

CSI - Ohio

The Common Sense Initiative

MEMORANDUM

TO: Elizabeth Stevens, Public Utilities Commission of Ohio

FROM: Meredith Rockwell, Regulatory Policy Advocate

DATE: August 13, 2012

RE: CSI Review – Transportation Fuel Emergency (OAC Chapter 4901:5-33)

On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

Analysis

This rule package consists of two draft rules and regulates shortages in transportation fuel (gasoline, diesel, jet fuel, etc.). The rules direct transportation fuel suppliers of the actions they should take in the event a declaration of an energy emergency is made.

During the stakeholder outreach conducted by the Public Utilities Commission of Ohio (PUCO), no comments were made with respect to the rules in this package. Additionally, no comments were received during the CSI public comment period.

The BIA was accurate and complete and represented the impactful portions of the rule package. The PUCO states in the BIA that the requirements placed on businesses by this package serve to protect the public health and safety and to prevent unnecessary or avoidable damage to property, and are only applicable in the event of an actual fuel emergency. For this reason, the CSI Office agrees that the adverse impact to business created by this rule package is sufficiently justified.

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Recommendations

For the reasons discussed above, the CSI Office does not have any recommendations for this rule package.

Conclusion

Based on the above comments, the CSI Office concludes that the PUCO should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.

cc: Mark Hamlin, Lt. Governor's Office