

ISRB CIRCULAR

MULTISTATE RULES INTRODUCED TO ACCOMMODATE NEW CYBER INCIDENT EXCLUSION ENDORSEMENTS AND IDAHO RULES SUPPLEMENT – STATE EXCEPTIONS REVISED

Rules

September 10, 2020
2020-CF-8

ISO- CF-2020-RCYRU, CF-2020-RCYRU (SUPPLEMENT NO. 1)

SERFF# ISRB- 132500215

FILED AND APPROVED This information is intended exclusively for Idaho Surveying and Rating Bureau, Inc. affiliated companies.

ISRB ACTIONS

Filing CF-2020-RCYRU “This filing revises several multistate rules within the Division Five – Fire And Allied Lines section of the Commercial Lines Manual to instruct on the usage of new mandatory endorsements filed under companion forms filing CF-2020-OCYFR. It is mandatory that either Cyber Incident Exclusion Endorsement CP 10 75 or Cyber Incident Exclusion With Ensuing Cause(s) Of Loss Exceptions Endorsement CP 10 76 be attached to all policies except with respect to ISO's Mortgageholders Errors And Omissions Coverage Form CP 00 70. When Form CP 00 70 is the only coverage form that applies to the ISO Commercial Property Coverage Part, attach Cyber Incident Exclusion Endorsement CP 10 75 to the policy.”
Filing CF-2020-RCYRU (SUPPLEMENT NO. 1) “This supplement revises state exceptions in order to accommodate the introduction of multistate endorsements.” were filed with the Idaho Department of Insurance and marked as "Filed" on September 8, 2020.

EFFECTIVE DATE

February 1, 2021

COMPANY ACTIONS

All correspondence with the Idaho Department of Insurance should refer to CF-2020-RCYRU, CF-2020-RCYRU (SUPPLEMENT NO. 1).

If you have authorized us to file on your behalf and decide:

- To use our revision and effective date, you are not required to file anything with the Idaho Department of Insurance.
 - To use our revision with a different effective date, to use our revision with modifications or to not use our revision, then you must make an appropriate submission with the Idaho Department of Insurance.
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ATTACHMENTS

- CF-2020-RCYRU, CF-2020-RCYRU (SUPPLEMENT NO. 1) Rules
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Multistate Rules Introduced To Accommodate New Cyber Incident Exclusion Endorsements

About This Filing

This filing revises several multistate rules within the Division Five – Fire And Allied Lines section of the Commercial Lines Manual to instruct on the usage of new mandatory endorsements filed under companion forms filing CF-2020-OCYFR. It is mandatory that either Cyber Incident Exclusion Endorsement **CP 10 75** or Cyber Incident Exclusion With Ensuing Cause(s) Of Loss Exceptions Endorsement **CP 10 76** be attached to all policies except with respect to ISO's Mortgageholders Errors And Omissions Coverage Form **CP 00 70**. When Form **CP 00 70** is the only coverage form that applies to the ISO Commercial Property Coverage Part, attach Cyber Incident Exclusion Endorsement **CP 10 75** to the policy.

Revised Rules

We are revising the following rules:

- ◆ Rule **14**. Basic Forms Applicable
- ◆ Rule **38**. Building And Personal Property Coverage Options
- ◆ Rule **67**. Mortgageholders Errors And Omissions Coverage

We have used a format of ~~striking-through~~ deletions, underlining additions and inserting a revision bar in the left margin to indicate changes.

Related Filing

The following companion filing is being filed with a concurrent effective date:

- ◆ CF-2020-OCYFR (Forms)

Refer to the companion forms filing module titled Cyber Incident Exclusion Endorsements Introduced.

Background

In forms filing CF-2020-OCYFR, we are introducing the following exclusionary endorsements which expressly address a cyber incident, alternatively with ensuing cause(s) of loss exceptions, for the Commercial Property line of insurance.

