

January 16, 2007

By Messenger Delivery

Ms. Renee J. Jenkins
Director of Administration
Secretary of the Public Utilities Commission of Ohio
180 East Broad Street
Columbus, Ohio 43215

Re: In the Matter of the Review of Chapters 4901:5-17, 4901:5-19, 4901:5-21, 4901:5-23, 4901:5-25, 4901:5-29, 4901:5-33, 4901:5-35, and 4901:5-37 of the Ohio Administrative Code, Public Utilities Commission of Ohio, Case No. 06-1201-AU-ORD

Dear Ms. Jenkins:

Enclosed is an original and ten (10) copies of the Joint Reply Comments of Ohio Rural Electric Cooperatives, Inc. and Buckeye Power, Inc., to be filed in connection with the above-referenced matter.

Thank you for your assistance. If you have any question, please feel free to call.

Very truly yours,



Thomas E. Lodge

cc: Jeanne W. Kingery, Attorney Examiner
All Parties Listed on the Service List
Kurt P. Helfrich, Esq.
William R. Case, Esq.
Carolyn S. Flahive, Esq.
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Enclosure

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BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Review of Chapters 4901:5-)
17, 4901:5-19, 4901:5-21, 4901:5-23, 4901:5-25,)
4901:5-29, 4901:5-33, 4901:5-35, and 4901:5-37) Case No. 06-1201-AU-ORD
of the Ohio Administrative Code)
)

JOINT REPLY COMMENTS OF
OHIO RURAL ELECTRIC COOPERATIVES, INC.
AND BUCKEYE POWER, INC.

OHIO RURAL ELECTRIC COOPERATIVES, INC. ("OREC") and BUCKEYE POWER, INC. ("Buckeye") (together with their respective members, the "Cooperatives") hereby submit their Reply Comments in this proceeding. The Cooperatives urge the Commission to adopt the Cooperatives' suggested revisions to the energy emergency rules, and to make any other revisions consistent with the Cooperatives' Reply Comments contained herein. For convenience, the Cooperatives have again attached OREC/Buckeye Power Exhibit 1, which indicates the Cooperatives' recommended modifications (the "Cooperatives' Proposal") to the rules proposed by Commission staff that were attached to the Commission's Entry of October 11, 2006 (the "Staff Proposal").

The Cooperatives respond herein to the Initial Comments of other interested parties relating to (1) the impracticality of state-wide energy emergency rules in light of federal regulation of electric reliability by Regional Transmission Organizations ("RTOs") and the Electric Reliability Organization ("ERO"), each approved by the Federal Energy Regulatory Commission ("FERC"), (2) the proposal by the Ohio Consumers' Counsel ("OCC") to impose emergency reporting to the OCC as well as the Commission, (3) possible ambiguities in Staff

Proposal's Ohio Adm. Code 4901:5-19-05 as noted by Columbus Southern Power Company and Ohio Power Company (the "AEP Companies"), (4) the Staff Proposal's expansion of the application of Chapter 4901:5-25 gas emergency rules, and (5) the Ohio Department of Public Safety's comments supporting expansion of the energy emergency rules.

1. The Staff Proposal Should Defer to, or Coordinate with, RTO and ERO Protocols.

The Cooperatives support the arguments of numerous parties in their Initial Comments regarding the impracticality of the rules of Chapters 4901:5-19 and 4901:5-37 in light of the FERC's exercise of jurisdiction over electric reliability, and the possible pre-emption of such rules by federal jurisdiction. That federal authority has resulted in (a) the creation of FERC-approved regional transmission organizations and wholesale electric energy markets,¹ as well as (b) the approval by FERC of the North American Electric Reliability Corporation ("NERC") as the national ERO with new authority to promulgate mandatory reliability rules. The RTOs and the ERO promulgate and enforce operational and reliability standards and protocols to ensure the reliability of the multi-state electric transmission grid during energy crises. As regional and national organizations, the RTOs and ERO are better equipped than the Commission to regulate and prioritize resources during emergencies. Electric utilities must currently follow RTO reliability protocols at all times, including during declared energy emergencies, and will soon be required to follow NERC's mandatory reliability rules as well.

