

**RHODE ISLAND GOVERNMENT REGISTER  
PUBLIC NOTICE OF PROPOSED RULEMAKING**

**COMMERCE CORPORATION**

**Title of Rule:** Declaratory Order Petitions

**Rule Identifier:** 870-RICR-10-00-3

**Rulemaking Action:** Direct Final Adoption

**Important Dates:**

Date of Public Notice: 11/26/2018

End of Public Comment: 12/26/2018

**Authority for this Rulemaking:**

R.I. Gen. Laws § 42-35-8(b)

**Summary of Rulemaking Action:**

This regulation states the requirements for submitting a request for Declaratory Order under R.I. Gen. Laws § 42-35-8(b), and the procedure for its consideration and prompt disposition.

**Additional Information and Comments:**

If no formal objection is received on or before December 26, 2018, Commerce Corporation will file the Adoption without opportunity for public comment..

Objections should be addressed to:

Michael Walker,

Commerce Corporation

315 Iron Horse Way

Suite 101

Providence, RI 02908

rulescoordinator@commerceri.com

**Regulatory Analysis Summary and Supporting Documentation:**

No Regulatory Analysis was conducted. This is a statutory mandate.

For full regulatory analysis or supporting documentation see agency contact person above.

870-RICR-10-00-3

## TITLE 870 – RHODE ISLAND COMMERCE CORPORATION

### CHAPTER 10 – GENERAL

#### SUBCHAPTER 00 – N/A

#### PART 3 – Declaratory Order Petitions

### 3.1 Purpose

This regulation states the requirements for submitting a request for Declaratory Order under R.I. Gen. Laws § 42-35-8(b), and the procedure for its consideration and prompt disposition.

### 3.2 Authority

This regulation is promulgated pursuant to the authority granted in R.I. Gen. Laws § 42-35-8.

### 3.3 Definitions

A. The following definitions shall apply to this regulation:

1. "Declaratory order" means an order issued by the Corporation that:
  - a. Interprets or applies a statute administered by the Corporation;
  - b. Clarifies whether a rule, guidance document, or order issued by the Corporation applies to a Petitioner; or
  - c. Clarifies how a rule, guidance document, or order issued by the Corporation applies to a Petitioner.
2. "Corporation" means Rhode Island Commerce Corporation
3. "Petition" means a request for a Declaratory Order.
4. "Petitioner" means a person requesting a Declaratory Order.

### 3.4 Request for Declaratory Order: Form and Submission

A. A request for Declaratory Order must be in writing and include the following information:

1. The name and address of the Petitioner;
2. A plain statement identifying the statute, rule, guidance document, or order at issue;
3. A detailed statement of all facts relied upon by the Petitioner;
4. A copy of any and all documents relied upon by Petitioner; and
5. A plain statement requesting a Declaratory Order, and further indicating whether Petitioner seeks:
  - a. An interpretation or application of a statute administered by the Corporation;
  - b. Clarification as to whether a rule, guidance document, or order issued by the Corporation applies to Petitioner; and/or
  - c. Clarification as to how a rule, guidance document, or order issued by the Corporation applies to Petitioner.

B. A request for a Declaratory Order must be submitted to: Rhode Island Commerce Corporation, Attn: Rules Coordinator, 315 Iron Horse Way, Suite 101, Providence, RI 02908 via mail, overnight carrier or in hand delivery to a representative of the Corporation at the foregoing address, with a copy sent via email to [rulescoordinator@commerceri.com](mailto:rulescoordinator@commerceri.com) .

### **3.5 Consideration and Disposition of Request for Declaratory Order**

- A. The Corporation shall promptly consider and respond to the request for Declaratory Order as provided in R.I. Gen. Laws § 42-35-8(c).
  1. Issue a declaratory order in response to the Petition. If the Corporation issues a Declaratory Order, the Corporation shall include the names of all parties to the proceeding, the facts on which it is based, and the reasons for the Corporation's conclusion in the order. The Corporation may redact confidential information in the order;
  2. Decline to issue a declaratory order. If the Corporation declines to issue a Declaratory Order, the Corporation shall promptly notify the Petitioner in writing of the decision and include a brief statement of the reasons for declining; or
  3. Schedule the matter for further consideration. Should the Corporation schedule the matter for further consideration, the Corporation shall notify

Petitioner in writing of the anticipated date on which the Corporation will grant or deny the request for Declaratory Order.

B. The Corporation may, at its discretion:

1. Hold a public hearing for further consideration and discussion on the Petition; or

2. Request further information or documents from the Petitioner necessary for the full evaluation of his or her petition.

C. A Petitioner may appeal the Corporation's final disposition of the Petition as provided in R.I. Gen. Laws § 42-35-15.