



# Energy Emergencies in Ohio





# Statutory Authority- Ohio Revised Code 4935.03

- Permits the Governor to declare an Energy Emergency after consultation with the Chairman of the PUCO
- The declaration may last no more than thirty days
- At the end of thirty days the Governor may issue another declaration to extend the emergency
- The General Assembly, by concurrent resolution, may terminate the declaration at any time.



# Statutory Authority- Ohio Revised Code 4935.03

- The governor may use the services, equipment, supplies, and facilities of existing departments, offices, and agencies of the state and of the political subdivisions within the State of Ohio to the maximum extent practicable and necessary to meet the energy emergency, and the officers and personnel of all such departments, offices, and agencies shall cooperate with and extend such services and facilities to the governor upon request.
- The PUCO is required to establish administrative rules which prescribe different actions for different types or levels of energy emergencies



# Statutory Authority- Ohio Revised Code 4935.03

- These rules empower the Governor and the PUCO to:
  - (1) Restrict the energy consumption of state and local government offices and industrial and commercial establishments;
  - (2) Restrict or curtail public or private transportation or require or encourage the use of car pools or mass transit systems;
  - (3) Order, during a declared energy emergency, any electric light, natural gas or gas, or pipeline company; any supplier subject to certification under section 4928.08 or 4929.20 of the Revised Code; electric power or gas utility that is owned by a municipal corporation or not for profit; coal producer or supplier; electric power producer or marketer; or petroleum fuel producer, refiner, wholesale distributor, or retail dealer to sell electricity, gas, coal, or petroleum fuel in order to alleviate hardship, or if possible to acquire or produce emergency supplies to meet emergency needs;
  - (4) Order, during a declared energy emergency, other energy conservation or emergency energy production or distribution measures to be taken in order to alleviate hardship;
  - (5) Mobilize emergency management, national guard, law enforcement, or emergency medical services.



# Statutory Authority- Ohio Revised Code 4935.03

- Determines that any person who violates this Ohio Revised Code Section, rules adopted by the PUCO, is guilty of a minor misdemeanor on the first offense and a misdemeanor of the first degree on any subsequent offense.
- Other Commission penalties may be brought against an energy provider who violates Commission Orders or the Energy Emergency Rules



# Ohio Administrative Code 4901:5-19

- These rules are keyed to remaining days' supply of coal for electrical generation
- When the chairman of the commission determines an interruption of fuel supplies has occurred or may occur within thirty days which could significantly affect fuel supplies for electric utilities, he shall establish an advisory group of representatives from those electric utilities serving Ohio and having a generating capacity of five hundred megawatts or more, to alert and advise the commission as to the nature of electric supply problems and to make recommendations regarding implementation of these rules.
- Upon notification by the commission, each electric utility having a generating capacity of five hundred megawatts or more shall file a weekly report of electric supply adequacy in the form prescribed by the commission. Upon request of the chairman, the report of electric supply adequacy shall be filed daily.



# Ohio Administrative Code 4901:5-19

## • Definitions

- "Utility normal burn days" means the number of days of coal supply that each electric utility has available to serve its estimated normal load plus firm sales available.
- "Priority Uses" -
  - Residences (homes, apartments, nursing homes, institutions, and facilities for permanent residents or transients);
  - Hospitals;
  - Medical and human life-support systems and facilities;
  - Electric power generating facilities and central heating plants serving the public;
  - Telephone, radio, and newspaper facilities;
  - Local and suburban transit systems and air terminal facilities;
  - Police and fire-fighting facilities;
  - Water supply and pumping facilities;
  - Sanitary service facilities for collection, treatment, or disposal of community sewage;
  - Federal facilities essential to national defense or energy supply;
  - Production facilities for natural gas, artificial or synthetic gas, propane, and petroleum fuel, and for fuel refineries;
  - Pipeline transmission and distribution facilities for natural gas, artificial or synthetic gas, propane, and petroleum fuels;
  - Coal mines and related facilities;
  - Production, processing, distribution, and storage facilities for dairy products, meat, fish, poultry, eggs, produce, crackers, bread, and livestock and poultry feed;
  - Buildings and facilities limited to uses protecting the physical plant and structure, appurtenances, product inventories, raw materials, livestock, and other personal or real property; and
  - Such other similar uses as may be determined by the commission.



# Ohio Administrative Code 4901:5-19

- Actions taken upon declaration of an emergency
  - Voluntary Curtailment (40 normal burn days)
    - Each electric utility shall increase its efforts to effect voluntary conservation by all consumers of at least twenty-five per cent of all non-priority use of electricity.
    - Each electric utility shall implement a public appeals campaign through news media to its consumers, making appropriate suggestions for achieving usage reductions.
    - Each electric utility as part of its report of electric supply adequacy shall provide to the commission its anticipated and actual load in kilowatt-hours consumed and estimated coal tonnage savings resulting from load reduction or other measures.



# Ohio Administrative Code 4901:5-19

- Actions taken upon declaration of an emergency
  - Voluntary Curtailment (40 normal burn days)
    - When it is determined such action is appropriate, the Governor, in consultation with the Director of the Ohio Environmental Protection Agency, may:
      - Request authorization from the proper authorities to curtail use of pollution control facilities;
      - Request authorization from the proper authorities to burn non-conforming coal in order to maximize use of the remaining stockpiles; and/or
      - Request industry to utilize industrial-owned generation equipment to supplement utility generation to the maximum extent possible.



