

4901:5-33-04

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 to be appropriate, the following provisions shall become effective:
- (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 transportation fuel. This appeal may seek voluntary reductions in the consumption of such fuel and may include specific suggested conservation measures for achieving such reductions.
 - (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 the federal department of transportation to suspend federal limits on highway drivers' hours of service for transportation fuel 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~~ that constrain the delivery of transportation fuel for the duration of the energy emergency.
 - (5) The governor may suspend intrastate common carrier weight and log limitations and waive economic permits and fees ~~which~~ that constrain the delivery of transportation fuel for the duration of the energy emergency.
 - (6) The Ohio state highway patrol and all political subdivisions may be requested to enforce existing speed limits and traffic regulations strictly.
 - (7) 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 its consumers information on:
 - (a) Actions the supplier will take to allocate the available supply of fuel(s).
 - (b) The time period(s) in which any consumer or class of consumers would be subject to curtailment, allocation, or other restriction of fuel supply.
 - (c) Procedures to be followed by consumers wishing to substantiate a claim for priority use.

- (8) Each supplier shall report to the commission the information the commission determines necessary to manage the energy emergency.
 - (9) The commission may calculate the remaining supply of each fuel for priority use consumers.
 - (10) ~~Suppliers'~~ A supplier's highest priority shall be to meet in full the transportation fuel product priority use requirements for the current calendar month of all consumers of record from such supplier's available volumes. Suppliers shall reduce sales and/or deliveries to customers for nonpriority use sufficiently to assure that all consumers' priority use requirements for the balance of the current calendar month are met in full.
 - (11) 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 fuel 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 ~~users~~ use consumers, or selling for resale for use other than for priority use.
 - (2) The commission may issue directives to each electric and gas utility ~~which~~ that requires transportation fuel in order to provide service to the public.
 - (3) The commission may:
 - (a) ~~May monitor~~ Monitor each supplier's stock and the supply of transportation fuel remaining for each type of priority use.
 - (b) ~~May determine~~ Determine the average ~~days'~~ day's supply of transportation

fuel remaining for each type of priority use.

- (c) ~~May identify~~ Identify suppliers with surplus volumes of fuel in excess of their consumers' priority use requirements.
 - (d) ~~May provide~~ Provide direct assistance to consumers experiencing emergency conditions through the allocation of product from the state set-aside, as set forth in Chapter 4901:5-35 of the Administrative Code.
 - (e) ~~May take~~ Take other actions it considers to be reasonable and appropriate.
- (4) Suppliers, regardless of whether or not they have surplus supply, may be directed to sell fuel to consumers who are not customers of that supplier, for priority use required to alleviate such consumers' hardship or extraordinary need.
- (5) The Ohio emergency management agency may be requested to:
- (a) ~~To establish~~ 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~~ Plan the necessary administrative and logistical capability to support delivery of, and to provide security for the movement of, transportation fuel to designated priority use consumers, where life, property, public health, or safety ~~are~~ is threatened.
 - (c) ~~To establish~~ 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.
- (6) With respect to sale and use of transportation fuel:
- (a) The use of state, political subdivision, or other public authority vehicles for other than priority use purposes may be prohibited.
 - (b) The retail sale of transportation fuel for nonpriority use may be prohibited for not more than two days per week.

- (c) All or some industrial nonpriority ~~industrial~~ use of transportation fuel 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) Nonpriority use of transportation fuel may be prohibited within the time frame determined by the governor or the commission.
 - (2) Any nonpriority use transportation fuel consumer other than a public authority, 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.
 - (3) With respect to sale and use of transportation fuel:
 - (a) Retail gasoline and diesel fuel stations may sell gasoline or diesel fuel only in accordance with the following procedures:
 - (i) On even-numbered days of the month, fuel may be sold to and purchased by the operator or occupant of a vehicle having a license plate, the last numeral of which is even. For purposes hereof, the numeral zero shall be even.
 - (ii) On odd-numbered days of the month, fuel may be sold to and purchased by the operator or occupant of a vehicle having a license plate the last numeral of which is odd.
 - (iii) A vehicle having a license plate with no numerals shall be odd or even based on the number of letters on the license plate.
 - (iv) A "free day" is a day when odd and even sales and purchases are permissible. The thirty-first day of January, March, May, July, August, October, and December and the twenty-ninth day of February (leap year) are designated as "free days."

(b) Service stations shall estimate the amount of each fuel they can pump each day and remain open for limited hours of operation. Based on this amount of fuel(s) available to them each day, each service station shall have prominently displayed a sign visible from the street indicating that:

(i) The station is out of gasoline but open for other business.

(ii) Gasoline sales are limited to priority use and emergencies.

(iii) Gasoline sales will be made to license plate holders with odd-numbered digits.

(iv) Gasoline sales will be made to license plate holders with even-numbered digits.

Service station operators may display different signs at different times of day at their discretion.

(c) Retail gasoline station customers shall be required to purchase a minimum amount of gasoline for automobiles. The specific minimum purchase volume shall be set by the governor or the commission, based on the extent of the energy emergency.

(d) The commission may designate certain transportation fuel supply terminals, bulk supply plants, and/or retail service stations or portions thereof as priority use supply only. One-time emergency fuel needs and priority use needs of consumers without suppliers shall be met at these designated locations.

(e) Not more than two gallons of transportation fuel may at any time be sold or purchased for delivery into a container other than the fuel tank of a vehicle, to be transported away from the premises of the retail seller. Nothing in this paragraph shall be construed to authorize the sale of gasoline in any container not satisfying applicable safety requirements.

(f) The application of this rule may exclude any person or class necessary to avoid threat to life, property, public health, or safety.

(4) All persons shall report stocks of transportation fuel 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) No consumer may use transportation fuel for other than priority use.
- (2) Transportation fuel product stocks in excess of priority use requirements for the following ten-day period, currently stockpiled by suppliers and consumers specified in paragraph (C)(2) of this rule, may be made available for assignment to designated priority use ~~users~~consumers.
- (3) With respect to sale and use of transportation fuel in this state:
 - (a) No person shall sell, store, deliver, or use any transportation fuel for other than priority use.
 - (b) Gasoline and diesel stations may only sell transportation fuel for priority use.

Replaces: 4901:5-33-04, 4901:5-33-05, 4901:5-33-06,
4901:5-33-07

Effective:

R.C. 119.032 review dates: 08/20/2012

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, 2/27/2010