

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 statutes, rules, or both to which the request relates;
- (3) 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 a 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, to the Commission prior to its decision.

(b) The Commission shall 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;
Amended Eff. May 1, 2026.*