

## TO BE RESCINDED

4901:5-33-04      **Immediate actions upon declaration of "emergency"/first stage actions.**

During an emergency:

- (A) 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 transportation fuels. This appeal may seek voluntary reductions in the consumption of such fuels and may include specific suggested conservation measures for achieving such reductions.
- (B) 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 emergency.
- (C) The governor may request the federal department of transportation to suspend federal limits on highway drivers' hours daily and weekly for transportation fuels delivery for the duration of the emergency.
- (D) The Ohio department of transportation may be requested to suspend truck size and weight limitations which constrain the delivery of transportation fuels for the duration of the emergency.
- (E) The governor may suspend intrastate common carrier weight and log limitations and waive economic permits and fees which constrain the delivery of transportation fuels for the duration of the emergency.
- (F) The Ohio department of highway safety and all political subdivisions may be requested to strictly enforce existing speed limits and traffic regulations.
- (G) Each supplier to the extent possible shall notify any of its customers for whom forecasted fuel supplies are inadequate for the foreseeable future, and shall provide its customers information on:
  - (1) Actions the supplier will take to allocate the available supply of fuel(s);
  - (2) The time period(s) in which any customer or class of customers would be subject to curtailment, allocation, or other restriction of fuel supply; and
  - (3) Procedures to be followed by customers wishing to substantiate a claim for "priority use."

- (H) Each supplier shall report to the commission the information the commission determines necessary to manage the energy emergency.
- (I) The commission may calculate the remaining supply of each fuel for priority end users.
- (J) Suppliers' highest priority shall be to meet in full the transportation fuels product priority use requirements for the current calendar month of all customers of record from such supplier's available volumes. Suppliers shall reduce sales and/or deliveries to customers for nonpriority uses sufficiently to assure that all customers' priority uses for the balance of the current calendar month are met in full.
- (K) 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 in Chapter 4901:5-35 of the Administrative Code, in order to increase the supply of transportation fuels 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 irrespective of the fact that delivery cannot be made until the following month.

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CERTIFIED ELECTRONICALLY

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Certification

02/16/2010

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Date

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