

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

As used in this chapter:

(A) "Commission" means the public utilities commission of Ohio.

(B) "Consumer" means any person that consumes heating oil, propane, or transportation fuel.

(C) "Customer" means any 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.

(2) Such written declaration is in effect and has not been terminated.

(E) "Fuel source advisory council" means the advisory group formed by the chairman of the commission to monitor and advise the commission concerning fuel supply or energy shortages and related matters.

(F) "Heating oil supplier" and "propane supplier" mean:

(1) A heating oil company or propane company owned by a municipal corporation.

(2) Any producer, broker, or person engaged in the business of supplying heating oil or propane to heating oil companies, propane companies, or consumers within this state.

(3) Any person that owns, operates, manages, controls, or leases intrastate storage fields or pools.

(G) "Person" means an individual, corporation, business trust, estate, trust, partnership, state or federal agency, or association.

(H) "Primary supplier" means any person that brings heating oil, propane, or transportation fuel into this state for first sale.

(I) "Priority use" and "nonpriority use" shall have 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) "Secondary supplier" means any 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.

(L) "Transportation fuel" means all petroleum-based fuel which 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.

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