

**800-RICR-00-00-4**

## **TITLE 800 – AIRPORT CORPORATION**

### **CHAPTER 00 – GENERAL ADMINISTRATION**

#### **SUBCHAPTER 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.

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**PART 4 - DECLARATORY ORDER PETITIONS**

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