

FILE



OHIO DEPARTMENT OF PUBLIC SAFETY

- Administration
- Bureau of Motor Vehicles
- **Emergency Management Agency**
- Emergency Medical Services Division
- Office of Criminal Justice Services
- Ohio Homeland Security
- Ohio Investigative Unit
- Ohio State Highway Patrol

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 Public Utilities Commission of Ohio

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December 13, 2006

Public Utilities Commission of Ohio
 Docketing Division
 180 East Broad Street, 13th Floor
 Columbus, OH 43215-3793

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Dear Sir/Madam:

Thank you for the opportunity to comment on the proposed rules addressing the governor's emergency powers during energy emergencies. We would like to provide the following comments.

In general, repeating five rules for the five types of energy identified in this chapter of the Ohio Administrative Code seems unnecessarily repetitious. The five rules are nearly identical in each of the five categories. The level of detail also seems unnecessarily complex. While Ohio Revised Code Section 4935.03 provides the governor with authority to declare an energy emergency, would it be prudent to allow the new governor's administration the opportunity to review these rules prior to implementation? The new administration would likely appreciate the opportunity to have input into these important rules.

Rule 4901:5-17-02 largely repeats the language found in Section 4935.03 of the Ohio Revised Code. There is little need for this rule. In addition, while both the statute and this rule use the phrase "mobilize emergency management, national guard, law enforcement, or emergency medical services," we're not sure what that means. The Executive Director of the Ohio Emergency Management Agency is responsible for the implementation of the state emergency operations plan which establishes state agency response to all types of disasters.

Rule 4901:5-19-01 (F)(1) describes a "written declaration of an energy emergency" and we're not certain if or how that is different from the governor's proclamation?

Rule 4901:5-19-02 (B) may result in confusion about the identified relationships during other emergencies, such as a tornado or flood. PUCO, the utilities and the advice given to the citizens of the state may be important during those other types of emergencies.

Rule 4901:5-19-02 (F) - are the utility companies going to be reluctant to confirm they are low on the relevant type of energy or are they used to providing this information? These rules really appear to be company/supplier-based rather than disaster-based and it's entirely possible that a need for the information outlined in these rules would arise during other types of disasters. Would this language limit that capability?

Mission Statement

"to save lives, reduce injuries and economic loss, to administer Ohio's motor vehicle laws and to preserve the safety and well being of all citizens with the most cost-effective and service-oriented methods available."

Rule 4901:5-19-02 (K) mentions a governor's request to the secretary of the United States Department of Energy. What is the threshold for such a request and is a governor's declaration of "emergency" or "energy emergency" required? Is this coordinated with the Federal Emergency Management Agency and the National Response Plan?

Rule 4901:5-19-02 (L) - why is such a "blanket waiver" provision necessary?

We are very supportive of the concept of Rule 4901:5-19-03, but would like to see it broadened to include all types of emergencies and found the wording awkward.

Rule 4901:5-19-05 (A) (8) (a) through (c) is really contrary to the state emergency operations plan and singles out one state agency for consultation. The wording is unclear in the designation of "proper authorities."

The level of detail provided in the four stages of mandatory curtailment should really be shortened. It's so complicated, that mistakes and non-compliance may occur for that reason alone.

Rule 4901:5-19-05 (B) (5) should be deleted. Artificial timelines are created here that may or may not be followed. In addition, Ohio Revised Code Chapter 5502 and our offices already provide for these procedures.

All of these comments are applicable to each rule as repeated for the other forms of energy.

Rule 4901:5-33-05 - the Department of Highway Safety designation is out-dated. The Ohio State Highway Patrol, within the Ohio Department of Public Safety, would only be tasked to assist with traffic enforcement if local resources were exhausted and a request was made.

Rule 4901:5-37-01 attempts to define another term "emergency." That term is defined in Chapter 5502 of the Ohio Revised Code and would really result in confusion. Why would this be different than the previously defined "energy emergency."

Again, thank you for allowing me to comment on these proposed rules. We welcome the opportunity to continue to work with PUCO on these rules.

Sincerely,



Nancy J. Dragani
Executive Director

Cc: Tamara S. Little, Assistant Attorney General