

26 NCAC 05 .0113 WITHDRAWAL OF OBJECTION LETTERS

- (a) A person may request that the Commission allow withdrawal of his or her previously filed objection letter to a rule prior to the meeting at which that rule is approved as set out below.
- (b) A request to withdraw an objection letter after a rule has been approved is untimely and shall be returned to the requesting party with a denial by the Commission staff.
- (c) The original request to withdraw a previously filed objection letter must be signed by the person who wrote the objection letter, notarized and delivered to the Commission by the close of business on the last day prior to the meeting at which the rule that is the subject of the objection letter is approved.
- (d) The Commission shall act on the request to withdraw the previously filed objection letter at the meeting. The staff attorney offering comments on the rule shall also announce how the request to withdraw the previously filed objection letter would affect the rule's effective date and whether the rule would be subject to legislative review.
- (e) The Commission shall base its decision on:
 - (1) the factual circumstances concerning the objection letter and the request to withdraw any letter;
 - (2) any defects in either the objection letter or the request to withdraw the objection letter;
 - (3) the history of the particular rulemaking;
 - (4) the notice provided to all parties and the Commission;
 - (5) the good faith of the person making the withdrawal request; and
 - (6) any factors the Commission may use in deciding whether to grant a waiver from its rules.

*History Note: Authority G.S. 143B-30.1;
Eff. December 1, 2010.*