

12 NCAC 10B .0107 is proposed for amendment as follows:

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~~ 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)~~ statutes, rules, 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~~ declaratory ruling sought by ~~petitioner~~ petitioner, ~~(if if a specified outcome is sought by petitioner); petitioner;~~
- (6) practices likely to be affected by the ~~Declaratory Ruling;~~ declaratory ruling;
- (7) a list or description of persons likely to be affected by the ~~Declaratory Ruling;~~ 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 shall~~ refuse to issue a ~~Declaratory Ruling~~ declaratory ruling when:

- (1) the petition does not comply with Paragraph (a) of this Rule;
- (2) the Commission has previously issued a ~~Declaratory Ruling~~ declaratory ruling on substantially similar facts;
- (3) the Commission has previously issued a ~~Final Agency Decision~~ final agency decision in a contested case on substantially similar facts;
- (4) the facts underlying the request for a ~~Declaratory Ruling~~ 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. March 1, 2026.