This RTO and ERO regulation makes the proposed Chapter 4901:5-19 (governing fuel emergencies related to the generation of electricity), and the proposed Chapter 4901:5-37 (governing emergency reporting by electric utilities) not only unnecessary but potentially

¹ PJM Interconnection, LLC and the Midwest Independent Transmission System Operator, Inc. cover the entire Ohio footprint as well as neighboring states and regions.

dangerous. Conflicts exist between the Staff Proposal and RTO procedures and requirements which would create additional confusion at the very time when efficiency and clarity are essential – during an energy emergency. Electric entities have a duty to comply with the requirements of their respective RTOs and will soon have to comply with the mandatory reliability rules of the ERO. Because the Staff Proposal conflicts with RTO standards and procedures, the Commission should either defer to those of the RTOs or re-structure the proposed rules to recognize and coordinate with RTO and ERO procedures and requirements.

2. OCC's Proposal to Impose Additional Reporting Requirements Should be Rejected.

In the Initial Comments by the Office of the Ohio Consumers' Counsel, the OCC argues that Electric Power Producers, Electric Providers and Gas Suppliers should provide their pre-emergency and emergency reports and notifications and updates on energy supplies and conservation or curtailment requirements to the OCC, as well as to the Commission and consumers. The Cooperatives strongly oppose the OCC's proposal, and the Commission should reject it.

It is unreasonable of the OCC to suggest imposing additional, unnecessary and onerous reporting requirements on entities that will already be overextended during an emergency. At such times, providers must already focus on maintaining service, restoring service where it is down, and simultaneously complying with the inventory, procedure, notice and reporting requirements of the Commission. The Commission should not impose additional burdens of reporting to the OCC. If the Commission agrees that the OCC should have access to the information provided by utilities pursuant to the energy emergency rules, the Commission itself

should provide such information directly to OCC and allow utilities to focus their energies on maintaining and restoring service.²

Further, if the Commission were to consider the duplicative reporting and notification requirements suggested by the OCC, the Commission must also acknowledge its limited authority to require non-jurisdictional entities to report to the OCC. As the Cooperatives noted in their Initial Joint Comments, the Commission's authority to regulate electric cooperatives pursuant to the energy emergency rules is limited to times of declared energy emergencies. Any additional reporting by the Cooperatives to the OCC must, therefore, also be limited to declared energy emergencies.

3. Any Ambiguities in Staff Proposal's Ohio Adm. Code 4901:5-19-05 Must be Resolved to Ensure the Rule Does Not Provide for Regulation of Electric Cooperatives Outside of Declared Energy Emergencies.

In the Initial Comments of Columbus Southern Power Company and Ohio Power Company (the "AEP Companies' Initial Comments"), the AEP Companies note that proposed Ohio Adm. Code 4901:5-19-05 must be clarified so that the requirements of the various stages of energy emergency may be implemented only after the Governor's declaration of an energy emergency. The AEP Companies observe that the prefatory language for each of the four stages – "during an energy emergency and when the statewide normal burn days reach [forty, twenty-five, twenty or fifteen] days, *or when it is otherwise determined by the Governor or Commission*" – creates ambiguity as to whether the Governor or Commission may otherwise, outside of a declared energy emergency, determine to implement the measures described in 4901:5-19-05.

² Pursuant to Rev. Code §4911.09, the Commission is subject to a statutory obligation to supply OCC with "any . . . items as may be necessary for carrying out the purposes of Chapters 4909 and 4911 of the Revised Code."