# Ohio Administrative Code 4901:5-19

- Actions taken upon declaration of an emergency
  - Mandatory Curtailment (30 normal burn days)
    - All previous measures continue
    - All non-priority outdoor lighting is prohibited
    - All public, commercial, and industrial buildings shall minimize electricity use by maintaining a building temperature of no less than eighty-five degrees Fahrenheit by cooling equipment and no more than sixty degrees Fahrenheit by the operation of heating equipment, except where health requirements or equipment protection deem such measures to be inappropriate
    - All public, commercial, and industrial buildings shall reduce interior lighting to the minimum levels essential for continued work and operations to the extent this contributes to decreased use of electric energy



# Ohio Administrative Code 4901:5-19

- Actions taken upon declaration of an emergency
  - Mandatory Curtailment (30 normal burn days)
    - Each electric utility operating generating capacity shall, wherever possible, switch that capacity to an alternate fuel other than coal, provided that:
      - The utility has informed the commission; and
      - The commission has confirmed to the utility that the specific alternate fuels are not themselves in short supply
    - In addition to the previous reporting requirements, each electric utility shall report its daily coal burn, energy purchases by source, and coal deliveries.
    - The commission may assure that each electric utility uses non-coal fuels for generation and purchases energy through the grid to the extent possible, consistent with system stability and reliability and the availability of non-coal fuels



# Ohio Administrative Code 4901:5-19

- Actions taken upon declaration of an emergency
  - Mandatory Curtailment (25 normal burn days)
    - All consumers shall discontinue non-priority use of electricity on two days of each week.
    - Consumers may, in the alternative, elect to reduce total electricity consumption by twenty-five per cent below normal usage.
    - Consumers choosing the second option must keep records sufficient to document the reduction.
    - Each electric utility shall inform consumers of the days that non-priority use shall be discontinued.
    - Consumers shall not increase non-priority uses above mandatory stage one levels during other days of the week.



# Ohio Administrative Code 4901:5-19

- Actions taken upon declaration of an emergency
  - Mandatory Curtailment (20 normal burn days)
    - The Governor may order other electric utilities with greater fuel supplies to increase sales of electric energy to that utility.
    - Consumers shall discontinue non-priority use of electricity on three days of each week.
    - Consumers may, in the alternative, elect to reduce total electricity consumption by fifty per cent below normal usage.
    - Consumers choosing the second option must keep records sufficient to document the reduction.
    - Each electric utility shall inform consumers of the days that non-priority use shall be discontinued.
    - Consumers shall not increase non-priority use above mandatory stage two levels during other days of the week.



# Ohio Administrative Code 4901:5-19

- Actions taken upon declaration of an emergency
  - Mandatory Curtailment (15 normal burn days)
    - All consumers shall discontinue all non-priority use of electricity on all days of each week.



# Ohio Administrative Code 4901:5-21 and 4901:5-23

- These rules are designed to address allotment of coal to priority use customers and to reduce demand from non-electric generation sources
- Each coal supplier is expected to assure provision of coal to its priority use customers and to reduce provision of coal to its non-priority use customers; and to assure to the extent reasonably possible that all its customers practice conservation and restrict their nonessential or wasteful uses of coal.
- Each coal supplier who has an inadequate supply of coal for its customers' priority use requirements for the subsequent thirty-day period is expected to notify the public utilities commission of Ohio of the number, names, and coal type and tonnage required for priority use customers beyond the capability of the supplier.



# Ohio Administrative Code 4901:5-21 and 4901:5-23

- Each coal supplier who has a surplus supply of coal for its priority use customers for the foreseeable future is expected to assure, to the extent reasonably possible, provision of coal to customers who are not its normal customers for their priority use requirements for the subsequent thirty-day period of record, provided:
  - (1) Fair compensation is proffered by the new priority use customer;
  - (2) The new priority use customer can substantiate his priority usage requirements;
  - (3) No threat to the life, property, health, or safety of the coal suppliers' normal customers would result.
- The commission may accept requests for such assistance for relief of verifiable user hardship and emergency conditions. Such requests may be accepted by the commission from either the affected end-user or through the coal supplier who would supply the affected end-user.
- If the commission finds that a supplier has an inadequate supply of coal to provide for all its priority use customers and/or is unable to provide product for customers of record who, facing emergency conditions, have had priority usage designation by the commission, the commission may request another supplier to provide product



# Ohio Administrative Code 4901:5-21 and 4901:5-23

- “Priority uses” -

- Residences (homes, apartments, nursing homes, institutions, and facilities for permanent residents or transients);
- Hospitals;
- Medical and human life-support systems and facilities;
- Electric power generating facilities and central heating plants serving the public;
- Telephone, radio, television, and newspaper facilities;
- Local and suburban transit system and air terminal facilities;
- Police and fire-fighting facilities;
- Water supply and pumping facilities;
- Sanitary service facilities for collection, treatment, or disposal of community sewage;
- Federal facilities essential to national defense;
- Production facilities for natural gas, artificial or synthetic gas, propane, and petroleum fuel refineries;
- Pipeline transmission and distribution facilities for natural gas, artificial or synthetic gas, propane, and petroleum fuel facilities;
- Coal mines and related facilities;
- Production, distribution, and storage facilities for dairy products, meat, fish, poultry, eggs, fresh produce, bread, rolls, and buns;
- Buildings, limited to uses protecting the physical plant and structure, appurtenances, equipment, contents, product inventories, raw materials, and other real or personal property;
- And such other similar uses as may be determined by the Commission



