

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 4901:5-29-04

**Rule Type:** New

**Rule Title/Tagline:** Actions taken upon declaration of an energy emergency.

**Agency Name:** Public Utilities Commission of Ohio

**Division:** Division of Forecasting

**Address:** 180 East Broad Street Columbus OH 43215-3793

**Contact:** Jeff Jones **Phone:** 614-466-0463

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#### I. Rule Summary

1. **Is this a five year rule review?** No
  - A. **What is the rule's five year review date?**
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 111.15
4. **What statute(s) grant rule writing authority?** 4935.03
5. **What statute(s) does the rule implement or amplify?** 4935.03
6. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No
  - A. **If so, what is the citation to the federal law or rule?** Not Applicable
7. **What are the reasons for proposing the rule?**

R.C. 121.951(A)(1) rules reduction and five-year review
8. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule sets forth the actions that heating oil suppliers and propane suppliers must take upon declaration of an energy emergency.

Amendments to these proposed rules are made pursuant to Ohio Revised Code 121.951(A)(1) that requires state agencies to reduce their total number of regulatory restrictions. In addition, other amendments to these proposed rules are pursuant to the Commission's obligation to conduct a five-year review of its administrative rules under R.C. 111.15(B) and R.C. 106.03(A).

9. **Does the rule incorporate material by reference? No**
10. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

*Not Applicable*

11. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

*Not Applicable*

## **II. Fiscal Analysis**

12. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

0

Not Applicable

13. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

Not Applicable

14. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

15. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not Applicable

### III. Common Sense Initiative (CSI) Questions

17. Was this rule filed with the Common Sense Initiative Office? Yes

18. Does this rule have an adverse impact on business? Yes

A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No

B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No

C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes

Yes, this rule requires heating oil suppliers and propane suppliers to notify consumers regarding a fuel shortage and to report fuel supply information to the Commission upon declaration of an energy emergency.

D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? Yes

Yes, the impact will only be experienced to the extent of the cost for notifying customers regarding fuel shortages and reporting information to the Commission.

### IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes

A. How many new regulatory restrictions do you propose adding to this rule? 10

4901:5-29-04(A)(7)– keeps restrictive language that each supplier shall report to the commission the information that the commission determines necessary to evaluate the supply of heating oil or propane in Ohio.

4901:5-29-04(A)(9)–keeps restrictive language that a supplier's highest priority shall be to meet in full the heating oil or propane product priority use requirements for the current calendar month of all consumers from such supplier's available volumes.

4901:5-29-04(A)(9)–keeps restrictive language that a supplier's highest priority shall be to meet in full the heating oil or propane product priority use requirements for the current calendar month of all consumers from such supplier's available volumes.

4901:5-29-04(A)(9) – Suppliers shall reduce sales and/or deliveries to consumers for nonpriority use sufficiently to assure that all consumers' priority use requirements for the balance of the current calendar month are met in full.

4901:5-29-04(A)(10) – Orders issued pursuant to this paragraph shall be in writing and effective immediately upon issuance.

4901:5-29-04(A)(10) – Such orders shall represent an option on the supplier's set-aside volumes for the month of issuance regardless of the fact that delivery cannot be made until the following month.

4901:5-29-04(A)(6)– keeps restrictive language that each supplier, will notify consumers on its allocation actions for oil.

4901:5-29-04(A)(6)– keeps restrictive language that each supplier, will notify consumers on its allocation actions for propane.

4901:5-29-04(A)(6)– keeps restrictive language that each supplier, will notify consumers on its action time period.

4901:5-29-04(A)(6)– keeps restrictive language that each supplier, will notify consumers on procedures for how consumers can make a claim for priority use.

**B. How many existing regulatory restrictions do you propose removing from this rule? 0**

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**

4901:5-29-04-Rescinded

- D. Please justify the adoption of the new regulatory restriction(s).**

The additions are restrictions that remain in the amended rule, however, as there was more than 50% change in language, the ERF filing requirement to Rescind/New was enacted.



**MIKE DEWINE**  
GOVERNOR  
STATE OF OHIO

April 7, 2023

Jenifer French, Chair  
Public Utilities Commission of Ohio  
180 E. Broad Street, 12<sup>th</sup> Floor  
Columbus, Ohio 43215

Dear Chair French,

Please accept this correspondence as my formal notification that, pursuant to Ohio Revised Code Section 4935.03, I have approved the revisions made by The Public Utilities Commission of Ohio to rules 4901:5-17, 4901:5-19, 4901:5-21, 4901:5-23, 4901:5-25, 4901:5-29, 4901:5-33, 4901:5-35, and 4901:5-37 in the Ohio Administrative Code.

Mike DeWine  
Governor, State of Ohio