The Cooperatives agree, and submit that the Commission should resolve such ambiguity. If the Commission's intent is to have 4901:5-19-05 apply only during energy emergencies, either when the burn days reach the applicable trigger number or when the Governor or Commission determines otherwise, the Cooperatives support the language suggested in the AEP Companies' Initial Comments to resolve the ambiguity. If, however, the Commission's intent is to preserve for the Governor and Commission the authority to implement this Rule, or any part of it, outside of declared energy emergencies, the Commission must introduce language within 4901:5-19-05 expressly exempting electric cooperatives from any application of the rule outside of a declared energy emergency. Again, any attempt by the Commission to regulate electric cooperatives through the energy emergency rules, outside of declared energy emergencies, is beyond the Commission's jurisdiction and unlawful.

4. The Gas Emergency Rules Should Impose Requirements Only on Utilities Supplying End User Customers.

The Cooperatives support the various comments of interested parties proposing that the Commission limit the requirements of Chapter 4901:5-25 to the actual gas or natural gas utilities that supply gas to end use customers and have the ability to disconnect service. The Staff Proposal expands current Chapter 4901:5-25 in two ways: (1) by extending the application of 4901:5-25-04, Pre-Emergency Actions, which currently applies only to "gas or natural gas companies," to apply to all "Gas Suppliers," and (2) by expanding the definition of "Gas Supplier" within Ohio Adm. Code 4901:5-25 to include government aggregators and retail natural gas suppliers. The Cooperatives note that such expansion will result in numerous entities providing repetitive notices to customers before and during energy emergencies, creating increased confusion and the potential for conflicting information.

The Cooperatives agree with and support the proposal in the Initial Comments of the Ohio Gas Marketers Group, which suggest that, prior to an energy emergency, the utility supplying the end use customer should be the sole voice to the Commission and to the customer for purposes of planning and reporting. The Cooperatives also concur with the Ohio Gas Marketers Group's argument that the Commission lacks authority to expand the application of Ohio Adm. Code 4901:5-25-04, Pre-Emergency Actions, to regulate non-jurisdictional entities prior to a declared energy emergency.

To streamline the process and to avoid conflict and confusion, the requirements of Ohio Adm. Code 4901:5-25-04, Pre-Emergency Actions, should apply to "gas and natural gas companies," as the current rule is written, and 4901:5-25-5 should apply only to those gas and natural gas companies directly supplying end use customers.

5. The Scope of the Energy Emergency Rules Should Not be Broadened.

The Cooperatives disagree with the comments of the Ohio Department of Public Safety, which assert that the energy emergency rules should be broadened to apply during other types of disasters and emergencies. The Cooperatives believe that, to avoid confusion and ensure effective and efficient response to energy emergencies, the rules should be as streamlined as possible. The Cooperatives again note that the Commission has limited jurisdiction over electric cooperatives, and that the Commission cannot expand the energy emergency rules to apply to electric cooperatives outside of a declared energy emergency.

CONCLUSION

For the foregoing reasons, Ohio Rural Electric Cooperatives, Inc. and Buckeye Power, Inc. respectfully request that the Commission adopt the Cooperatives' Proposal, and amend the proposed rules consistent with their Reply Comments contained herein.

Respectfully submitted,

OHIO RURAL ELECTRIC COOPERATIVES, INC.
and BUCKEYE POWER, INC.

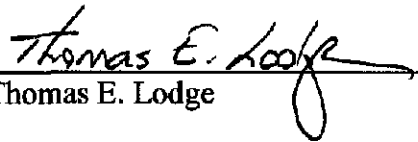
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the forgoing has been served upon all parties listed on the attached Service List, by e-mail transmission and/ or U.S. Mail delivery, this 16th day of January, 2007.


Thomas E. Lodge

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OREC/BUCKEYE POWER EXHIBIT 1

4901:5-17-02 Governor's emergency powers.