- ◆ CP 10 75 – Cyber Incident Exclusion
- ◆ CP 10 76 – Cyber Incident Exclusion With Ensuing Cause(s) Of Loss Exceptions

Explanation of Changes

We are revising Rule **14**. Basic Forms Applicable to reference and instruct that it is mandatory to attach either Cyber Incident Exclusion Endorsement **CP 10 75** or Cyber Incident Exclusion With Ensuing Cause(s) Of Loss Exceptions Endorsement **CP 10 76** to all Commercial Property policies except with respect to ISO's Mortgageholders Errors And Omissions Coverage Form **CP 00 70**. When Form **CP 00 70** is the only coverage form that applies to the Commercial Property Coverage Part, attach Cyber Incident Exclusion Endorsement **CP 10 75** to the policy. In addition, to complement changes made to Rule **14**., we are updating the state exception to Rule **14**., in most states, to recognize the updated rule title and designator changes. An example of the state exception change is included for reference.

We are revising Rule **38**. Building And Personal Property Coverage Options to reference and instruct on the usage of the new cyber incident exclusion endorsements being introduced in companion forms filing CF-2020-OCYFR for use with the Commercial Property Coverage Part or Standard Property Policy. It is mandatory that either Cyber Incident Exclusion Endorsement **CP 10 75** or Cyber Incident Exclusion With Ensuing Cause(s) Of Loss Exceptions Endorsement **CP 10 76** be attached to all policies except with respect to ISO's Mortgageholders Errors And Omissions Coverage Form **CP 00 70**. When Form **CP 00 70** is the only coverage form that applies to the ISO Commercial Property Coverage Part, attach Cyber Incident Exclusion Endorsement **CP 10 75** to the policy.

We are revising Rule **67**. Mortgageholders Errors And Omissions Coverage to instruct that Cyber Incident Exclusion **CP 10 75** is to be attached to ISO's Mortgageholders Errors And Omissions Coverage Form **CP 00 70**.

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14. BASIC FORMS AND ENDORSEMENTS APPLICABLE

A. Except with respect to Standard Property Policy **CP 00 99**:

1. Attach Common Policy Conditions Endorsement **IL 00 17** to all policies.
2. Attach Commercial Property Conditions Form **CP 00 90** to all policies except when Mortgageholders Errors And Omissions Coverage Form **CP 00 70** is the only coverage form that applies to the Commercial Property Coverage Part.
3. Attach one or more coverage forms, as provided in specific rules in Division Five. Also attach the applicable Causes Of Loss Form, except with respect to Form **CP 00 70**.
4. Attach either Cyber Incident Exclusion Endorsement **CP 10 75** or Cyber Incident Exclusion With Ensuing Cause(s) Of Loss Exceptions Endorsement **CP 10 76** to all policies except with respect to Form **CP 00 70**. When Form **CP 00 70** is the only coverage form that applies to the Commercial Property Coverage Part, attach Endorsement **CP 10 75** to the policy. See Rule **38.AA.** for usage, rules and premium determination of cyber incident exclusions.

B. With respect to Standard Property Policy **CP 00 99**:

Attach either Endorsement **CP 10 75** or Endorsement **CP 10 76** to all policies. See Rule **38.AA.** for usage, rules and premium determination of cyber incident exclusions.

38. BUILDING AND PERSONAL PROPERTY COVERAGE OPTIONS

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AA. Cyber Incident Exclusions

1. Form And Description Of Coverage

It is mandatory to attach either Cyber Incident Exclusion Endorsement **CP 10 75** or Cyber Incident Exclusion With Ensuing Cause(s) Of Loss Exceptions Endorsement **CP 10 76** to all policies except with respect to Mortgageholders Errors And Omissions Coverage Form **CP 00 70**. When Form **CP 00 70** is the only coverage form that applies to the Commercial Property Coverage Part, attach Cyber Incident Exclusion Endorsement **CP 10 75** to the policy. Either one of these exclusions will modify insurance provided under ISO's Commercial Property Coverage Part or Standard Property Policy. These endorsements make explicit whether coverage exists or is excluded relative to cyber incident loss or damage.

The Causes Of Loss Flood, Limited or Broad Radioactive Contamination, Breakdown or Contamination, Power Outage and Molten Material do not apply to the Other Causes Of Loss provided in Endorsement **CP 10 76**.