# Ohio Administrative Code 4901:5-21 and 4901:5-23

- Immediate Actions Upon an Energy Emergency Declaration
  - Each coal supplier serving end-users shall contact its customers and alert them to the impending shortage of coal and shall appeal to its customers to reduce voluntarily their consumption of coal. The appeals shall, where appropriate, include suggestions for achieving such reductions by all coal users. The PUCO shall provide public service announcements on television of impending shortage of coal.
  - Each coal supplier shall notify any of its customers for whom its forecasted coal supplies are inadequate for the foreseeable future. Each coal supplier shall provide its customers information on:
    - Actions the coal supplier will take to allocate the available coal supply.
    - The time period(s) in which any customers or class of customers would be subject to curtailment, allocation, or other restriction of coal supply.
    - Procedures to be followed by customers wishing to substantiate a claim for “priority use.”
  - At the point at which a supplier has an inadequate supply of coal for the foreseeable future, the supplier shall make an oral report by telephone to the PUCO twice weekly. This report shall reflect the situation for the reporting supplier as of the previous day



# Ohio Administrative Code 4901:5-21 and 4901:5-23

- Stage 2 Actions

- Each coal supplier shall be prohibited from selling directly to, or selling for resale, for uses other than “priority uses.”
- The PUCO may:
  - Monitor each coal supplier’s stock and the supply available for priority uses;
  - Determine the average days’ supply of coal remaining for each type of priority use;
  - Identify suppliers with surplus volumes of coal in excess of their priority use customers’ requirements;
  - Provide direct assistance to users without coal for priority uses in obtaining a supply.



# Ohio Administrative Code 4901:5-21 and 4901:5-23

- Stage 3 Actions
  - The Chairman of the PUCO may recommend to the Governor that:
    - All uses of coal other than priority uses shall be prohibited in five days;
    - Each coal user, other than electric utilities, of more than ten thousand tons per annum shall report within five days to the commission the current tons and type of coal stockpiled and the priority uses (if any) for which this coal is required.



# Ohio Administrative Code 4901:5-21 and 4901:5-23

- Stage 4 Actions
  - No user shall use coal for other than priority uses
  - Each coal supplier with forecasted coal stocks in excess of its customers' priority use requirements for the foreseeable future shall inform the EOC of the volume of coal available for assigned priority use customers.
  - The EOC and the CEC may be requested to accept applications from persons requiring coal for priority uses and whose supplier is unable to oblige. Such applications shall be in a form and manner to be prescribed by the commission.
  - The EOC may be requested to be responsible for approval or denial of all applications for emergency priority use coal allocations whether received at the county or state centers. Upon approval of an application, the EOC may either:
    - Authorize by pre-approved procedure the release of an appropriate amount of coal from a state stockpile and order delivery by state vehicle to the applicant user, who will be billed at cost by the state for coal received; or
    - Assign the user as a temporary priority use customer to an appropriate coal supplier with surplus non priority supply and order the supplier to provide delivery.



# Ohio Administrative Code 4901:5-25

- The rules contained in this chapter prescribe requirements to protect gas priority uses
- Each gas or natural gas company with tariffs on file with the commission shall file its curtailment plans which specify the order of curtailments for all gas sales and transportation service to its consumers, and the interconnections and related capacities with other gas utilities. The plan shall consider curtailment options from both supply and capacity shortage scenarios. Gas and natural gas companies shall also include as part of their curtailment planning a program of voluntary curtailment arrangements with customers
- Each gas utility may disconnect service to non-priority use consumers who fail immediately to disconnect or curtail consumption after notification by the gas utility pursuant to these rules



# Ohio Administrative Code 4901:5-25

- “Priority Use” -
  - Residences which shall mean single family homes, multiple family homes, apartments, condominiums, cooperatives, housing projects, manufactured homes, nursing homes, homes for the aging, rest homes, residential facilities for persons with developmental disabilities or with mental illness, shelters for the homeless or victims of domestic violence, shelters established by the red cross and governmental agencies, and other residential facilities;
  - Hospitals;
  - Medical and human life-support systems, blood banks and outpatient health facilities and physicians’ offices;
  - Electric power generating facilities and central heating plants serving the public;
  - Telephone, radio, television, and newspaper facilities;
  - Police, fire-fighting, emergency management and response facilities, military bases, federal facilities essential to national defense, and Ohio national guard facilities;
  - Sanitary service facilities for collection, treatment, or disposal of sewage;
  - Production facilities for gas, propane, and petroleum fuels and for fuel refineries;
  - Pipeline transmission and distribution facilities for gas, propane, and petroleum fuels;
  - Production, processing, distribution, and storage facilities for perishable medicines and medical suppliers, dairy products, meat, fish, poultry, eggs, produce, grain, bread, and livestock and poultry feed;
  - Plant protection required to prevent physical harm to plant facilities or danger to plant personnel, or to protect feedstock which would otherwise be destroyed; and
  - Such other similar uses as may be determined by the Commission



