

Connecticut Siting Council

Petition for Declaratory Ruling

April 2010

A. Request for Petition

Any interested person may at any time request a declaratory ruling of the Council with respect to the applicability to such person of any statute, or the validity or applicability of any regulation, final decision, or order enforced, administered, or promulgated by the Council. Such request shall be addressed to the Council and sent to the principal office of the Council by mail or delivered in person during normal business hours. The request shall be signed by the person in whose behalf the inquiry is made. It shall give the address of the person inquiring and the name and address of such person's attorney, if applicable. The request shall:

1. state clearly and concisely the substance and nature of the request;
2. identify the statute, regulation, final decision, or order concerning which the inquiry is made and shall identify the particular aspect to which the inquiry is directed;
3. be accompanied by a statement of any supporting data, facts and arguments that support the position of the person making the inquiry; and
4. be accompanied by exhibits detailing any supporting data including but not limited to, where applicable, maps, drawings, diagrams and technical specifications.

B. Request for Participation

Where applicable, Sections 16-50j-13 through 16-50j-17 of the Regulation of Connecticut State Agencies govern requests for participation in the proceeding. (Regs., Conn. State Agencies § 16-50j-39)

C. Notice

Within thirty (30) days after receipt of a petition for a declaratory ruling, the Council shall give notice of the petition to all persons to whom notice is required by any provision of law and to all other persons who have requested notice of declaratory ruling petitions on the subject matter of the petition. The Council may receive and consider data, facts, arguments, and opinions from persons other than the persons requesting the ruling. (Regs., Conn. State Agencies § 16-50j-40 (a))

D. Hearing

If the Council deems a hearing necessary or helpful in determining any issues concerning the request for a declaratory ruling, the Council shall schedule such hearing and give notice thereof as shall be appropriate. (Regs., Conn. State Agencies § 16-50j-40 (b))

E. Decision

Within sixty (60) days after receipt of a petition for a declaratory ruling, the Council, in writing, shall:

1. Issue a ruling declaring the validity of a regulation or the applicability of the provision of the general statutes, the regulation, or the final decision in question to the specified proceedings;
2. Order the matter set for a specified proceeding;
3. Agree to issue a declaratory ruling by a specified date;

4. Decide not to issue a declaratory ruling and initiate regulation-making proceedings under Connecticut General Statutes § 4-168 on the subject; or
5. Decide not to issue a declaratory ruling, stating the reasons for its action. (Regs., Conn. State Agencies § 16-50j-40 (c))

F. Notice of Decision

A copy of all rulings issued and any actions taken shall be promptly delivered to the petitioner and other parties personally or by United States mail, certified or registered, postage pre-paid, return receipt requested. A declaratory ruling shall contain the names of all parties to the proceeding, the particular facts in which it is based, and the reasons for its conclusion. (Regs., Conn. State Agencies § 16-50j-40 (d))

G. Filing Fee

The petitioner must submit an original and 25 copies of its petition with a \$625 filing fee. The expenses incurred for a field inspection shall not exceed \$500 per review. Assessments shall be made to cover all other expenses incurred by the Council. Any fees which are in excess of the actual expenses of the Council will be refunded to the petitioner. (Conn. Gen. Stat. §4-189j; Regs., Conn. State Agencies § 16-50v-1a)

This overview is designed to answer general questions and provide basic information. Reference should be made to the appropriate statutes and regulations for specific regulatory language. Asserting a person's rights and privileges is his or her responsibility. A person has the prerogative, though not the obligation, to obtain legal counsel.