For any type or level of energy emergency declared under the provisions of section 4935.03 of the Revised Code, the governor shall have the power to take any of the following actions:

- (A) Restrict the energy consumption of state and local government offices and industrial and commercial establishments.
- (B) Restrict or curtail public or private transportation, or require or encourage the use of car pools or mass transit systems.
- (C) Order any electric light, natural gas or gas, or pipeline company; any supplier subject to certification under section 4928.08 of the Revised Code or section 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.
- (D) Order other energy conservation or emergency energy production or distribution measures to be taken in order to alleviate hardship
- (E) Mobilize emergency management, national guard, law enforcement, or emergency medical services.

4901:5-19-01 Definitions.

- (A) "COMMISSION" MEANS THE PUBLIC UTILITIES COMMISSION OF OHIO.
- (B) "CONSUMER" MEANS A PERSON WHO CONSUMES ELECTRIC ENERGY.
- (C) "ELECTRIC COOPERATIVE" HAS THE MEANING SET FORTH IN DIVISION (A)(5) OF SECTION 4928.01 OF THE REVISED CODE.
- (D) ~~(C)~~ "ELECTRIC POWER PRODUCER" MEANS, FOR PURPOSES OF THIS CHAPTER, A PERSON, MUNICIPALITY, OR GOVERNMENTAL OR POLITICAL SUBDIVISION, LOCATED IN THIS STATE AND ENGAGED IN THE BUSINESS OF GENERATING ELECTRICITY FOR LIGHTING, HEAT, OR POWER PURPOSES.
- (DE) "ELECTRIC POWER PRODUCER NORMAL BURN DAYS" MEANS THE NUMBER OF DAYS THAT EACH ELECTRIC POWER PRODUCER CAN MAINTAIN ITS THERMAL OUTPUT, THROUGH THE GENERATION OF ELECTRICITY AND/OR THROUGH THE PURCHASE OF ELECTRICITY UNDER EXISTING CONTRACTS, SUCH THAT IT CAN SERVE ITS ESTIMATED NORMAL LOAD PLUS FIRM SALES.
- (EF) "ELECTRIC PROVIDER" MEANS, FOR PURPOSES OF THIS CHAPTER, ANY:
- (1) ELECTRIC DISTRIBUTION UTILITY, AS DEFINED IN DIVISION (A) OF SECTION 4928.01 OF THE REVISED CODE.
 - (2) MUNICIPAL ELECTRIC UTILITY, AS DEFINED IN DIVISION (A) OF SECTION 4928.01 OF THE REVISED CODE.
 - (3) ~~ELECTRIC COOPERATIVE, AS DEFINED IN DIVISION (A) OF SECTION 4928.01 OF THE REVISED CODE.~~
 - (4) ELECTRIC SERVICES COMPANY, AS DEFINED IN DIVISION (A) OF SECTION 4928.01 OF THE REVISED CODE, THAT IS SUBJECT TO CERTIFICATION UNDER SECTION 4928.08 OF THE REVISED CODE.
- (FG) "ENERGY EMERGENCY" MEANS :
- (1) THE GOVERNOR HAS FILED A WRITTEN DECLARATION OF AN ENERGY EMERGENCY PURSUANT TO SECTION 4935.03 OF THE REVISED CODE, HAVING FOUND THAT THE HEALTH, SAFETY, OR WELFARE OF THE RESIDENTS OF THIS STATE OR OF ONE OR MORE COUNTIES OF THIS STATE IS SO IMMINENTLY AND SUBSTANTIALLY THREATENED BY AN ENERGY SHORTAGE WITH REGARD TO THE SUPPLY OF FUEL FOR ELECTRIC POWER GENERATION THAT IMMEDIATE ACTION OF STATE GOVERNMENT IS NECESSARY TO PREVENT LOSS OF LIFE, PROTECT THE PUBLIC HEALTH OR SAFETY, AND PREVENT UNNECESSARY OR AVOIDABLE DAMAGE TO PROPERTY.

(2) SUCH WRITTEN DECLARATION IS IN EFFECT AND HAS NOT BEEN TERMINATED.

(GH) "NONPRIORITY USE" MEANS ALL USE OF ELECTRICITY OTHER THAN PRIORITY USE.

