

TO BE RESCINDED

4901:5-33-01 **Definitions.**

As used in this chapter:

(A) "Transportation fuel supplier" or "supplier" means:

- (1) A transportation fuel company owned by a municipal corporation;
- (2) Any producer, broker, or person engaged in the business of supplying transportation fuels within this state; and
- (3) Any person that owns, operates, manages, controls, or leases intrastate storage of transportation fuels.

(B) "Priority uses" means the minimum amount of transportation fuels necessary for protection of the public's health and safety, and for the prevention of unnecessary or avoidable damage to property, to:

- (1) Police, fire-fighting, emergency management and response facilities, military bases, federal facilities essential to national defense, and Ohio national guard facilities;
- (2) Utility, water supply, emergency road works and sanitation maintenance and repair, and emergency road service vehicles and related equipment;
- (3) Public transit vehicles, buses, taxis, school buses, and other common passenger carrier, air, water, rail, or highway vehicles and related equipment;
- (4) Farm food production machinery and equipment;
- (5) Commercial trucks and other vehicle carriers of essential needs such as coal, artificial or synthetic gas, propane, petroleum fuels, medical supplies, dairy products, meat, fish, poultry, eggs, produce, crackers, bread, and livestock and poultry feed;
- (6) Nonvehicular stationary uses required for "priority uses" designated in paragraphs (B)(1) to (B)(12) of rule 4901:5-29-01 of the Administrative Code; and
- (7) Such similar uses as may be determined by the commission.

- (D) "Nonpriority uses" means all uses of transportation fuels for other than priority uses.
- (E) "Customer" means that person or entity legally responsible to pay for transportation fuels.
- (F) "End User" means the person or entity who consumes transportation fuels.
- (G) "Transportation fuels" mean all petroleum-based fuels which are used for internal combustion or other types of automotive transportation vehicles or equipment, specifically including but not limited to gasoline, diesel, aviation, jet fuel, and fuel used by railroad locomotives and track mounted equipment; but excluding in any case kerosene, #2 heating oil, #4 heating oil, #6 heating oil, naphthas, butanes, ethanes, methane, pentanes, and all cutting oils, lubricating oils, and solvents.
- (H) "Emergency" means:
- (1) The governor has filed a written declaration of an energy emergency pursuant to section 4935.03 of the Revised Code 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 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; and
 - (2) Such written declaration is in effect or has not been terminated.
- (J) "Person" means suppliers, customers, and end users.

Effective: 02/27/2010

R.C. 119.032 review dates: 10/20/2009

CERTIFIED ELECTRONICALLY

Certification

02/16/2010

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