# Ohio Administrative Code 4901:5-25

- Pre-Emergency Actions
  - Each gas or natural gas company shall monitor consumer compliance with its curtailments of gas, and shall report the level of compliance to the commission periodically, as requested
  - The Commission may, by order, require that each gas or natural gas company:
    - Notify its consumers through reports in the news media, or written notice where appropriate, about an imminent shortage of gas or interruption of gas service and request its consumers to reduce their consumption of gas and implement energy conservation measures
    - Issue periodic reports to notify the public about the following:
      - Gas supply levels;
      - Plans and procedures for gas transfers, restrictions, curtailments, and reallocations pursuant to its curtailment plan or commission order; and
      - Projected or actual dates when consumers or classes of consumers would be subject to curtailment, reallocation, or restriction.



# Ohio Administrative Code 4901:5-25

- Each gas supplier shall submit periodic reports regarding:
  - its pipeline supply entitlement,
  - pipeline supply draw,
  - amount of gas in storage,
  - storage withdrawal,
  - other interstate deliveries,
  - estimates of Ohio-produced gas deliveries,
  - estimated gas send out,
  - other information which may be required by the commission



# Ohio Administrative Code 4901:5-25

- The commission may, by order, require any gas supplier to:
  - Re-allocate and/or curtail gas supplies among its consumers;
  - Fulfill gas priority uses for its consumers; and
  - Transfer gas supplies to other gas suppliers to fulfill gas priority uses of the recipient gas suppliers.
  - Monitor consumer compliance with mandatory emergency actions



# Ohio Administrative Code 4901:5-25

- During an emergency, each gas supplier, unless otherwise ordered by the commission, may:
  - Refuse new service to applicants provided that the gas supplier receives approval from the commission of a non-discriminatory limited growth policy. Such policy should be based on actual gas supplies available to the gas supplier and its ability to meet the needs of its existing consumers. Preference should be given to the addition of gas priority uses before adding other types of loads;
  - Prohibit consumers from increasing consumption of gas above the normal usage of presently installed equipment;
  - Prohibit consumers from installing equipment that would increase gas consumption; and
  - Require consumers to obtain gas supplier certification that installing replacement equipment would not increase fuel burning capacity



# Ohio Administrative Code 4901:5-25

- During a declared energy emergency, and while new service restrictions are in place, the following residential and small commercial locations are ineligible for restoration of gas service:
  - Any existing structure which has never received gas service or had gas service transferred to a different location, unless gas service is transferred to the structure from another location.
  - Any vacant site which has not received gas service within the last five years, or had gas service transferred to a different location unless gas service is transferred to the site from another location within five years.
- Gas service for eligible existing or restored to new and currently unserved residential and small commercial premises may be restored provided that the residential and small commercial consumption pattern is similar to the consumption pattern of the premises during the last five year period that the premises was receiving gas service and the volume consumed will not exceed the largest volume consumed at that premises during the last five-year period that the premises received gas service



# Ohio Administrative Code 4901:5-25

## • Stage 1 Actions

- All outdoor gas lighting, except for essential safety and security purposes, shall be prohibited
- All interruptible gas service shall be curtailed
- Gas usage shall be restricted to maintaining temperatures within all:
  - Public and private elementary and secondary schools, colleges and universities, and vocational schools, government buildings, and factories and industrial buildings no higher than sixty-five degrees Fahrenheit during business hours and no higher than fifty-five degrees Fahrenheit during non-business hours; and
  - Buildings and facilities not included above to no higher than the minimum temperatures required to protect health, safety, or welfare.



# Ohio Administrative Code 4901:5-25

- Stage 2 Actions

- All firm gas service to any consumer in excess of fifty thousand cubic feet per day shall be curtailed, except for service to any gas priority use
- Gas usage shall be restricted to maintaining temperatures within all:
  - Retail stores and transportation facilities no higher than sixty degrees Fahrenheit during business hours and no higher than fifty-five degrees Fahrenheit during nonbusiness hours
  - Facilities not included above to no higher than sixty-five degrees Fahrenheit during business hours and no higher than the minimum temperatures required to protect health, safety, or welfare during nonbusiness hours.



