

CHAPTER 2. COMMERCE INFORMATION SYSTEM

Sec.	
2.1.	General provisions.
2.2.	Regulations.
2.3.	Statements of policy.
2.4.	Program rulings.
2.5.	Notices.
2.6.	Commerce information.

Authority

The provisions of this Chapter 2 issued under section 506 of The Administrative Code of 1929 (71 P. S. § 186), unless otherwise noted.

Source

The provisions of this Chapter 2 adopted July 14, 1989, effective July 15, 1989, 19 Pa.B. 3035; renumbered from 13 Pa. Code Chapter 2, May 16, 1997, effective May 17, 1997, 27 Pa.B. 2415. Immediately preceding text appears at serial pages (138213) to (138216).

§ 2.1. General provisions.

The Department maintains a public information system which consists of documents issued as regulations, statements of policy, program rulings, notices and commerce information.

§ 2.2. Regulations.

The Department promulgates regulations under its statutory authority. The regulations are codified in this title. Eligibility and participation requirements for program applicants are prescribed in the regulations. The regulations implement and interpret law and prescribe policy as well as practice and procedure before the Department.

§ 2.3. Statements of policy.

(a) For the purposes of providing guidance to the general public and to program applicants and participants and of interpreting law and regulations, the Department issues statements of policy. The statements of policy are codified in this title.

(b) Statements of policy are issued under the authority of the Secretary or a deputy secretary. A program applicant or participant may rely on a statement of policy only insofar as the statement binds the Department to follow a stated course of action. Periodically, the Department may revise prospectively a statement of policy, and program applicants and participants are cautioned to determine whether a statement of policy relied upon is current.

§ 2.4. Program rulings.

(a) The Department issues program rulings in two forms as follows:

(1) *Private rulings.* Upon request, the Department issues private rulings to program applicants or participants based upon specific factual information provided in writing by the applicant or participant. Private rulings are not formally published, but copies with identifying and confidential material deleted may be obtained upon request from the Department of Community and Economic Development, Office of Chief Counsel, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, Pennsylvania 17120, (717) 783-8452. The purpose of a private ruling is to advise a program applicant or participant of the Department's application of the law and regulations to a specific factual situation unique to the applicant or participant. Private rulings may be relied upon only by the particular program applicant or participant concerned, based upon the facts supplied, absent statutory or regulatory change or rescission by the Department.

(2) *Program rulings.* At its sole discretion, the Department issues program rulings to provide guidance and interpretation of law and regulations to a general factual situation. Program rulings are not formally published but a list of program rulings currently in force and effect will be published annually as a notice in the *Pennsylvania Bulletin*. Copies of program rulings may be obtained upon request from the Department of Community and Economic Development, Office of Chief Counsel, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, Pennsylvania 17120, (717) 783-8452. The purpose of a program ruling is to advise Department personnel and interested persons of the Department's application of law and regulations to a general factual situation. Program rulings may be relied upon by a program applicant or participant only to the extent of the facts relied upon and the assumptions made in the ruling itself, absent statutory or regulatory change or rescission by the Department. Periodically, the Department may revise prospectively a program ruling, and program applicants and participants are cautioned to determine whether a program ruling relied upon is current.

(b) The Department has discretionary authority to issue private rulings. This discretion is exercised in light of relevant circumstances. Examples of areas where private rulings normally will not be issued include, but are not limited to, the following:

- (1) Issues under extensive study or review, or subject to imminent legislative action.
- (2) Alternative plans of proposed transactions or hypothetical situations.
- (3) Matters upon which a lower court decision adverse to the Department has been handed down and the appeal period thereon is still open and the question of following the decision or litigating the matter further has not been resolved.

§ 2.5. Notices.

The Department issues notices under statutory and regulatory authority. Notices are published in the *Pennsylvania Bulletin*.

§ 2.6. Commerce information.

The Department issues written informational materials in the form of guidelines, application forms and packets, brochures, press releases, pamphlets and the like. The purpose of these materials is to call attention to Department procedure or to well-established interpretations or applications of law and regulations without application to a specific set of facts. These materials also provide general information regarding tourism, marketing and economic development efforts of the Department. The materials are issued by various offices within the Department when it is believed that general information will assist program applicants, participants or the general public. These informational materials are available from the appropriate office upon request.

[Next page is 11-1.]

2-4

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