(HI) "NORMAL USAGE" MEANS ELECTRIC ENERGY CONSUMPTION DURING THE COMPARABLE PERIOD DURING THE PREVIOUS YEAR, ADJUSTED FOR WEATHER OR OTHER MAJOR CHANGES IN USAGE.

(IJ) "PERSON" MEANS AN INDIVIDUAL, CORPORATION, BUSINESS TRUST, ESTATE, TRUST, PARTNERSHIP, STATE OR FEDERAL AGENCY, OR ASSOCIATION.

(JK) "PRIORITY USE" MEANS THE AMOUNT OF ELECTRIC ENERGY NECESSARY FOR PROTECTION OF THE PUBLIC'S HEALTH AND SAFETY, AND FOR THE PREVENTION OF UNNECESSARY OR AVOIDABLE DAMAGE TO:

- (1) RESIDENCES (INCLUDING, BUT NOT LIMITED TO, HOMES, APARTMENTS, NURSING HOMES, INSTITUTIONS, AND FACILITIES FOR PERMANENT RESIDENTS OR TRANSIENTS).
- (2) HOSPITALS.
- (3) MEDICAL AND HUMAN LIFE-SUPPORT SYSTEMS AND FACILITIES.
- (4) ELECTRIC POWER GENERATING FACILITIES AND CENTRAL HEATING PLANTS SERVING THE PUBLIC.
- (5) TELEPHONE, RADIO, TELEVISION, AND NEWSPAPER FACILITIES.
- (6) LOCAL AND SUBURBAN TRANSIT SYSTEMS AND AIR TERMINAL FACILITIES.
- (7) POLICE, FIREFIGHTING, EMERGENCY MANAGEMENT AND RESPONSE FACILITIES, MILITARY BASES, FEDERAL FACILITIES ESSENTIAL TO NATIONAL DEFENSE, AND OHIO NATIONAL GUARD FACILITIES.
- (8) WATER SUPPLY AND PUMPING FACILITIES.
- (9) SANITARY SERVICE FACILITIES FOR COLLECTION, TREATMENT, OR DISPOSAL OF COMMUNITY SEWAGE.
- (10) PRODUCTION FACILITIES FOR NATURAL GAS, ARTIFICIAL OR SYNTHETIC GAS, PROPANE, AND PETROLEUM FUEL, AND FOR FUEL REFINERIES (INCLUDING ETHANOL AND OTHER FUEL PRODUCTS).

- (11) PIPELINE TRANSMISSION AND DISTRIBUTION FACILITIES FOR NATURAL GAS, ARTIFICIAL OR SYNTHETIC GAS, PROPANE, AND PETROLEUM FUELS.
 - (12) COAL MINES AND RELATED FACILITIES.
 - (13) PRODUCTION, PROCESSING, DISTRIBUTION, AND STORAGE FACILITIES FOR PERISHABLE MEDICINES AND MEDICAL SUPPLIES, DAIRY PRODUCTS, MEAT, FISH, POULTRY, EGGS, PRODUCE, GRAIN, BREADS, AND LIVESTOCK AND POULTRY FEED.
 - (14) BUILDINGS AND FACILITIES, LIMITED TO PROTECTING THE PHYSICAL PLANT AND STRUCTURE, APPURTENANCES, EQUIPMENT, PRODUCT INVENTORIES, RAW MATERIALS, LIVESTOCK, AND OTHER PERSONAL OR REAL PROPERTY.
 - (15) SUCH OTHER SIMILAR FACILITIES AS MAY BE DETERMINED BY THE COMMISSION TO BE A PRIORITY USE.
- (KL) "STATEWIDE NORMAL BURN DAYS" MEANS THE NUMBER OF DAYS THAT ALL ELECTRIC POWER PRODUCERS IN THE STATE CAN MAINTAIN THEIR THERMAL OUTPUT, THROUGH THE GENERATION OF ELECTRICITY AND/OR THROUGH THE PURCHASE OF ELECTRICITY UNDER EXISTING CONTRACTS, SUCH THAT THEY CAN SERVE THEIR ESTIMATED NORMAL OHIO LOAD PLUS FIRM SALES. STATEWIDE NORMAL BURN DAYS SHALL BE CALCULATED AS A WEIGHTED AVERAGE OF ELECTRIC POWER PRODUCER BURN DAY DATA.

