

4901:5-23-01 **Definitions.**

As used in this chapter:

(A) "Coal supplier" ~~shall mean~~ means all prime coal suppliers, wholesaler purchaser resellers, and other persons who sell or resell coal to ~~users within the geographic or service areas in which an emergency has been declared~~ consumers.

(B) "Commission" means the public utilities commission of Ohio.

(C) "Consumer" means a person who consumes coal at a specified location.

(D) "Energy emergency" means:

(1) The governor has filed a written declaration of an energy emergency pursuant to section 4935.03 of the Revised Code, having found that the health, safety, or welfare of the residents of this state or of one or more counties of this state is so imminently and substantially threatened by an energy shortage with regard to the supply of coal that immediate action of state government is necessary to prevent loss of life, protect the public health or safety, and prevent unnecessary or avoidable damage to property.

(2) Such written declaration is in effect and has not been terminated.

(E) "Fuel source advisory council" means the advisory group formed by the chairman of the commission to monitor and advise the commission concerning fuel supply or energy shortages and related matters.

(F) "Hardship" means actual or threatened conditions of substantial discomfort and/or economic dislocation.

(G) "Nonpriority use" means all use of coal other than priority use.

(H) "Person" means an individual, corporation, business trust, estate, trust, partnership, state or federal agency, or association.

~~(B)~~(I) "Priority usesuse" shall mean means the minimum amount of coal necessary for protection of the public's health and safety, and for prevention of unnecessary or avoidable damage to ~~property, at:~~

(1) Residences (including, but not limited to, homes, apartments, nursing homes, institutions, and facilities for permanent residents or transients);

(2) Hospitals;

(3) Medical and human life-support systems and facilities;

- (4) Electric power generating facilities and central heating plants serving the public;
- (5) Telephone, radio, television, and newspaper facilities;
- (6) Local and suburban transit systems and air terminal facilities;
- (7) Police and ~~fire-fighting~~ firefighting facilities; emergency management and response facilities, military bases, federal facilities essential to national defense, and Ohio national guard facilities.
- (8) Water supply and pumping facilities;
- (9) Sanitary service facilities for collection, treatment, or disposal of community sewage;
- ~~(10) Federal facilities essential to national defense;~~
- ~~(11)~~(10) Production facilities and refineries for natural gas, artificial or synthetic gas, propane, and petroleum ~~fuel refineries;~~fuels.
- ~~(12)~~(11) Pipeline transmission and distribution facilities for natural gas, artificial or synthetic gas, propane, and petroleum fuel; and for fuel refineries (including ethanol and other fuel products.
- ~~(13)~~(12) Coal mines and related facilities;
- ~~(14)~~(13) Production, processing, distribution, and storage facilities for perishable medicines and medical supplies, dairy products, meat, fish, poultry, eggs, fresh produce, bread, rolls, grain, breads, and buns; livestock and poultry feed.
- ~~(15)~~(14) Buildings and facilities, limited to ~~uses~~ protecting the physical plant and structure, appurtenances, equipment, ~~contents,~~ product inventories, raw materials, livestock, and other real or personal property; ~~and.~~
- ~~(16)~~(15) Such other similar ~~uses~~ facilities as may be determined by the commission.
- ~~(C) "Non-priority use" shall mean all uses of coal other than priority uses.~~
- ~~(D) "Customer" shall mean that person or entity legally responsible to pay for coal.~~

~~(E) "User" shall mean the person or entity who consumes coal at a specified location.~~

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