**Section 200.220 Declaratory Rulings**

a) When requested by the affected person, the Commission may in its sole discretion issue a declaratory ruling with respect to:

1) the applicability of any statutory provision enforced by the Commission or of any Commission rule to the person(s) requesting a declaratory ruling; and

2) whether the person's compliance with a federal rule will be accepted as compliance with a similar Commission rule.

b) A request for a declaratory ruling:

1) shall be captioned as such and shall contain a complete statement of the facts and grounds prompting the request, including a full disclosure of the requester's interest; a clear, concise statement of the controversy or uncertainty that is the subject of the request; the requester's proposed resolution of that controversy or uncertainty; and citations to any statutes, rules, orders or other authorities involved; and

2) may be filed by itself or in conjunction with a complaint, petition, application or other pleading seeking other relief.

c) The Commission may in its sole discretion direct that a request for a declaratory ruling be served on any person the Commission deems may be affected by the request.

d) The requester(s) shall make available for the Commission's use the originals, or, if so directed, certified or verified copies, of all books, papers, and documents that may be required. Failure to do so may be grounds for declining to issue a declaratory ruling.

e) Responses, if any, to a request for declaratory ruling shall:

1) be filed with the Commission within 21 days after the date on which the request was filed with the Commission or within such other time as the Commission directs; and

2) be served upon the requester.

f) Replies to responses may be filed with the Commission within 14 days after service, or within such other time as the Commission directs.

g) All requests, responses and replies containing allegations of fact must be supported by affidavit or verified.

h) The Commission may in its sole discretion dispose of a request for a declaratory ruling solely on the basis of the written submissions filed before it.

i) Declaratory rulings shall not be appealable.

j) The Commission may, pursuant to Section 10-113 of the Public Utilities Act [220 ILCS 5/10-113] and after notice to the affected person, revoke or revise its declaratory ruling. However, a person whose request for a declaratory ruling has been granted by the Commission and who has relied in good faith on the declaratory ruling shall not thereafter be fined, sanctioned or otherwise penalized by the Commission as a result of such reliance.

k) The Commission shall maintain as a public record in its Springfield office and make available for public inspection and copying any declaratory rulings. The Commission shall delete trade secrets or other confidential information from the ruling before making it available for public inspection.

l) With regard to a request filed under subsection(a)(2) of this Section, if the Commission determines that compliance with the federal rule:

1) would not satisfy the purposes or relevant provisions of the State law involved, the Commission shall state the reasons for the determination in its declaratory ruling;

2) would satisfy the purposes and relevant provisions of the State law involved but would not satisfy the relevant provisions of the Commission rule involved, the Commission shall so inform the requester and the Joint Committee on Administrative Rules, and the Commission may initiate a rulemaking proceeding in accordance with Section 5-35 of the Illinois Administrative Procedure Act [5 ILCS 100/5-35] to consider revising its rule to accept compliance with the federal rule as compliance with the relevant provisions of the State law; and

3) would satisfy the purposes and relevant provisions of the State law and the Commission rule involved, the Commission shall state in its declaratory ruling that compliance with the federal rule constitutes compliance with the State rule and shall specify any necessary terms and conditions.

(Source: Added at 20 Ill. Reg. 10607, effective August 15, 1996)