

12 NCAC 10B .0107 PROCEDURES FOR PETITIONS FOR DECLARATORY RULINGS

(a) In addition to the procedures set out in G.S. 150B-4, Petitions for Declaratory Rulings shall be submitted to the Commission and shall contain:

- (1) petitioner's name, address and telephone number;
- (2) the statute(s), rule(s) or both to which the request relates;
- (3) all facts and information which are relevant to the request;
- (4) a concise statement of the manner in which petitioner has been aggrieved;
- (5) a draft of the Declaratory Ruling sought by petitioner (if specified outcome is sought by petitioner);
- (6) practices likely to be affected by the Declaratory Ruling;
- (7) a list or description of persons likely to be affected by the Declaratory Ruling; and
- (8) a statement as to whether the petitioner desires to present oral argument (not to exceed 30 minutes) to the Commission prior to its decision.

(b) The Commission may refuse to issue a Declaratory Ruling when:

- (1) the petition does not comply with Paragraph (a) of this Rule;
- (2) the Commission has previously issued a Declaratory Ruling on substantially similar facts;
- (3) the Commission has previously issued a Final Agency Decision in a contested case on substantially similar facts;
- (4) the facts underlying the request for a Declaratory Ruling were specifically considered at the time of the adoption of the rule in question; or
- (5) the subject matter of the request is involved in pending litigation.

History Note: Authority G.S. 150B-4;
Eff. January 1, 1990;
Amended Eff. August 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.