

## MEMORANDUM

**TO:** Michael Bender  
Business Advocate  
Ohio Lieutenant Governor's Common Sense Initiative Office

**FROM:** Greta See  
Section Chief, Transportation Section  
Legal Department  
Public Utilities Commission of Ohio

**DATE:** March 9, 2023

**RE:** PUCO Response – Transportation Fuel Emergency (Ohio Adm.Code Chapter 4901:5-33)

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In Case No. 22-59-AU-ORD, the Public Utilities Commission of Ohio (PUCO) reviewed Ohio Adm.Code Chapter 4901:5-33 to comply with R.C. 111.15(B) and R.C. 106.03(A), which require state agencies to conduct a review of their rules every five years and R.C. 121.951(A)(1), which requires state agencies to reduce their total number of regulatory restrictions. The rules in Ohio Adm.Code Chapter 4901:5-33 apply to transportation fuel suppliers and outline the actions the Commission and those suppliers may take during an energy emergency. Specifically, this chapter outlines actions the Commission may take during an emergency where a supplier has insufficient product to provide for all consumers' priority use.

By Entry issued October 5, 2022, the PUCO established a formal comment period to receive stakeholder feedback regarding the PUCO's proposed amendments to the rules; however, no comments were received. Thereafter, the PUCO issued a Finding and Order on February 22, 2023, adopting the proposed changes to the rules as attached to the order. On March 8, 2023, the Common Sense Initiative (CSI) Office replied to the PUCO, stating that CSI had no recommendations, and concluding that the PUCO should proceed with formal filing of the rule package with the Joint Committee on Agency Rule Review (JCARR). In, light of CSI's conclusion, the PUCO will proceed and file the rules with JCARR.

cc: Joseph Baker, Director, Common Sense Initiative Office  
Jeffrey Jones, Legal Director, Public Utilities Commission of Ohio  
Greg Price, Deputy Legal Director, Public Utilities Commission of Ohio