

SEC 5.05 Moot or hypothetical cases. The department will not consider moot or hypothetical cases, or cases in which the petitioner has no interest, financial or otherwise. Whenever a petitioner desires a declaratory ruling as to a prospective course of action, the petition shall allege and the proof must show that the petitioner in good faith intends to pursue such course of action in the event of a favorable ruling by the department. Whenever the petition shows on its face, or the proof establishes, that the question presented is moot or hypothetical or that petitioner has no legal interest therein, the director may make and serve an order dismissing the petition, stating the grounds of his action.

SEC 5.06 Hearings; appearances. Hearings shall be conducted as nearly as possible as prescribed by sections SEC 3.03, SEC 3.04, SEC 3.08 and SEC 3.09. Petitioner(s) (and interveners) may appear in person or by any officer, regular employee or attorney. Sections SEC 3.06, SEC 3.22, SEC 3.24 and SEC 3.25 shall apply to proceedings under this title.

SEC 5.07 Order; amendment of rules. (1) Except in cases referred to the department under section 227.05 (3), Wis. Stats., the department may decline to make a declaratory ruling in any case.

(2) The order of the department need not contain findings of fact but shall, except as otherwise provided in subsection (1), be so framed as to dispose of all questions raised in the proceeding. It may state that certain acts or fact situations are or will be contrary to the applicable statute or rule while others are not or will not be so. If during the pendency of the proceedings the department has adopted an amendment of its applicable rules, such amendment shall be given due effect. The order shall state that the ruling is not applicable to any fact situation not contemplated by the department and specifically mentioned in the order.