4901:5-19-02 GENERAL PROVISIONS.

- (A) THE REQUIREMENTS OF THIS CHAPTER ARE INTENDED TO PROVIDE THE GOVERNOR WITH THE MEANS OF MANAGING, ON A STATEWIDE BASIS, A CONTINUING FUEL SHORTAGE. THESE REQUIREMENTS ARE KEYED TO REMAINING DAYS' SUPPLY OF FUEL FOR ELECTRIC GENERATION. IT IS EXPECTED THAT ELECTRIC PROVIDERS AND ELECTRIC POWER PRODUCERS WILL TAKE ALL PRUDENT MEASURES PRIOR TO REACHING MANDATORY ACTION LEVELS UNDER RULE 4901:5-19-05 OF THE ADMINISTRATIVE CODE. ONCE THE MANDATORY STAGES OF ACTION ARE INVOKED UNDER RULE 4901:5-19-05 OF THE ADMINISTRATIVE CODE, ELECTRIC PROVIDERS AND ELECTRIC POWER PRODUCERS ARE REQUIRED TO INITIATE AND TO CONTINUE IMPLEMENTATION OF REQUISITE ACTIONS UNTIL DIRECTED TO DO OTHERWISE. THE REQUIREMENTS OF THIS RULE 4901:5-19-02 APPLY TO ELECTRIC COOPERATIVES ONLY DURING DECLARED ENERGY EMERGENCIES.
- (B) THE INSTITUTIONAL AND REGULATORY RELATIONSHIP BETWEEN JURISDICTIONAL UTILITIES AND THE PUBLIC UTILITIES COMMISSION OF OHIO REMAINS INTACT. EXCEPT AS OTHERWISE PROVIDED BY THIS CHAPTER OR COMMISSION ORDER

DURING AN ENERGY EMERGENCY, EACH ELECTRIC PROVIDER AND ELECTRIC POWER PRODUCER SHALL COMPLY WITH ALL APPLICABLE RULES AND REQUIREMENTS OF THE COMMISSION.

