



Ohio Administrative Code Rule 4901:5-33-02 General provisions.

Effective: July 7, 2023

(A) The requirements of this chapter are keyed to the remaining supply of transportation fuel for priority use. The commission expects suppliers to take all prudent measures prior to reaching the stages of action under this chapter. Once the stages of action are reached, all suppliers shall initiate and continue implementation of required actions until directed to do otherwise.

(B) Suppliers shall continue normal operations and distribution of all transportation fuel types and volumes reported on monthly forms submitted to the United States department of energy and the commission, following a declaration of an energy emergency. Pursuant to all federal and state laws and regulations, suppliers shall assure, to the extent reasonably possible, the provision of such products under their distribution control to ultimate Ohio consumers for priority use and shall reduce, on an equitable basis, the provision of such products under their distribution control to their reseller customers and/or to consumers for nonpriority use.

(C) Compliance with the rules in this chapter is mandatory upon all affected persons unless the federal government imposes allocation regulations, enacts federal regulations establishing a state set-aside system, or dictates supplier/purchaser relationships, any of which are in conflict with these rules. In the case of a conflict, the federal regulations supersede all conflicting rules in this chapter.

(D) During an energy emergency, in the exceptional circumstance in which a supplier is unable to meet fully its consumers' priority use requirements for the current calendar month from volumes available to it, the commission may provide assistance in obtaining adequate product for priority use for the balance of the current month. Each supplier that has an inadequate supply of product for its consumers' priority use requirements for the current calendar month shall notify the commission of the number, names, product type, and volume required for priority use consumers beyond the capability of the supplier.

(E) During an energy emergency, the commission may accept requests for such assistance for relief of verifiable consumer hardship or extraordinary conditions. Such requests may be accepted by the



commission from suppliers who would supply the affected consumer or from the consumer. All requests shall be submitted in a manner and form prescribed by the commission.

(F) During an energy emergency, the commission may establish a toll-free telephone number for consumers in this state to request such assistance for relief from verifiable emergency or hardship conditions.

(G) During an energy emergency, the commission may designate as priority use the volume of such product necessary to relieve consumer emergency or hardship conditions found to be extant and may request the consumer's supplier to provide such product volume to the consumer, provided the consumer offers fair compensation.

(H) During an energy emergency, if the commission finds that a supplier has insufficient product to provide for all consumers' priority use requirements in the current month and/or is unable to provide product for consumers who, facing emergency or hardship conditions, have had priority use designation by the commission, the commission may request another supplier to provide product.

(I) During an energy emergency, each supplier that has a surplus supply of product for its consumers' priority use requirements for the current calendar month shall honor, to the extent reasonably possible, requests by the commission to provide product to consumers that are not its customers for their priority use requirements for the balance of the current month, provided all of the following standards are met:

- (1) Fair compensation is offered by the new priority use consumers.
- (2) The new priority use consumers can substantiate their priority use requirements.
- (3) No threat to the life, property, health, or safety of the supplier's customers would result.

(J) In anticipation of an imminent energy emergency or during a declared energy emergency, each transportation fuel supplier shall be required to answer commission staff's questions, as well as to update its company's contact information with the commission.



(K) The commission's fuel source advisory council may notify and advise the chairperson of the commission about transportation fuel supply problems and shortages and may make recommendations, including the need for the governor to declare an energy emergency and to implement rule 4901:5-33-04 of the Administrative Code.

(L) The chairperson of the commission shall notify the governor when, based on the information available to the chairperson, the chairperson believes that either of the following conditions exists:

(1) An energy emergency may exist with regard to the supply of transportation fuel.

(2) An energy emergency no longer exists with regard to the supply of transportation fuel.

(M) The commission may, upon an application or a motion filed by a party, waive any requirement of this chapter, other than a requirement mandated by statute, for good cause shown.

(N) The commission may direct the attorney general to bring an action for immediate injunction or other appropriate relief to enforce commission orders and to secure immediate compliance with this chapter.