2. Rules

Schedule

a. Cyber Incident Exclusion Endorsement **CP 10 75**

Not applicable.

b. Cyber Incident Exclusion With Ensuing Cause(s) Of Loss Exceptions Endorsement **CP 10 76**

- (1) Indicate in the Schedule of Endorsement **CP 10 76** a per occurrence Limit Of Insurance with respect to Cause(s) Of Loss other than fire or explosion, as applicable in the endorsement, for one or more of the following coverages as desired:
 - (a) Cyber Incident Loss Or Damage To Covered Property Coverage;
 - (b) Cyber Incident Business Income Coverage, if Business Income has been attached to the policy; and/or
 - (c) Cyber Incident Extra Expense Coverage, if Extra Expense has been attached to the policy.
- (2) If the option for Cyber Incident Aggregate Limit Of Insurance is made applicable via the Schedule, the total of all loss or damage for the coverages addressed in Paragraphs **AA.2.b.(1)(a)**, **AA.2.b.(1)(b)** and **AA.2.b.(1)(c)**, as applicable, is subject to the Limit Of Insurance shown for such option in the Schedule on an annual aggregate basis regardless of the number of occurrences during that time period.
- (3) The optional per occurrence Limits Of Insurance for the coverages in Paragraphs **AA.2.b.(1)(a)**, **AA.2.b.(1)(b)** or **AA.2.b.(1)(c)** and the optional aggregate Limit Of Insurance in Paragraph **AA.2.b.(2)**, if shown in the Schedule of this endorsement, are part of, not in addition to, the applicable Limits Of Insurance shown in the Declarations.

3. Premium Determination

These endorsements exclude a cyber incident as a Cause Of Loss. There is a rate adjustment reflecting exclusion of cyber incident as a Cause Of Loss which applies proportionally to policy premium.

a. Cyber Incident Exclusion Endorsement CP 10 75

- (1) When not attached to Form **CP 00 70**, calculate the adjusted premium by multiplying the premium otherwise applicable for each peril group or Cause Of Loss by the appropriate factor in Table **38.AA.3.a.(1)**.

Causes Of Loss Or Peril Group Premium	Factor
Basic Group I	0.995
Basic Group II	0.995
Causes Of Loss – Broad Form Additional Premium	0.995
Causes Of Loss – Special Form Additional Premium	0.995
Earthquake	1.000
Flood	0.999
Spoilage Coverage Endorsement – for use with Breakdown Or Contamination or Breakdown Or Contamination And Power Outage; not used with Power Outage Only	0.999
Equipment Breakdown under Equipment Breakdown Cause Of Loss Endorsement	0.999

Table 38.AA.3.a.(1) Cyber Incident Exclusion Factors

- (2) When attached to Form **CP 00 70**, calculate the adjusted final premium by applying a factor of 0.999 to the premium computation for all coverage provided by Form **CP 00 70** to reflect exclusion of cyber incident as a cause of loss.

b. Cyber Incident Exclusion With Ensuing Cause(s) Of Loss Exceptions Endorsement CP 10 76

Calculate the adjusted premium by multiplying the premium otherwise applicable for each peril group or Cause Of Loss by the appropriate factor in Table **38.AA.3.b**.

If a per occurrence sublimit of insurance is provided in the Schedule of Endorsement **CP 10 76** for Cyber Incident Loss Or Damage To Covered Property, Cyber Incident Business Income Coverage or Cyber Incident Extra Expense Coverage, use the factors for Sublimit in Table **38.AA.3.b** if any of these sublimits of insurance are less than their respective full limits of insurance provided in the policy; otherwise, use the factors for Full Limit if the full limits of insurance provided in the policy have been applied in the Schedule for a particular coverage. If an Aggregate Limit Of Insurance is provided in the Schedule of the endorsement, use the factors for With Aggregate Limit; otherwise, if no Aggregate Limit Of Insurance is provided in the Schedule of the endorsement, use the factors for Without Aggregate Limit.

