

Part 8 - Declaratory Rulings

§ 8.1 Availability

(a) Declaratory rulings may be issued with respect to:

(1) the applicability to any person, property, or state of facts of any rule or statute enforceable by the Commission or the validity of any such rule;

(2) whether any action by the Commission should be taken pursuant to a rule; and

(3) whether a person's compliance with a Federal requirement will be accepted as compliance with a similar State requirement applicable to that person.

(b) A declaratory ruling may also be issued [as well] whenever [else] the Commission determines it is warranted by the public interest.

§ 8.2 Procedure

(a) In addition to complying with the requirements of [section]§ 3.5 of this Title, a petition for declaratory ruling shall contain:

(1) a caption and a complete statement of the facts and grounds prompting the petition, including a full disclosure of the petitioner's interest;

(2) a clear, concise statement of:

(i) the controversy or uncertainty that is the subject of the petition; and

(ii) the petitioner's proposed resolution of that controversy or uncertainty; and

(3) citations to any statutes, rules, or other authorities involved.

(b) At the time it is filed, a petition for declaratory ruling shall be served on the affected utility company, if any, and any other entity known to be directly affected by or interested in the requested ruling. The [s]Secretary may require service on other affected or interested persons.

(c) Responses to a petition for declaratory ruling may be filed within 21 days of the date the petition is filed, shall be served upon the petitioner, and shall comply with the requirements of [section]§ 3.5 of this Title. All respondents, as well as the petitioner, shall be considered parties.

(d) A petitioner for a declaratory ruling shall promptly correct any deficiencies in a filed petition and shall make available for the Commission's use the originals, or, if so directed, certified or verified copies, of all books, papers, and documents that may be required. Failure to do so may be grounds for declining to issue a declaratory ruling.

(e) Where a petition seeks a declaratory ruling with respect to whether an action should be taken pursuant to a rule, the ruling or a statement declining to rule will be issued within 60 days of the date the petition is [received]filed.

§ 8.3 Effect

A declaratory ruling shall be identified as such, shall be binding on the Commission, and shall not be retroactively changed.