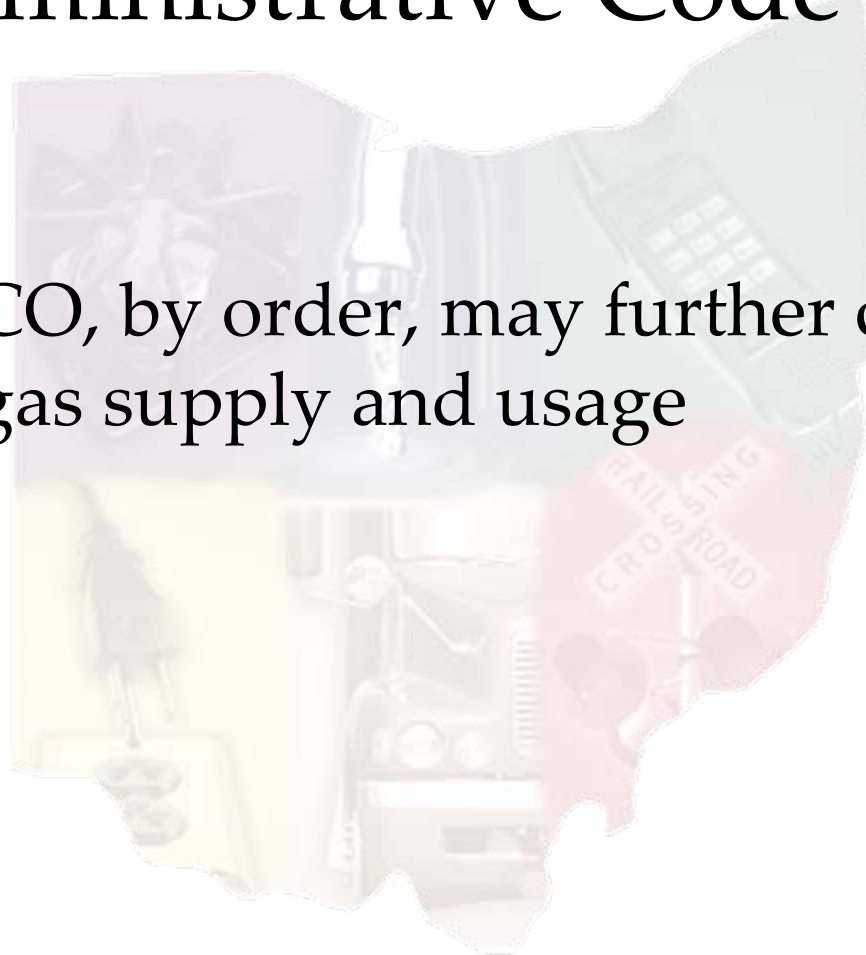
# Ohio Administrative Code 4901:5-25

- Stage 3
  - All firm gas service shall be curtailed, except for service for any gas priority use
  - Gas usage shall be restricted to maintaining temperatures within all:
    - Residences, hospitals, medical and human life-support systems, blood banks, and outpatient health facilities no higher than sixty-five degrees Fahrenheit from six a.m. to eleven p.m. and no higher than fifty-five degrees Fahrenheit at other times, except where necessary to protect health, safety or welfare; and
    - Residential hot water heaters no higher than low or medium settings, except where necessary to protect health, safety, or welfare.



# Ohio Administrative Code 4901:5-25

- Stage 4
  - The PUCO, by order, may further curtail or restrict gas supply and usage





# Ohio Administrative Code 4901:5-29

- The rules contained in this chapter prescribe requirements to protect heating oil and propane priority uses
- Suppliers shall assure, to the extent reasonably possible, the provision of product under their distribution control to priority use customers and shall reduce accordingly provision of such products under their distribution to non-priority use customers on an equitable basis
- Each supplier who has an inadequate supply of product for its customers' priority use requirements for the current calendar month shall notify the commission of the number, names, product type, and volume required for priority use customers beyond the capability of the supplier
- In the exceptional circumstance in which a supplier is unable to meet fully his customers' priority use requirements for the current calendar month, the commission shall provide assistance in obtaining adequate product for priority uses for the balance of the current month



# Ohio Administrative Code 4901:5-29

- If the commission finds that a supplier has insufficient product to provide for all customers' priority use requirements in the current month and/or is unable to provide product for customers who, facing emergency conditions, have had priority usage designation by the commission, the commission may request another supplier to provide product
- Each supplier which has a surplus supply of product for its customers' priority use requirement for the current calendar month shall honor, to the extent reasonably possible, requests by the commission to provide product to customers who are not its customers for their priority use requirements for the balance of the current month, provided:
  - Fair compensation is offered by the new priority use customer;
  - The new priority use customer can substantiate his priority usage requirements; and
  - No threat to the life, property, health, or safety of the supplier's normal customers would result.



# Ohio Administrative Code 4901:5-29

- “Priority Uses” -
  - Residences, which shall mean single family homes, multiple family homes, apartments, condominiums, cooperatives, housing projects, manufactured homes, nursing homes, homes for the aging, rest homes, residential facilities for persons with developmental disabilities or with mental illness, shelters for the homeless or victims of domestic violence, shelters established by the Red Cross and governmental agencies, and other residential facilities;
  - Hospitals;
  - Medical and human life-support systems, blood banks and outpatient health facilities and physicians’ offices;
  - Electric power generating facilities and central heating plants serving the public;
  - Telephone, radio, television, and newspaper facilities;
  - Police fire-fighting, emergency management and response facilities, military bases, federal facilities essential to national defense and Ohio national guard facilities;
  - Sanitary service facilities for collection, treatment, or disposal of sewage;
  - Production facilities for natural gas, artificial or synthetic gas, propane and petroleum fuels, and crude oil refineries;
  - Pipeline transmission and distribution facilities for natural gas, artificial or synthetic gas, propane, and petroleum fuels;
  - Production, processing, distribution, and storage facilities for perishable medicines and medical suppliers, dairy products, meat, fish, poultry, eggs, produce, grain, bread, and livestock and poultry feed;
  - Plant protection required to prevent physical harm to plant facilities or danger to plant personnel, or to protect feed stock which would otherwise be destroyed; and
  - Such other similar uses as may be determined by the Commission



