

4901:5-35-01 **Definitions.**

As used in this chapter:

- (A) "Commission" means the public utilities commission of Ohio.
- (B) "Consumer" means a person who consumes heating oil, propane, or transportation fuel.
- (C) "Customer" means a person legally responsible to pay for heating oil, propane, or transportation fuel.
- (D) "Energy emergency" means:
 - (1) The governor has filed a written declaration of an energy emergency pursuant to section 4935.03 of the Revised Code, having found 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 with regard to heating oil, propane, or transportation fuel 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 and has not been terminated.
- (E) "Fuel source advisory council" means the advisory group formed by the chairperson of the commission to monitor and advise the commission concerning fuel supply or energy shortages and related matters.
- (F) "Heating oil" means all oil that can be used as boiler or space heating fuel, including kerosene, number two heating oil, and number six heating oil; but excluding fuel used primarily for internal combustion or other types of automotive transportation vehicles or equipment, such as gasoline, diesel, aviation and jet fuel, naphtha, butane, ethane, methane, and pentane; and excluding oil that is not used as boiler or space heating fuel, such as solvent, cutting oil, lubricating oil, and asphalt.
- (G) "Person" means an individual, corporation, business trust, estate, trust, partnership, state or federal agency, or association.
- (H) "Primary supplier" means a person who brings heating oil, propane, or transportation fuel into this state for first sale.
- (I) "Priority use" and "nonpriority use" ~~shall have~~has the same meaning as assigned to these terms in rule 4901:5-29-01 of the Administrative Code when related to an energy emergency affecting heating oil or propane and in rule 4901:5-33-01 of the Administrative Code when related to an energy emergency affecting transportation fuel.

- (J) "Program" means a state set-aside program established by the commission pursuant to the provisions of this chapter.
- (K) "Propane" means a normally gaseous straight-chain hydrocarbon that is colorless and boils at a temperature of minus forty-three point sixty-seven degrees Fahrenheit. Propane is extracted from natural gas or refinery gas streams. It includes all products generally used for commercial purposes and products generally known as HD-5 propane.
- (L) "Secondary supplier" means a person, including any wholesale purchaser or reseller or distributor, who sells heating oil, propane, or transportation fuel to customers and/or consumers in this state.
- (M) "Transportation fuel" means all petroleum-based fuel that is used for internal combustion or other types of transportation vehicles or equipment, specifically including but not limited to gasoline, diesel, aviation gasoline, jet fuel, and fuel used by railroad locomotives and track-mounted equipment; but excluding kerosene, number two heating oil, number four heating oil, number six heating oil, naphtha, butane, ethane, methane, pentane, and all cutting oil, lubricating oil, and solvents.

Effective: 7/7/2023

Five Year Review (FYR) Dates: 4/21/2023 and 06/26/2028

CERTIFIED ELECTRONICALLY

Certification

06/26/2023

Date

Promulgated Under: 111.15
Statutory Authority: 4935.03
Rule Amplifies: 4935.03
Prior Effective Dates: 05/19/1991, 01/22/1998, 02/27/2010, 11/08/2012,
02/15/2018