

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4901:5-33-04

Rule Type: Amendment

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

Email: Jeffrey.Jones@puco.ohio.gov

I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 4/21/2023
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 transportation fuel 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 certain transportation fuel suppliers to report specified supply information to the Commission during 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 be to the extent of cost to report fuel shortage and fuel supply information to the Commission during an energy emergency.

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? 0

B. How many existing regulatory restrictions do you propose removing from this rule? 15

4901:5-33-04(A) – removing restrictive language that the following voluntary curtailment provisions shall become effective.

4901:5-33-04(B)– removing restrictive language that the following provisions shall become effective.

4901:5-33-04(B)(1) – removing restrictive language that the supplier shall be prohibited.

4901:5-33-04(B)(7) – removing restrictive language that applications shall be in a manner and form prescribed by the Commission.

4901:5-33-04(C) – removing restrictive language that the following provisions shall apply.

4901:5-33-04(C)(3)(a)(i) – removing restrictive language that the numeral zero shall be even.

4901:5-33-04(C)(3)(b) – removing restrictive language that service stations shall estimate their fuel usage.

4901:5-33-04(C)(3)(b) – removing restrictive language that service stations shall place sign to indicate fuel levels.

4901:5-33-04(C)(3)(c) – removing restrictive language that gas station customers shall be required to purchase a minimum amount of gas.

4901:5-33-04(C)(3)(c) – removing restrictive language that minimum purchase volume shall be set by the governor or the commission.

4901:5-33-04(C)(3)(d) – removing restrictive language that suppliers shall be met at specific locations.

4901:5-33-04(C)(3)(e) – removing restrictive language that nothing in the provision shall be construed to authorize sale of gas in any container.

4901:5-33-04(C)(4) – removing restrictive language that all persons shall report stocks of fuel to the commission.

4901:5-33-04(D) – removing restrictive language that the following provisions shall be effective.

4901:5-33-04(D)(3)(a) – removing restrictive language that no person shall sell, store, or deliver or use any fuel.

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**
- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable



MIKE DEWINE
GOVERNOR
STATE OF OHIO

April 7, 2023

Jenifer French, Chair
Public Utilities Commission of Ohio
180 E. Broad Street, 12th 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