# Ohio Administrative Code 4901:5-29

- Immediate Actions Upon an Energy Emergency Declaration
  - The commission may implement a public appeals campaign through appropriate news media to alert the public to the impending shortage of heating oils and/or propane. This appeal may seek voluntary reduction in the consumption of such fuels and may include specific suggested conservation measures for achieving such reduction
  - The PUCO may grant a waiver of intrastate limits on highway drivers hours.
  - The Ohio Department of Transportation suspend truck size and weight limitations which constrain the delivery of heating oil, and propane



# Ohio Administrative Code 4901:5-29

- Immediate Actions Upon an Energy Emergency Declaration
  - Each supplier, to the extent possible, shall notify any of its customers for whom forecasted fuel supplies are inadequate for the foreseeable future and shall provide its customers information on:
    - Actions the supplier will take to allocate the available supply of fuel(s);
    - The time period(s) in which any customer or class of customers would be subject to curtailment, allocation, or other restriction of fuel supply; and
    - Procedures to be followed by customers wishing to substantiate a claim for “priority use.”
  - Suppliers’ highest priority shall be to meet the heating oils and propane product priority use requirements for the current calendar month of all customers from such supplier’s available volumes. Suppliers shall reduce sales and/or deliveries to customers for nonpriority uses sufficiently to assure that all customers’ priority uses for the balance of the current calendar month are met in full
  - The commission may designate certain geographical areas within the state as suffering from a supply imbalance. The commission may order suppliers to release part or all of their state set-aside volume in order to increase the supply of heating oils and/or propane in such designated areas.



# Ohio Administrative Code 4901:5-29

- Second Stage Actions
  - The commission may issue directives to suppliers prohibiting them from selling directly to nonpriority end users, or selling for resale for uses other than “priority uses”
  - Suppliers who have surplus volumes may be directed to sell or provide fuel to end users who are not their customers for priority use required to alleviate such end users’ “emergencies.”
  - The commission may:
    - Monitor each supplier’s stock and the supply of heating oils and/or propane remaining for each type of priority use;
    - Determine the average days’ supply of heating oils and/or propane remaining for each type of priority use;
    - Identify suppliers with surplus volumes of fuel in excess of their customers’ priority use requirements;
    - Provide direct assistance to end users experiencing emergency conditions through the allocation of product from the state set-aside



# Ohio Administrative Code 4901:5-29

- Second Stage Actions

- All public, commercial, and industrial buildings heated with heating oils and/or propane are to reduce space heating temperatures to a level specified by the Governor, but not less than sixty degrees Fahrenheit, except where health requirements deem such measures inappropriate or where such a setting would increase energy consumption.
- All or some nonpriority industrial use of heating oils and propane may be prohibited



# Ohio Administrative Code 4901:5-29

- Third Stage Actions
  - The Governor may order that all nonpriority uses of heating oils and/or propane be prohibited
  - All public, commercial, and industrial buildings heated with heating oils and/or propane are to reduce space heating temperatures to a level specified by the governor, except where health requirements deem such measures inappropriate or where such a setting would increase energy consumption.
  - Any nonpriority heating oil or propane end user with a storage capacity of ten thousand gallons or more report within the time frame determined by the governor to the commission the current product type and volume stockpiled



# Ohio Administrative Code 4901:5-29

- Fourth Stage Actions
  - The Governor may order that no end user utilize heating oils or propane for other than priority uses.
  - Heating oil or propane product stocks in excess of priority use requirements for the following ten-day period, currently stockpiled by suppliers and end users, may be made available for assignment to designated priority use end users.



# Ohio Administrative Code 4901:5-33

- The requirements of this chapter are keyed to the remaining supply of transportation fuels for priority uses
- Suppliers shall assure, to the extent reasonably possible, the provision of such products under their distribution control to ultimate Ohio customers for priority uses and shall reduce accordingly the provision of such products under their distribution control to their reseller customers and/or end user customers for nonpriority uses on an equitable basis
- Each supplier who has an inadequate supply of product for its customers' priority use requirements for the current calendar month shall notify the commission of the number, names, product type and volume required for priority use customers beyond the capability of the supplier
- In the exceptional circumstance in which a supplier is unable to meet fully his customers' priority use requirements for the current calendar month from volumes available to it, the commission may provide assistance in obtaining adequate product for priority uses for the balance of the current month



# Ohio Administrative Code 4901:5-33

- If the commission finds that a supplier has insufficient product to provide for all customers' priority use requirements in the current month and/or is unable to provide product for customers who, facing emergency conditions, have had priority usage designation by the commission, the commission may request another supplier to provide product
- Each supplier which has a surplus supply of product for its customers' priority use requirements for the current calendar month shall honor, to the extent reasonably possible, requests by the commission to provide product to customers who are not its customers for their priority use requirements for the balance of the current month, provided:
  - Fair compensation is offered by the new priority use customer;
  - The new priority use customer can substantiate his priority use requirements; and
  - No threat to the life, property, health, or safety of the supplier's normal customers would result.



