection 1

Comment:

In order to continue our review of this submission the Department would like additional clarification. What is your business reason to implement this restriction on the sale of these annuity contracts?

### Changed Items:

No Supporting Documents changed.

No Form Schedule items changed.

No Rate/Rule Schedule items changed.

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I hope that this information is satisfactory and that we may receive your Department's approval of this filing at your earliest convenience.

Sincerely,  
Carline Hamilton, Connie Gelfat, John Monahan, Kathleen Tobin, Lisa Capella, Louis A Conte, Margaret Lewis-Forbes,  
Monica Wilson, Peter Diggins

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## Form Schedule

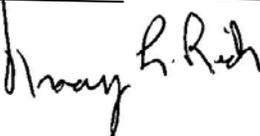
### Lead Form Number: 12-412(e)(3) PTWL

Schedule Item Status	Form Number	Form Type	Form Name	Action	Action Specific Data	Readability	Attachment
	12-412(e)(3) PTWL	Policy/Cont ract/Fratern al Certificate: Amendmen t, Insert Page, Endorseme nt or Rider		Initial			12-412(e)(3) PTWL.pdf
	12-412(e)(3) PTR A	Policy/Cont ract/Fratern al Certificate: Amendmen t, Insert Page, Endorseme nt or Rider		Initial			12-412(e)(3) PTR A.pdf

# ENDORSEMENT

The issuance of the policy to which this endorsement is attached makes the policyowner eligible to apply for an Annual Premium Deferred Annuity contract issued by The Guardian Life Insurance Company of America.

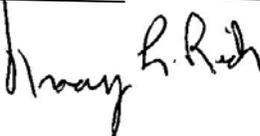
**The Guardian Life Insurance Company of America**

  
**Secretary**

# ENDORSEMENT

As a condition of the issuance of the contract to which this endorsement is attached, the owner is required to purchase an annual premium Whole Life policy that is issued by The Guardian Life Insurance Company of America that we make available for this purpose.

**The Guardian Life Insurance Company of America**

  
**Secretary**

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## Supporting Document Schedules

	<b>Item Status:</b>	<b>Status Date:</b>
<b>Satisfied - Item:</b> Flesch Certification		
<b>Comments:</b>		
<b>Attachments:</b>		
Readability Certification.pdf		
Certificate of Compliance with Rule 19 and 49.pdf		

	<b>Item Status:</b>	<b>Status Date:</b>
<b>Bypassed - Item:</b> Application		
<b>Bypass Reason:</b> Not applicable.		
<b>Comments:</b>		

	<b>Item Status:</b>	<b>Status Date:</b>
<b>Bypassed - Item:</b> Life & Annuity - Acturial Memo		
<b>Bypass Reason:</b> Not applicable for this endorsement filing.		
<b>Comments:</b>		

	<b>Item Status:</b>	<b>Status Date:</b>
<b>Satisfied - Item:</b> Appendix A		
<b>Comments:</b>		
<b>Attachment:</b>		
AR Appendix.pdf		



**STATE OF ARKANSAS**

This is to certify that the form(s) referenced below has achieved a Flesch Reading Ease Score as indicated below and complies with the requirements of Ark. Stat. Ann. Section 66-3251 through 66-3258, cited as the Life and Disability Insurance Policy Language Simplification Act.

<b><u>Form Title</u></b>	<b><u>Form Number</u></b>	<b><u>Flesch Score</u></b>
Endorsement	12-412(e)(3) PTWL	*
Endorsement	12-412(e)(3) PTR A	53 ^

\* Endorsement was scored with the policies  
51.3 when scored with 07-PTWL AR  
51.5 when scored with 07-PTWL3 AR  
45 when scored with 08-EWL AR with 09-R295  
48.4 when scored with 11-PTUL AR

^ Endorsement was scored with the contracts  
53 when scored with 03-7PT AR, 03-8PT AR and 03-15PT AR)

This form(s) is printed, except for specification pages, schedules and tables, in not less than ten point type, one point leaded.

A handwritten signature in black ink, appearing to read 'Pete Diggins'.

Pete Diggins  
Director, Individual Life – Product Filings and Compliance  
Date: January 30, 2012



**Certificate of Compliance with  
Arkansas Rule and Regulation 19 and 49**

Insurer: The Guardian Life Insurance Company of America

Form 12-412(e)(3) PTWL, 12-412(e)(3) PTR  
Number(s):

I hereby certify that the filing above meets all applicable Arkansas requirements including the requirements of Rule and Regulation 19 and 49.

A handwritten signature in black ink, appearing to read 'Pete Diggins', with a long horizontal flourish extending to the right.

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Signature of Company Officer  
Pete Diggins

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Name  
Director, Individual Life – Product Filings  
and Compliance  
February 2, 2012

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Date

# State of Arkansas

## Appendix

### Policies with which 12-412(e)(3) PTWL will be used

<b>Form Number</b>	<b>Description</b>	<b>Approval Date/ Dept File No</b>
07-PTWL AR	Whole Life Insurance Policy	7/17/07 #36306
09-L10 PT WL AR	Whole Life Insurance Policy	7/20/09 #42874
07-PTWL3 AR	Whole Life Insurance Policy	7/17/07 #36306
08-EWL AR with 09-R295	Whole Life Insurance Policy	12/10/09 #44284
11-PTUL AR	Universal Life Insurance Policy	2/18/11 #87887

### Contracts with which 12-412(e)(3) PTRR will be used

<b>Form Number</b>	<b>Description</b>	<b>Approval Date/ Dept File No</b>
03-7PT AR	Annual Premium Deferred Annuity Contract	5/22/03
03-8PT AR	Annual Premium Deferred Annuity Contract	5/22/03
03-15-PT AR	Single Premium Deferred Annuity Contract	5/22/03