

4901:5-23-04

Actions taken upon declaration of an energy emergency.

(A) Voluntary curtailment. Upon declaration of an energy emergency by the governor, the following provisions shall be applicable.

(1) Each coal supplier shall:

- (a) Contact its consumers and alert them to the declaration of an energy emergency and impending shortage of coal.
- (b) Appeal to its consumers to reduce their consumption of coal on a voluntary basis. The appeals shall, where appropriate, include suggestions for achieving such reductions by all coal consumers.
- (c) Notify any of its consumers for whom its forecasted coal supplies are inadequate for the foreseeable future.
- (d) Provide its consumers information regarding:
 - (i) Actions that the coal supplier will take to allocate the available coal supply.
 - (ii) The time period(s) during which any consumers or class of consumers is expected to be subject to curtailment, allocation, or other restriction of coal supply.
 - (iii) Procedures to be followed by consumers wishing to substantiate a claim for priority use.

(2) Each coal supplier maintaining stocks of coal shall:

- (a) Report to the commission information that the commission determines necessary to manage the energy emergency.
- (b) Make an oral report to the commission by telephone, at least twice weekly, at such time as it has an inadequate supply of coal for the foreseeable future. This report shall reflect the situation for the reporting supplier as of the previous day. Telephonic reports shall be made as prescribed by the commission.

(3) The commission may:

- (a) Calculate the remaining coal supply for priority use, other than electric power generation, in a reasonable manner.

- (b) Provide information to suppliers and consumers regarding appropriate coal conservation measures.
 - (c) Provide public service announcements on television or other media regarding the declaration of an energy emergency and the impending shortage of coal.
 - (d) Take other actions it considers to be reasonable and appropriate.
- (B) Mandatory curtailment - stage one. During an energy emergency, at such time as the governor or the commission determines that it is appropriate, the following provisions shall be applicable in addition to the provisions set forth in paragraph (A) of this rule:
- (1) Each coal supplier shall be prohibited from selling directly to consumers, or selling for resale, for use other than priority use.
 - (2) The commission may:
 - (a) Monitor each coal supplier's stock and the supply available for priority use.
 - (b) Determine the average number of days of coal supply remaining for each type of priority use.
 - (c) Identify suppliers with surplus volumes of coal in excess of their priority use consumers' requirements.
 - (d) Provide direct assistance in obtaining coal supply for consumers with inadequate coal for priority use.
 - (e) Take other actions it considers to be reasonable and appropriate.
 - (3) Suppliers may be directed by the commission to sell coal to consumers that are not its customers for priority use required to alleviate such consumers' hardship or extraordinary need.
 - (4) The Ohio emergency management agency may be requested to:
 - (a) Establish and maintain a central emergency operations center staffed with appropriate persons from state, local, and other agencies for the purpose of providing coordinated responses to threats to life, property, public health, or safety.
 - (b) Plan the necessary administrative and logistical capability to support delivery of, and to provide security for the movement of, coal to

designated priority use consumers, where life, property, public health, or safety is threatened.

- (c) Establish and maintain communications with emergency managers within each county in the geographic area for which the governor declared an energy emergency, for the purpose of providing coordinated local responses to threats to life, property, public health, or safety.

(C) Mandatory curtailment - stage two. During an energy emergency, at such time as the governor or the commission determines that it is appropriate, the following provisions shall be applicable in addition to the provisions set forth in paragraph (B) of this rule:

- (1) All use of coal other than priority use shall be prohibited in five days.
- (2) Each coal consumer of more than ten thousand tons per annum, other than electric generating companies, shall report to the commission within five days the number of tons and type of coal stockpiled and any priority use for which this coal is required.

(D) Mandatory curtailment - stage three. During an energy emergency, at such time as the governor or the commission determines that it is appropriate, the following provisions shall be applicable in addition to the provisions set forth in paragraph (C) of this rule:

- (1) No consumer shall use coal for other than priority use.
- (2) Each coal supplier with forecasted coal stocks in excess of its consumers' priority use requirements for the foreseeable future shall inform the commission of the volume of coal available for assigned priority use consumers.
- (3) The commission may be requested to accept applications from persons requiring coal for priority use and whose supplier is unable to oblige. Such applications shall be in a form and manner to be prescribed by the commission or its designee.
- (4) The commission shall be responsible for approval or denial of all applications for emergency priority use coal allocations. Upon approval of an application, the commission may:
 - (a) Authorize, by pre-approved procedure, the release of an appropriate amount of coal from a state stockpile and order delivery by state vehicle to the applicant consumer, who will be billed at cost by the state for coal received.

- (b) Assign the consumer, as a temporary priority use consumer, to an appropriate coal supplier and order the supplier to provide delivery.

Five Year Review (FYR) Dates: 11/29/2017 and 11/29/2022

CERTIFIED ELECTRONICALLY

Certification

11/29/2017

Date

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