# Ohio Administrative Code 4901:5-33

- “Priority Use” -
  - Police, fire-fighting, emergency management and response facilities, military bases, federal facilities essential to national defense, and Ohio national guard facilities;
  - Utility, water supply, emergency road works and sanitation maintenance and repair, and emergency road service vehicles and related equipment;
  - Public transit vehicles, buses, taxis, school buses, and other common passenger carrier, air, water, rail, or highway vehicles and related equipment;
  - Farm food production machinery and equipment;
  - Commercial trucks and other vehicle carriers of essential needs such as coal, artificial or synthetic gas, propane, petroleum fuels, medical supplies, dairy products, meat, fish, poultry, eggs, produce, crackers, bread, and livestock and poultry feed;
  - Such similar uses as may be determined by the Commission.



# Ohio Administrative Code 4901:5-33

- Immediate Actions Upon an Energy Emergency Declaration
  - The commission may implement a public appeals campaign through appropriate news media to alert the public to the impending shortage of transportation fuels. This appeal may seek voluntary reduction in the consumption of such fuels and may include specific suggested conservation measures for achieving such reduction
  - The PUCO may grant a waiver of intrastate limits on highway drivers hours.
  - The Ohio Department of Transportation suspend truck size and weight limitations which constrain the delivery of transportation fuels



# Ohio Administrative Code 4901:5-33

- Immediate Actions Upon an Energy Emergency Declaration
  - Each supplier to the extent possible shall notify any of its customers for whom forecasted fuel supplies are inadequate for the foreseeable future, and shall provide its customers information on:
    - Actions the supplier will take to allocate the available supply of fuel(s);
    - The time period(s) in which any customer or class of customers would be subject to curtailment, allocation, or other restriction of fuel supply; and
    - Procedures to be followed by customers wishing to substantiate a claim for “priority use”
  - Suppliers’ highest priority shall be to meet in full the transportation fuels product priority use requirements for the current calendar month of all customers of record from such supplier’s available volumes. Suppliers shall reduce sales and/or deliveries to customers for nonpriority uses sufficiently to assure that all customers’ priority uses for the balance of the current calendar month are met in full.
  - The commission may designate certain geographical areas within the state as suffering from a supply imbalance. The commission may order suppliers to release part or all of their state set-aside volume in order to increase the supply of transportation fuels in such designated areas.



# Ohio Administrative Code 4901:5-33

- Second Stage Actions
  - The commission may issue directives to suppliers such that they shall be prohibited from selling directly to nonpriority users, or selling for resale for uses other than “priority uses”
  - The commission may:
    - Monitor each supplier’s stock and the supply of transportation fuels remaining for each type of priority uses;
    - Determine the average days’ supply of transportation fuels remaining for each type of priority use;
    - Identify suppliers with surplus volumes of fuel in excess of their customers’ priority end user requirements;
    - Provide direct assistance to end users experiencing emergency conditions through the allocation of product from the state set-aside
  - Suppliers with surplus volumes may be directed to sell or provide fuel to end users who are not customers for priority use required to alleviate such end users’ “emergencies.”



# Ohio Administrative Code 4901:5-33

- Second Stage Actions
  - The Governor may order that:
    - The use of state, political subdivision, or other public authority vehicles for other than priority use purposes be prohibited
    - The retail sale of transportation fuels for nonpriority use may be prohibited for not more than two days per week
    - All or some nonpriority industrial use of transportation fuels be prohibited



# Ohio Administrative Code 4901:5-33

- Third Stage Actions
  - The Governor may order that non-priority uses of transportation fuels be prohibited
  - Any nonpriority transportation fuel end user, other than a public authority, with a storage capacity of ten thousand gallons or more, shall report to the Commission the current product type and volume stockpiled
  - Retail gasoline and diesel fuel stations may sell gasoline or diesel fuel only in accordance with the following procedures:
    - On even-numbered days of the month, fuel may be sold to and purchased by the operator or occupant of a vehicle having a license plate the last numeral of which is even. For purposes hereof, the numeral zero shall be even;
    - On odd-numbered days of the month, fuel may be sold to and purchased by the operator or occupant of a vehicle having a license plate the last numeral of which is odd;
    - A vehicle having a license plate with no numerals shall be odd or even based on the number of letters on the license plate;
    - A “free day” is a day when odd and even sales and purchases are permissible. The thirty-first day of January, March, May, July, August, October, December and the twenty-ninth day of February (leap year) are designated as “free days.”



# Ohio Administrative Code 4901:5-33

- Third Stage Actions
  - Service stations shall estimate the amount of each fuel they can pump each day and remain open for limited hours of operation. Based on the amount of fuel(s) available to them each day, each service station shall have prominently displayed a sign visible for the street indicating that:
    - The station is out of gasoline but open for other business;
    - Gasoline sales are limited to priority uses and emergencies;
    - Gasoline sales will be made to license plate holders with odd-numbered digits;
    - Gasoline sales will be made to license plate holders with even-numbered digits.
    - Service station operators may display different signs at different times of day at their discretion
  - The commission may designate certain transportation fuel supply terminals, bulk supply plants, and/or retail service stations or portions thereof as “priority use” supply only. One-time emergency fuel needs and priority use needs of customers without suppliers shall be met at these designated locations
  - Not more than two gallons of transportation fuel may at any time be sold or purchased for delivery into a container, other than the fuel tank of a vehicle, to be transported away from the premises of the retail seller