- (C) MEASURES REQUIRED BY THE GOVERNOR UNDER THESE RULES, IMPLEMENTED OR ENFORCED PURSUANT TO RULE 4901:5-19-03 OF THE ADMINISTRATIVE CODE, SHALL PREVAIL OVER ANY EXISTING REQUIREMENTS OF THE COMMISSION INCONSISTENT WITH SAID MEASURES.
- (D) THE ACTIONS REQUIRED OF ELECTRIC PROVIDERS AND ELECTRIC POWER PRODUCERS IN THIS CHAPTER SHALL BE IMPLEMENTED BY THE ELECTRIC PROVIDERS AND ELECTRIC POWER PRODUCERS. ALL ACTIONS REQUIRED IN THIS CHAPTER ARE INTENDED TO BE IMPLEMENTED BY EACH ELECTRIC PROVIDER AND ELECTRIC POWER PRODUCER TO THE EXTENT REASONABLY POSSIBLE. ACTIONS ORDERED OF CONSUMERS STAY IN EFFECT UNTIL TERMINATED OR CHANGED.
- (E) WHEN ANY ELECTRIC POWER PRODUCER HAVING A GENERATING CAPACITY OF FIVE HUNDRED MEGAWATTS OR MORE ADVISES THE COMMISSION OF ITS INTENTION TO IMPLEMENT ITS LONG-TERM FUEL EMERGENCY PLAN, ALL ELECTRIC POWER PRODUCERS HAVING A GENERATING CAPACITY OF FIFTY MEGAWATTS OR MORE SHALL, UPON NOTIFICATION BY THE COMMISSION, FILE A WEEKLY REPORT OF ELECTRIC SUPPLY ADEQUACY IN THE FORM PRESCRIBED BY THE COMMISSION. UPON REQUEST OF THE CHAIRMAN OF THE COMMISSION, THE REPORT OF ELECTRIC SUPPLY ADEQUACY SHALL BE FILED DAILY. THE REQUIREMENTS OF THIS PARAGRAPH DO NOT APPLY TO ELECTRIC COOPERATIVES UNLESS THERE IS A DECLARED ENERGY EMERGENCY.
- (F) UPON REQUEST OF THE COMMISSION, EACH ELECTRIC POWER PRODUCER SHALL CALCULATE ITS ELECTRIC POWER PRODUCER NORMAL BURN DAYS, ON THE BASIS OF REASONABLE ASSUMPTIONS. EACH ELECTRIC POWER PRODUCER SHALL PROVIDE THE CALCULATIONS TO THE COMMISSION AS DIRECTED, TOGETHER WITH A DETAILED DESCRIPTION OF ALL ASSUMPTIONS MADE, THE CAPACITY OF EACH GENERATION FACILITY UNDER THE CONTROL OF THE ELECTRIC POWER PRODUCER, THE QUANTITY OF COAL IN THE ELECTRIC POWER PRODUCER'S INVENTORY, AND THE ELECTRIC POWER PRODUCER'S NORMAL BURN RATE FOR THE SEASON. THE REQUIREMENTS OF THIS PARAGRAPH DO NOT APPLY TO ELECTRIC COOPERATIVES UNLESS THERE IS A DECLARED ENERGY EMERGENCY.
- (G) WHEN ANY ELECTRIC POWER PRODUCER IN THE STATE REACHES TWENTY UTILITY NORMAL BURN DAYS, OR WHEN IT IS DETERMINED THAT SUCH ACTION IS APPROPRIATE, THE GOVERNOR MAY ORDER OTHER ELECTRIC POWER PRODUCERS WITH GREATER FUEL SUPPLIES TO INCREASE SALES OF ELECTRIC ENERGY. THIS PARAGRAPH DOES NOT APPLY TO ELECTRIC COOPERATIVES UNLESS THERE IS A DECLARED ENERGY EMERGENCY.

- (H) EACH ELECTRIC PROVIDER AND ELECTRIC POWER PRODUCER SHALL BE REQUIRED TO ANSWER COMMISSION STAFF'S QUESTIONS, AS WELL AS TO UPDATE ITS COMPANY'S CONTACT INFORMATION WITH THE COMMISSION. THIS PARAGRAH DOES NOT APPLY TO ELECTRIC COOPERATIVES UNLESS THERE IS A DECLARED ENERGY EMERGENCY.
- (I) THE COMMISSION'S FUEL SOURCE ADVISORY COUNCIL MAY NOTIFY AND ADVISE THE CHAIRMAN OF THE COMMISSION ABOUT ELECTRIC POWER SUPPLY PROBLEMS AND SHORTAGES AND MAY MAKE RECOMMENDATIONS, INCLUDING THE NEED FOR THE GOVERNOR TO DECLARE AN ENERGY EMERGENCY AND TO IMPLEMENT RULE 4901:5-19-05 OF THE ADMINISTRATIVE CODE.
- (J) THE CHAIRMAN OF THE COMMISSION SHALL NOTIFY THE GOVERNOR WHEN, BASED ON THE INFORMATION AVAILABLE TO HIM, HE BELIEVES THAT EITHER OF THE FOLLOWING CONDITIONS EXISTS:
- (1) AN ENERGY EMERGENCY MAY EXIST WITH REGARD TO THE SUPPLY OF FUEL FOR ELECTRIC GENERATION.
 - (2) AN ENERGY EMERGENCY NO LONGER EXISTS WITH REGARD TO THE SUPPLY OF FUEL FOR ELECTRIC GENERATION.
- (K) WHEN AND IF IT IS DETERMINED SUCH ACTION IS APPROPRIATE, THE GOVERNOR MAY REQUEST THE SECRETARY OF THE UNITED STATES DEPARTMENT OF ENERGY TO INVOKE SECTION 202(C) OF THE FEDERAL POWER ACT, 16 U.S.C. 824A (1935).
- (L) NOTHING CONTAINED IN THIS CHAPTER SHALL IN ANY WAY PRECLUDE THE COMMISSION FROM ALTERING OR AMENDING, IN WHOLE OR IN PART, THESE RULES AND REGULATIONS OR WAIVING ANY REQUIREMENT OF THESE RULES AND REGULATIONS FOR GOOD CAUSE SHOWN OR UPON ITS OWN MOTION. THE COMMISSION SHALL NOT ALTER OR AMEND THESE RULES TO IMPOSE REQUIREMENTS ON, OR REGULATION OVER, ELECTRIC COOPERATIVES, IN INSTANCES OTHER THAN DECLARED ENERGY EMERGENCIES.
- (M) 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.

