

CHAPTER 3  
PETITIONS FOR RULE MAKING AND PETITIONS FOR DECLARATORY RULINGS

**751—3.1(17A,8D) Petitions for rule making, amendments or repeal—who may petition.** Any interested person may petition the commission requesting the promulgation, amendment, or repeal of any rule.

**751—3.2(17A,8D) Petitions for rule making, amendments or repeal—requisites.** Where the petition requests the promulgation of a rule, the requested or proposed rule must be set out in full. The petition must also include all the reasons for the requested rule together with briefs of any applicable law. Where the petition requests the amendment or repeal of a rule presently in effect, the rule or portion of the rule in question must be set out as well as a suggested amended form, if any. The petition must include all reasons for the requested amendment or repeal of the rule.

**751—3.3(17A,8D) Petitions for rule making, amendments or repeal—commission must consider.** All petitions shall be considered by the commission and the commission may, in its discretion, order a public hearing for the further consideration and discussion of the requested promulgation, amendment, repeal, or modification of any rule.

**751—3.4(17A,8D) Petitions for rule making, amendments or repeal—notice of disposition.** The commission shall notify the petitioning party within 60 days of the disposition, if any, of the petition in accordance with Iowa Code section 17A.7.

**751—3.5(17A,8D) Declaratory rulings.**

**3.5(1)** As prescribed by Iowa Code chapter 17A, any interested person may petition the commission for a declaratory ruling. The commission shall consider the petition and within 60 days:

- a. Issue a nonbinding declaratory ruling; or
- b. Notify the person that no declaratory ruling is to be issued; or
- c. Set a reasonable time and place for hearing argument upon the matter, and give reasonable notification to the person of the time and place for such hearing and of the issues involved.

**3.5(2)** If a hearing as provided in 3.5(1) “c” is conducted, the commission shall within 60 days:

- a. Issue a binding declaratory ruling; or
- b. Issue a nonbinding declaratory ruling; or
- c. Notify the person that no declaratory ruling is to be issued.

**751—3.6(17A,8D) Forms.**

**3.6(1)** Any interested person petitioning the commission for a declaratory ruling pursuant to Iowa Code chapter 17A shall generally adhere to the following form for such purpose.

**3.6(2)** At the top of the page shall appear the heading as follows:

BEFORE THE  
IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION

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In the Matter of the Petition of _____	:	PETITION
for a Declaratory Ruling.	:	
	:	

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**3.6(3)** The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party. The second paragraph shall state all rules or statutes that may be brought into issue by the petition. Succeeding paragraphs shall state the facts relied upon in the form similar to that applicable to complaints in civil actions before the district courts of this state. The concluding paragraphs shall contain the prayer of the petitioner. The petition shall be subscribed and verified in the manner proscribed for verification of complaints in the district courts of this state.

**3.6(4)** The original and two legible copies shall be filed with the commissioner. Fax transmissions will constitute a filing. Petitions shall be on white paper, 8½ × 11 inches in size.

**3.6(5)** Any interested person petitioning the commission requesting the promulgation, amendment or repeal of any rules shall generally adhere to the following form for such purpose:

*a.* At the top of the page shall appear the heading as follows:

BEFORE THE  
IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION

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	:	
In the Matter of the Petition of _____	:	PETITION
for a Rule Making	:	

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*b.* The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party and whether petitioner seeks the promulgation of a new rule or rules, or amendment or repeal of an existing rule or rules. The second paragraph, in case of a proposed new rule or amendment of an existing rule, shall set forth the desired rule in its entirety. Where the petition is for amendment, the new matter shall be underscored and the matter proposed to be deleted shall be struck through. Where the petition is for repeal of an existing rule, it shall be stated and the rule proposed to be repealed shall either be set forth in full or shall be referred to by commission rule number. The third paragraph shall set forth concisely the reasons for the proposal of the petitioner and shall contain a statement as to the interest of the petitioner in the subject matter of the rule. Additional numbered paragraphs may be used to give full explanation of petitioner’s reason for the action sought.

*c.* Petitions shall be dated and signed by the person or entity named in the first paragraph or by the attorney for the person or entity. The original and two legible copies shall be filed with the commissioner. Fax transmissions will constitute a filing. Petitions shall be on white paper, 8½ × 11 inches in size.

These rules are intended to implement Iowa Code sections 17A.9 and Iowa Code Supplement section 8D.3(3)“*b.*”

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