

7—2503.8(17A) Refusal to issue order.

2503.8(1) The agency will not issue a declaratory order if Iowa Code section 17A.9(1) does not allow it to. The agency may refuse to issue a declaratory order when:

- a.* The petition does not substantially comply with the requirements of rule 7—2503.1(17A).
- b.* The petition does not contain facts sufficient to demonstrate that the petitioner will be aggrieved or adversely affected if the agency does not issue an order.
- c.* The agency does not have jurisdiction over the questions presented in the petition.
- d.* The questions presented by the petition are also presented in a current rulemaking, contested case, or other agency or judicial proceeding that may definitively resolve them.
- e.* The questions presented by the petition would more properly be resolved in a different type of proceeding or by another body with jurisdiction over the matter.
- f.* The facts or questions presented in the petition are unclear, overbroad, insufficient, or otherwise inappropriate as a basis upon which to issue an order.
- g.* There is no need to issue an order because a change in circumstances has eliminated the need to answer the questions raised in the petition.
- h.* Instead of being based upon facts calculated to aid in the planning of future conduct, the petition is based upon previous conduct or seeks to challenge an agency decision already made.
- i.* The requested order would necessarily determine the legal rights, duties, or responsibilities of other persons who have not joined in the petition, intervened separately, or filed a similar petition and whose position on the questions presented may fairly be presumed to be adverse to that of petitioner.
- j.* The petitioner requests the agency to determine whether a statute is unconstitutional on its face.
- k.* The petition seeks interpretation of a rule or statute that the agency does not have the authority to interpret.

2503.8(2) A refusal to issue a declaratory order will indicate the specific grounds for the refusal and constitutes final agency action on the petition.

2503.8(3) Refusal to issue a declaratory order under this rule does not prevent the filing of a new petition that seeks to eliminate the grounds for the refusal to issue an order.

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