

4901:5-29-04

**Actions taken upon declaration of an energy emergency.**

(A) Voluntary curtailment. Upon declaration of an energy emergency by the governor, or at such time as it is otherwise determined by the governor that such action is appropriate, the following provisions shall be applicable:

- (1) The commission may implement, or cause to be implemented, a public appeals campaign through appropriate news media to alert the public to the impending shortage of heating oil or propane. This appeal may seek voluntary reduction in the consumption of such fuels and may include specific suggested conservation measures for achieving such reduction.
- (2) The governor may request that federal priority be given to all air, rail, barge, and pipeline traffic of essential fuel supplies into this state or a region of this state affected by the energy emergency.
- (3) The governor may request that the United States department of transportation suspend federal limits on highway drivers' hours of service for heating oil or propane delivery for the duration of the energy emergency.
- (4) The Ohio department of transportation may be requested to suspend truck size and weight limitations which constrain the delivery of heating oil or propane, for the duration of the energy emergency.
- (5) The governor may suspend intrastate motor carrier weight and drivers' hours of service limitations and waive economic permits and fees which constrain the delivery of heating oil or propane for the duration of the energy emergency.
- (6) Each supplier, to the extent possible, shall notify any of its consumers for whom forecasted fuel supplies are inadequate for the foreseeable future and shall provide to its consumers information on:
  - (a) Actions the supplier will take to allocate the available supply of heating oil or propane.
  - (b) The time period(s) in which any consumer or class of consumers would be subject to curtailment, allocation, or other restriction of supply of heating oil or propane.
  - (c) Procedures to be followed by consumers wishing to substantiate a claim for priority use.
- (7) 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.
- (8) The commission may calculate the remaining supply of heating oil or propane for priority use.

- (9) Suppliers' 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. 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.
- (10) The commission may designate certain geographical areas within the state as suffering from a supply imbalance. The commission may order suppliers to release part or all of their state set-aside volume, as determined under Chapter 4901:5-35 of the Administrative Code, in order to increase the supply of heating oil or propane in such designated areas. Orders issued pursuant to this paragraph shall be in writing and effective immediately upon issuance. 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.
- (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 become effective in addition to the provisions set forth in paragraph (A) of this rule:
- (1) The commission may issue directives to suppliers such that they shall be prohibited from selling directly to nonpriority use consumers, or selling for resale for use other than priority use.
  - (2) The commission may issue directives to each electric or gas utility that requires heating oil or propane in order to provide service to the public.
  - (3) The commission:
    - (a) May monitor each supplier's stock and the supply of heating oil or propane remaining for each type of priority use.
    - (b) May determine the average days' supply of heating oil or propane remaining for each type of priority use.
    - (c) May identify suppliers with volumes of heating oil or propane in excess of their consumers' priority use requirements.
    - (d) May provide direct assistance to consumers experiencing hardship or extraordinary conditions, through the allocation of heating oil or propane from the state set-aside, as set forth in Chapter 4901:5-35 of the Administrative Code.
    - (e) May take other actions it considers to be reasonable and appropriate.

(4) The Ohio emergency management agency may be requested:

- (a) To establish and to 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) To plan the necessary administrative and logistical capability to support delivery of, and to provide security for the movement of, heating oil or propane to designated priority consumers, where life, property, health, or safety are threatened.
- (c) To establish and to 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.

(5) Suppliers, regardless of whether or not they have surplus supply, may be directed by the commission to sell fuel to consumers who are not customers of that supplier, for priority use required to alleviate such consumers' hardship or extraordinary need.

(6) With respect to consumers of heating oil and propane:

- (a) All public, commercial, and industrial buildings heated with heating oil or propane are to reduce space heating temperatures to a level specified by the governor, but not less than sixty degrees Fahrenheit, except where health requirements deem such measures inappropriate or where such a setting would increase energy consumption.
- (b) All or some nonpriority industrial use of heating oils and propane may be prohibited.

(7) The commission may be requested to accept applications from suppliers regarding priority use. Such applications shall be in a manner and form prescribed by the commission.

(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 become effective in addition to the provisions set forth in paragraph (B) of this rule:

- (1) All nonpriority use of heating oil or propane may be prohibited within the time frame determined by the governor.

(2) All public, commercial, and industrial buildings heated with heating oil or propane are to reduce space heating temperature to a level specified by the governor or the commission, except where health requirements deem such measures inappropriate or where such a setting would increase energy consumption.

(3) Any nonpriority heating oil or propane consumer with a storage capacity of ten thousand gallons or more may be required to report to the commission, within the time frame determined by the governor or the commission, the current product type and volume stockpiled.

(4) All persons may be required to report stocks of heating oils and propane to the commission.

(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 become effective in addition to the provisions set forth in paragraph (C) of this rule:

(1) Consumers may be prohibited from using heating oil or propane for other than priority use.

(2) Heating oil or propane stocks in excess of priority use requirements for the following ten-day period, currently stockpiled by suppliers and consumers, may be made available for assignment to designated priority use consumers.

Replaces: 4901:5-29-04, 4901:5-29-05, 4901:5-29-06

Effective:

R.C. 119.032 review dates:

---

Certification

---

Date

Promulgated Under: 111.15  
Statutory Authority: 4935.03  
Rule Amplifies: 4935.03  
Prior Effective Dates: 4/16/1987, 5/19/1991, 1/22/1998