

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:

- (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, highway, 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 that 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 that 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 actions the supplier will take to allocate the available supply of heating oil or propane, the time period(s) in which these actions will be in effect, and procedures for 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) 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. 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) During an energy emergency the governor may order mandatory curtailment of the use of heating oil or propane after consultation with the commission and the appropriate heating oil and propane suppliers and consumers.

Effective:

Five Year Review (FYR) Dates:

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Certification

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Date

Promulgated Under:	111.15
Statutory Authority:	4935.03
Rule Amplifies:	4935.03