

**IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT**

THE INSURANCE FEDERATION OF PA., : No. 53 MAP 2005
INC.; THE MANAGED CARE :
ASSOCIATION OF PENNSYLVANIA; :
AETNA HEALTH, INC.; : Appeal from the Order of the
HEALTHASSURANCE PENNSYLVANIA, : Commonwealth Court dated 4/25/05 at
INC.; INDEPENDENCE BLUE CROSS; : No. 10 MD 2004 dismissing the Petition
MAGELLAN BEHAVIORAL HEALTH, : for Review in the nature of a Complaint for
INC.; AND VALUEOPTIONS, INC. : Declaratory Judgment

v.

COMMONWEALTH OF PENNSYLVANIA, :
INSURANCE DEPARTMENT :

APPEAL OF: THE INSURANCE :
FEDERATION OF PENNSYLVANIA, INC. :
AND THE MANAGED CARE :
ASSOCIATION OF PENNSYLVANIA :

ORDER

PER CURIAM:

DECIDED: February 21, 2006

AND NOW, this 21st day of February, 2006, the order on appeal is VACATED, and the matter is REMANDED to the Commonwealth Court for consideration of this declaratory judgment action on its merits. See Arsenal Coal Co. v. DER, 477 A.2d 133 (Pa. 1984).

Madame Justice Baldwin did not participate in the consideration or decision of this case.