

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DIVISION OF PUBLIC UTILITIES AND CARRIERS
89 JEFFERSON BOULEVARD
WARWICK, RHODE ISLAND 02888**

IN RE: Repeal of Rules and Regulations Establishing :
Non-Profit Affordable Housing Certification :
Application Process and Eligibility Criteria : Docket No. D-16-108
As Required Under Rhode Island General :
Laws, Section 39-26-2(19) :

ORDER

Whereas: Under R.I.G.L. §42-35-4.2, the Rhode Island Division of Public Utilities and Carriers (“Division”) is required to refile its rules and regulations with the Rhode Island Secretary of State every five (5) years. The most recent refile date was January 3, 2017.

Whereas: In conjunction with this last refile process, the Division took steps to repeal its “Rules and Regulations Establishing Non-Profit Affordable Housing Certification Application Process and Eligibility Criteria,” which had originally been promulgated for effect on April 30, 2009. The justification for the repeal hinged on the fact that the statute that initially mandated the promulgation of these rules, R.I.G.L. §39-26-2(19), was subsequently amended, resulting in the abrogation of the legal necessity for these rules.

Whereas: In accordance with the requirements of R.I.G.L. §42-35-3, the Division duly notified the public of its intention to repeal these rules and offered interested persons an opportunity to offer comment on the Division’s proposed repeal. The Notice of Proposed Repeal was posted on the Rhode Island Secretary

of State’s website on December 5, 2016 and the comment period remained open until January 6, 2017. No public comments were received. In view of the absence of public comments on the proposed repeal, the Division filed the instant repeal with the Rhode Island Secretary of State on January 10, 2017. The repeal became effective twenty days thereafter, on January 30, 2017.

Whereas: Predicated on the factors outlined above, the Division finds the repeal identified herein reasonable and in conformance with relevant statutory law.

Now, therefore, it is

(22668) ORDERED:

That the Division’s “Rules and Regulations Establishing Non-Profit Affordable Housing Certification Application Process and Eligibility Criteria,” which had originally been promulgated for effect on April 30, 2009, is hereby repealed. This repeal order shall apply *nunc pro tunc* for effect on January 30, 2017.

DATED AND EFFECTIVE AT WARWICK, RHODE ISLAND ON FEBRUARY 6, 2017.

John Spirito, Jr., Esq.
Hearing Officer

Macky McCleary
Administrator