# Ohio Administrative Code 4901:5-33

- Fourth Stage Actions
  - The Governor may order that no end user use transportation fuels for other than priority uses
  - With respect to sale and use of transportation fuels in this state:
    - No person shall sell, store, deliver, or use any transportation fuel for other than priority use.
    - Gasoline and diesel stations may only sell transportation fuels for “priority” uses



# Ohio Administrative Code 4901:5-35

- The rules within this chapter address the Ohio State Set Aside Program (SSA)
- The SSA may be utilized for heating oil, propane, and transportation fuels
- The SSA program is utilized by the Commission to meet emergency requirements of all users and customers within the state from SSA volumes, including state and local government end users and customers
- The Commission may direct that a secondary supplier be supplied from SSA of another primary or secondary supplier in order that the secondary supplier can supply the end users and customers experiencing an emergency



# Ohio Administrative Code 4901:5-35

- The governor, after consultation with the chairman of the commission, shall determine the SSA percentage level, not to exceed five percent, for each product subject to SSA
- Primary and secondary suppliers shall inform the Commission of the product subject to SSA and of the estimated volume of each product to be sold into the state for consumption within the state
- The SSA for a particular month can be accumulated or deferred



# Ohio Administrative Code 4901:5-35

- An application submitted by a secondary supplier for an SSA product allocation to supply verifiable end user emergency needs shall contain a statement of certifications that:
  - All information provided is truthful and accurate;
  - No product volume granted from the SSA will be diverted to uses other than the alleviation of the emergency use described;
  - The supplier has delivered, or will deliver, one hundred percent of all monthly prime supply volumes available to it to its end user customers
- Secondary suppliers requesting an allocation from the SSA may be requested to provide to the Commission a list of those customers for whom product is requested. This list shall identify the volume of each end use customer's request, as well as the type of end use for which application is made
- If the commission approves an emergency application, it shall assign a supplier and an amount from the SSA to the applicant
- The commission shall issue to an applicant granted an assignment a document authorizing such assignment. A copy of the authorized document shall also be provided to the primary or secondary supplier's representative. An authorizing document not presented to the primary or secondary supplier within ten days of issuance shall expire after that time.



# Ohio Administrative Code 4901:5-37

- Emergency Reporting by Electric Utilities
  - Each electric utility shall promptly report to the commission:
    - Any loss in service for fifteen minutes or more of electric power supply to a firm load of one hundred megawatts or more;
    - Any action to reduce firm customer loads in order to maintain reliability of the power supply system;
    - Any appeal for the public to conserve electricity;
    - Any action to reduce firm customer loads by manual switching, automatic load shedding, or other means used to maintain reliability of the power supply system;
    - Any outage or incident which damages or renders inoperable system equipment located in Ohio;
    - When a transmission company determines that a net operating reserve deficiency will exist for the next calendar day and power supply and/or operating reserve cannot be obtained or purchased; and
    - Any action taken pursuant to the rules of this chapter.



# Ohio Administrative Code 4901:5-37

- Unanticipated Emergency Related to Generation or Transmission Facilities
  - Each company shall perform any or all of the following actions, as required:
    - Interrupt service to customers served under interruptible tariffs or contracts;
    - Interrupt service to firm service customers;
    - Reduce voltage not more than five per cent if the transmission system is isolated; and/or
    - Disconnect the overloaded facility or circuit.



# Ohio Administrative Code 4901:5-37

- Anticipated Emergency Related to Generation or Transmission Facilities
  - When anticipated shortages of electrical energy cannot be relieved by automatic reserve sharing and emergency purchases or other sources within or outside the interconnected area, each electric utility shall perform any or all of the following actions:
    - Interrupt service to customers served under interruptible tariffs or contracts;
    - Interrupt service to customers with controlled service loads;
    - Reduce voltage not more than five per cent on the distribution system;
    - Request voluntary load reductions of large volume firm customers;
    - Appeal to the public to conserve electricity;
    - Initiate manual load shedding of firm customer loads; and
    - Each electric distribution company shall:
      - Make reasonable efforts to maintain service to essential customers; and
      - Select distribution circuits and lines to interrupt service.



# Fuel Source Advisory Council

- This body is appointed by the Commission and is made up of industry personnel and other interested parties
- The Council's purpose is to notify and advise the Chairman about energy supply problems and shortages
- The Council meets regularly and will be called together during and anticipated emergency situation to make recommendations to the Chairman, including the need for the Governor to declare an emergency and for implementing Ohio's Energy Emergency Rules



# Public Information Programs

- The Commission's Office of Public Affairs has developed public information releases for each energy type
- During a declared emergency, these outreach documents will be further tailored to the specific situation at hand and will be released through the State's Joint Information Center



# Ohio's Emergency Operations Center

- During a declared energy emergency, Commission staff will be assigned to the State EOC.
- The Commission is the lead agency for ESF 12 (Energy)
- Ohio's Emergency Operations Plan would be utilized to manage the related events that would arise as a result of the energy shortage
- The Commission will operate an Agency Operation Center to coordinate with the EOC and manage the Commission's responsibilities related to the events



# Questions?

Shawn Smith

Public Utilities Commission of Ohio

[shawn.smith@puc.state.oh.us](mailto:shawn.smith@puc.state.oh.us)

614-644-8950