



## Common Sense Initiative

**Mike DeWine**, Governor  
**Jon Husted**, Lt. Governor

**Joseph Baker**, Director

### MEMORANDUM

**TO:** Jeff Jones, Public Utilities Commission of Ohio

**FROM:** Jacob Ritzenthaler, Business Advocate

**DATE:** March 8, 2023

**RE:** **CSI Review – Transportation Fuel Emergency (OAC 4901:5-33-01 through 4901:5-33-04)**

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On behalf of Lt. Governor Jon Husted, 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 Commission as provided for in ORC 107.54.

#### Analysis

This rule package consists of two amended rules, one no-change rule, and one new rule that replaces one rescinded rule proposed by the Public Utilities Commission of Ohio (PUCO) as part of the statutory five-year review process. This rule package was submitted to the CSI Office on January 17, 2023, and the public comment period was held open through January 27, 2023. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on January 17, 2023.

Ohio Administrative Code (OAC) Chapter 4901:5-33 establishes requirements for transportation suppliers during an energy emergency, which is declared when public health, safety, or welfare is threatened by an energy shortage. OAC 4901:5-33-01 lists definitions that are relevant for the chapter and is proposed without changes. OAC 4901:5-33-02 sets forth general provisions, including requirements for electric power producers to submit weekly reports of supply adequacy during an emergency and actions allowable for PUCO when an emergency is imminent. The rule is amended to update the information provided in reports to include the following information: megawatt output under normal operating conditions, expected megawatt output during an emergency, amount of fuel

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on hand, amount of fuel procured to continue emergency operations, and average daily consumption rate of fuel to operate during an emergency. OAC 4901:5-33-03 concerns enforcement of rules on the Governor's instruction and is amended to remove unnecessary regulatory restrictions. OAC 4901:5-33-04 lists the actions that are taken upon energy emergency declaration and is amended to remove actions related to mandatory curtailment.

During early stakeholder outreach, PUCO conducted a workshop to solicit feedback from industry stakeholders to which invitations were sent to all regulated electric and natural gas companies, professional associations, and other industry stakeholders. No comments were received during that time or during the CSI public comment period.

The business community impacted by the rules includes all transportation fuel suppliers. The adverse impact created by the rule is primarily the submission of weekly reports by a business in the event of an energy emergency. PUCO states that the adverse impact is necessary to ensure that appropriate measures are taken to mitigate the impacts of an energy emergency.

### **Recommendations**

Based on the information above, the CSI Office has no recommendations on this rule package.

### **Conclusion**

The CSI Office concludes that PUCO should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.