

800-RICR-00-00-4

TITLE 800 – RHODE ISLAND AIRPORT CORPORATION

CHAPTER 00 – GENERAL ADMINISTRATION

SUPCHAPTER 00 – N/A

Part 4 – Declaratory Order Petitions

#### **4.1 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.

#### **4.2 Authority**

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

#### **4.3 Definitions**

A. The following definitions shall apply to this regulation:

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

#### **4.4 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 that are not otherwise accessible to RIAC; 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 RIAC;
  - b. Clarification as to whether a rule, guidance document, or order issued by RIAC applies to Petitioner; and/or
  - c. Clarification as to how a rule, guidance document, or order issued by RIAC applies to Petitioner.

B. A request for a Declaratory Order must be submitted via regular mail or hand delivery to: Airport Legal Department at 2000 Post Road, Warwick, RI 02886.

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

A. RIAC shall promptly consider and respond to the request for Declaratory Order as provided in R.I. Gen. Laws § 42-35-8(c).

1. Should RIAC schedule the matter for further consideration, RIAC shall notify Petitioner in writing of the anticipated date on which RIAC will grant or deny the request for Declaratory Order.

B. RIAC may, at its discretion:

1. Hold a 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 RIAC's final disposition of the request for Declaratory Order as provided in R.I. Gen. Laws § 42-35-15.

