

7—2503.10(17A) Effect of a declaratory order.

2503.10(1) *Withdrawal.* The petitioner may voluntarily withdraw a petition by notifying the agency in writing at any time before the order is issued. The petitioner shall not withdraw a petition after the order is issued. A declaratory order, once issued, shall not be rescinded by the agency and cannot be withdrawn by the petitioner.

2503.10(2) *Binding effect.* A declaratory order has the same status and binding effect as a final order issued in a contested case proceeding. It is binding on the agency, the petitioner, and any intervenors (who consent to be bound) and is applicable only in circumstances where the relevant facts and the law involved are indistinguishable from those on which the order was based. As to all other persons, a declaratory order serves only as precedent and is not binding on the agency. The issuance of a declaratory order constitutes final agency action on the petition.

[ARC 0190D, IAB 4/1/26, effective 5/6/26]