

141—6.3(17A) Refusal to issue ruling.

6.3(1) Refusal for good cause. The agency may refuse to issue a declaratory ruling for good cause, which may include, but is not limited to, the following reasons:

- a.* The petition does not substantially comply with the required form.
- b.* The petition does not contain facts sufficient to demonstrate that the petitioner will be aggrieved or adversely affected by the failure of the agency to issue a ruling.
- c.* The agency does not have jurisdiction over the questions presented in the petition.
- d.* The questions presented by the petition are also presented in a current investigative, rule-making, or other agency or judicial proceeding that may definitively resolve them.
- e.* The questions presented by the petition would more properly be resolved in a different type of proceeding or by another body with jurisdiction over the matter.
- f.* The facts or questions presented in the petition are unclear, overbroad, insufficient, or otherwise inappropriate as a basis upon which to issue a ruling.
- g.* There is no need to issue a ruling because the questions raised in the petition have been settled due to a change in circumstances, fact, or law.
- h.* The petition is not based upon facts calculated to aid in the planning of future conduct but instead describes prior conduct in an effort to establish the effect of that conduct or to challenge a decision already made by the agency.
- i.* The petition requests a declaratory ruling that would necessarily determine the legal rights of other persons who have not joined in the petition or filed a similar petition and whose position on the questions may fairly be presumed to be adverse to that of the petitioner.
- j.* The petitioner requests the agency to determine whether a statute is unconstitutional on its face.

6.3(2) Decision. A decision by the agency to refuse to issue a declaratory ruling shall state the specific grounds for the refusal and constitutes final agency action on the petition.

6.3(3) Refiling. A refusal to issue a declaratory ruling does not preclude the filing of a new petition which seeks to eliminate the grounds for the agency's refusal to issue a ruling.