Causes Of Loss Or Peril Group Premium	Factor			
	Full Limit		Sublimit	
	Without Aggregate Limit	With Aggregate Limit	Without Aggregate Limit	With Aggregate Limit
Basic Group I	1.000	1.000	0.998	0.997
Basic Group II	1.000	1.000	0.998	0.997
Causes Of Loss – Broad Form Additional Premium	1.000	1.000	0.998	0.997
Causes Of Loss – Special Form Additional Premium	0.998	0.997	0.996	0.996
Earthquake	1.000	1.000	1.000	1.000
Flood	0.999	0.999	0.999	0.999
Spoilage Coverage Endorsement – for use with Breakdown Or Contamination or Breakdown Or Contamination And Power Outage; not used with Power Outage Only	0.999	0.999	0.999	0.999
Equipment Breakdown under Equipment Breakdown Cause Of Loss Endorsement	0.999	0.999	0.999	0.999

Table 38.AA.3.b. Cyber Incident Exclusion With Ensuing Cause(s) Of Loss Exceptions Factors

c. Rating Example

A policy providing Building and Business Income using the Causes Of Loss – Special Form **CP 10 30**, an aggregate limit and a per occurrence property damage sublimit are provided in the Schedule of Endorsement **CP 10 76**.

Coverage	Peril	Starting Premium	Cyber Factor	Adjusted Premium
Building	Basic Group I	\$ 750	0.997	\$ 748
	Basic Group II	450	0.997	449
	Special Causes of Loss	460	0.996	458
Business Income	Basic Group I	1,000	0.997	997
	Basic Group II	800	0.997	798
	Special Causes of Loss	700	0.996	697
Total		\$ 3,460		\$ 3,450

Table 38.AA.3.c. Cyber Incident Exclusion With Ensuing Cause(s) Of Loss Exceptions Rating Example

67. MORTGAGEHOLDERS ERRORS AND OMISSIONS COVERAGE

A. Description Of Coverage

1. This form covers a lending institution or other mortgage servicing agency against losses arising out of its failure to have in force proper insurance to protect the mortgaged property as a result of error or accidental omission.
2. The form covers:
 - a. Under Coverage **A** – Mortgageholders' Interest, the causes of loss (subject to certain exclusions) against which the insured mortgageholder customarily requires mortgagors to provide insurance under policies that protect the insured's interest.
 - b. Under Coverage **B** – Property Owned or Held in Trust, the Basic causes of loss except vandalism and sprinkler leakage for a period not exceeding 90 days.
 - c. Under Coverage **C** – Mortgageholders' Liability, liability and defense costs for damages arising from the insured's mortgage fiduciary or service agent capacity.
 - d. Under Coverage **D** – Real Estate Tax Liability, liability for unpaid real estate taxes up to 15% of the Limit of Insurance shown in the Declarations as applicable to Mortgageholders' Errors And Omissions Coverage Form **CP 00 70**.

B. Form

1. Use Form **CP 00 70**.
2. Do not attach Commercial Property Conditions Form **CP 00 90** to this form. The Commercial Property Conditions, to the extent they are modified by these coverages, are included directly in the form.
3. Do not attach a Causes Of Loss Form to this form.
4. Attach Cyber Incident Exclusion Endorsement **CP 10 75** to this form.

C. Rules

1. Number Of Mortgages

Include in the Premises Description of the Declarations the estimated number of mortgage loans which will be owned or serviced by the insured during the term of the policy.

2. Single Interest

Form **CP 00 70** must cover one named insured and must not be endorsed to add names of servicing agents or other interests.

D. Premium Determination

1. Determine the premium based on the estimated average number of mortgage loans and the limit of insurance using the table shown in the multistate rates.
2. For limits of insurance not shown in the table, use the rate for the next highest limit.
3. See Rating Examples Appendix.



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Idaho Rules Supplement - State Exceptions Revised

About This Filing

This supplement revises state exceptions in order to accommodate the introduction of multistate endorsements.

New Rule

We are introducing Rule **67**. Mortgageholders Errors And Omissions Coverage.

Revised Rules

We are revising the following rules:

- ♦ Rule **14**. Basic Forms Applicable
- ♦ Rule **38**. Building And Personal Property Coverage Options

We have used a format of ~~striking-through~~ deletions, underlining additions and inserting a revision bar in the left margin to indicate changes.

Related Filing

The following multistate forms filing is being filed with a concurrent effective date:

- ♦ CF-2020-OCYFR (Forms)

Background

In multistate forms filing CF-2020-OCYFR, we are introducing mandatory multistate Cyber Incident Exclusion Endorsement **CP 10 75** and Cyber Incident Exclusion With Ensuing Cause(s) Of Loss Exceptions Endorsement **CP 10 76**.

In multistate rules filing CF-2020-RCYRU, several multistate rules within the Division Five – Fire And Allied Lines section of the Commercial Lines Manual (edition 12-19) are revised to instruct on the usage of new mandatory endorsements filed under companion forms filing CF-2020-OCYFR.

Explanation of Changes

Idaho is on an older edition of the multistate Division Five – Fire And Allied Lines section of the Commercial Lines Manual. In order to accommodate the introduction of the aforementioned multistate endorsements, we are introducing a state exception to Rule **67**, and revising state exceptions to Rules **14**, and **38**, to reference the usage of these endorsements in lieu of the multistate rules changes described above.



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14. BASIC FORMS APPLICABLE

The following is added to Rule 14.:

- D. Attach Idaho Changes – Cancellation And Nonrenewal Endorsement **IL 02 04** to all policies.
- E. Attach either Cyber Incident Exclusion Endorsement **CP 10 75** or Cyber Incident Exclusion With Ensuing Cause(s) Of Loss Exceptions Endorsement **CP 10 76** to all policies except with respect to Form **CP 00 70**. When Form **CP 00 70** is the only coverage form that applies to the Commercial Property Coverage Part, attach Endorsement **CP 10 75** to the policy. See Rule **38.AA.** for usage, rules and premium determination of cyber incident exclusions.

38. BUILDING AND PERSONAL PROPERTY COVERAGE OPTIONS

The following is added to Rule 38.:

AA. Cyber Incident Exclusions

1. Form And Description Of Coverage

It is mandatory to attach either Cyber Incident Exclusion Endorsement **CP 10 75** or Cyber Incident Exclusion With Ensuing Cause(s) Of Loss Exceptions Endorsement **CP 10 76** to all policies except with respect to Mortgageholders Errors And Omissions Coverage Form **CP 00 70**. When Form **CP 00 70** is the only coverage form that applies to the Commercial Property Coverage Part, attach Cyber Incident Exclusion Endorsement **CP 10 75** to the policy. Either one of these exclusions will modify insurance provided under ISO's Commercial Property Coverage Part or Standard Property Policy. These endorsements make explicit whether coverage exists or is excluded relative to cyber incident loss or damage.

The Causes Of Loss Flood, Limited or Broad Radioactive Contamination, Breakdown or Contamination, Power Outage and Molten Material do not apply to the Other Causes Of Loss provided in Endorsement **CP 10 76**.

2. Rules

Schedule

a. Cyber Incident Exclusion Endorsement CP 10 75

Not applicable.

b. Cyber Incident Exclusion With Ensuing Cause(s) Of Loss Exceptions Endorsement CP 10 76

- (1) Indicate in the Schedule of Endorsement **CP 10 76** a per occurrence Limit Of Insurance with respect to Cause(s) Of Loss other than fire or explosion, as applicable in the endorsement, for one or more of the following coverages as desired:
 - (a) Cyber Incident Loss Or Damage To Covered Property Coverage;
 - (b) Cyber Incident Business Income Coverage, if Business Income has been attached to the policy; and/or
 - (c) Cyber Incident Extra Expense Coverage, if Extra Expense has been attached to the policy.
- (2) If the option for Cyber Incident Aggregate Limit Of Insurance is made applicable via the Schedule, the total of all loss or damage for the coverages addressed in Paragraphs **AA.2.b.(1)(a)**, **AA.2.b.(1)(b)** and **AA.2.b.(1)(c)**, as applicable, is subject to the Limit Of Insurance shown for such option in the Schedule on an annual aggregate basis regardless of the number of occurrences during that time period.
- (3) The optional per occurrence Limits Of Insurance for the coverages in Paragraphs **AA.2.b.(1)(a)**, **AA.2.b.(1)(b)** or **AA.2.b.(1)(c)** and the optional aggregate Limit Of Insurance in Paragraph **AA.2.b.(2)**, if shown in the Schedule of this endorsement, are part of, not in addition to, the applicable Limits Of Insurance shown in the Declarations.

3. Premium Determination

These endorsements exclude a cyber incident as a Cause Of Loss. There is a rate adjustment reflecting exclusion of cyber incident as a Cause Of Loss which applies proportionally to policy premium.

a. Cyber Incident Exclusion Endorsement CP 10 75

- (1) When not attached to Form **CP 00 70**, calculate the adjusted premium by multiplying the premium otherwise applicable for each peril group or Cause Of Loss by the appropriate factor in Table **38.AA.3.a.(1)**.

Causes Of Loss Or Peril Group Premium	Factor
Basic Group I	0.995
Basic Group II	0.995
Causes Of Loss – Broad Form Additional Premium	0.995
Causes Of Loss – Special Form Additional Premium	0.995
Earthquake	1.000
Flood	0.999
Spoilage Coverage Endorsement – for use with Breakdown Or Contamination or Breakdown Or Contamination And Power Outage; not used with Power Outage Only	0.999
Equipment Breakdown under Equipment Breakdown Cause Of Loss Endorsement	0.999

Table 38.AA.3.a.(1) Cyber Incident Exclusion Factors

- (2) When attached to Form **CP 00 70**, calculate the adjusted final premium by applying a factor of 0.999 to the premium computation for all coverage provided by Form **CP 00 70** to reflect exclusion of cyber incident as a cause of loss.

b. Cyber Incident Exclusion With Ensuing Cause(s) Of Loss Exceptions Endorsement CP 10 76

Calculate the adjusted premium by multiplying the premium otherwise applicable for each peril group or Cause Of Loss by the appropriate factor in Table **38.AA.3.b**.

If a per occurrence sublimit of insurance is provided in the Schedule of Endorsement **CP 10 76** for Cyber Incident Loss Or Damage To Covered Property, Cyber Incident Business Income Coverage or Cyber Incident Extra Expense Coverage, use the factors for Sublimit in Table **38.AA.3.b**. if any of these sublimits of insurance are less than their respective full limits of insurance provided in the policy; otherwise, use the factors for Full Limit if the full limits of insurance provided in the policy have been applied in the Schedule for a particular coverage. If an Aggregate Limit Of Insurance is provided in the Schedule of the endorsement, use the factors for With Aggregate Limit; otherwise, if no Aggregate Limit Of Insurance is provided in the Schedule of the endorsement, use the factors for Without Aggregate Limit.

Causes Of Loss Or Peril Group Premium	Factor			
	Full Limit		Sublimit	
	Without Aggregate Limit	With Aggregate Limit	Without Aggregate Limit	With Aggregate Limit
Basic Group I	1.000	1.000	0.998	0.997
Basic Group II	1.000	1.000	0.998	0.997
Causes Of Loss – Broad Form Additional Premium	1.000	1.000	0.998	0.997
Causes Of Loss – Special Form Additional Premium	0.998	0.997	0.996	0.996
Earthquake	1.000	1.000	1.000	1.000
Flood	0.999	0.999	0.999	0.999
Spoilage Coverage Endorsement – for use with Breakdown Or Contamination or Breakdown Or Contamination And Power Outage; not used with Power Outage Only	0.999	0.999	0.999	0.999
Equipment Breakdown under Equipment Breakdown Cause Of Loss Endorsement	0.999	0.999	0.999	0.999

Table 38.AA.3.b. Cyber Incident Exclusion With Ensuing Cause(s) Of Loss Exceptions Factors

c. Rating Example

A policy providing Building and Business Income using the Causes Of Loss – Special Form **CP 10 30**, an aggregate limit and a per occurrence property damage sublimit are provided in the Schedule of Endorsement **CP 10 76**.

Coverage	Peril	Starting Premium	Cyber Factor	Adjusted Premium
Building	Basic Group I	\$ 750	0.997	\$ 748
	Basic Group II	450	0.997	449
	Special Causes of Loss	460	0.996	458
Business Income	Basic Group I	1,000	0.997	997
	Basic Group II	800	0.997	798
	Special Causes of Loss	700	0.996	697
Total		\$ 3,460		\$ 3,450

Table 38.AA.3.c. Cyber Incident Exclusion With Ensuing Cause(s) Of Loss Exceptions Rating Example

67. MORTGAGEHOLDERS ERRORS AND OMISSIONS COVERAGE

The following is added to Paragraph **B.**:

B. Form

4. Attach Cyber Incident Exclusion Endorsement **CP 10 75** to this form.