4901:5-19-03 Enforcement on governor's instruction.

- (A) No rule shall be implemented and no person shall be penalized under any rule in THIS CHAPTER, OTHER THAN RULES 4901:5-19-02 AND 4901:5-19-04 of the Administrative Code AND PERTINENT DEFINITIONS IN RULE 4901:5-19-01 OF THE ADMINISTRATIVE CODE, until the governor, by executive order, during a declared energy emergency, specifically designates by rule number and title which rule or rules are to be implemented and enforced and fixes the date and time after which the named rule or rules shall be implemented or enforced. At no time shall any rule applying outside of declared energy emergencies, including rules 4901:5-19-02 and 4901:5-19-04 of the Administrative Code and pertinent definitions in rule 4901:5-19-01 of the Administrative Code, apply to electric cooperatives. No electric cooperative shall be penalized under any rule in this chapter until the governor, by executive order, during a declared energy emergency, specifically designates by rule number and title which rule or rules are to be implemented and enforced and fixes the date and time after which the named rule or rules shall be implemented or enforced.
- (B) Alternatively, the governor may request, under section 4935.03 of the Revised Code, that the commission issue and enforce orders effecting the implementation of THIS CHAPTER.

4901:5-19-04 PRE-EMERGENCY ACTIONS.

- (A) PRIOR TO AN ENERGY EMERGENCY, THE COMMISSION MAY, BY ORDER, REQUIRE THAT EACH ELECTRIC PROVIDER THAT IS NOT AN ELECTRIC COOPERATIVE:
- (1) NOTIFY ITS CONSUMERS THROUGH REPORTS IN THE NEWS MEDIA, OR WRITTEN NOTICE WHERE APPROPRIATE, ABOUT AN IMMINENT SHORTAGE OF ELECTRIC SERVICE AND REQUEST ITS CONSUMERS TO REDUCE THEIR CONSUMPTION OF ELECTRICITY AND TO IMPLEMENT ENERGY CONSERVATION MEASURES. THESE MEASURES SHALL INCLUDE, BUT ARE NOT LIMITED TO, THE FOLLOWING:
- (A) CURTAILING OUTDOOR LIGHTING, EXCEPT FOR ESSENTIAL SAFETY AND SECURITY PURPOSES.
- (B) REDUCING WATER HEATING TEMPERATURES.
- (C) ADJUSTING TEMPERATURES FOR BUILDINGS, FACTORIES, AND TRANSPORTATION FACILITIES.
- (2) ISSUE PERIODIC REPORTS TO NOTIFY CONSUMERS ABOUT THE FOLLOWING:
- (A) ELECTRIC SUPPLY LEVELS.

- (B) PLANS AND PROCEDURES FOR TRANSFERS, RESTRICTIONS, CURTAILMENTS, AND REALLOCATIONS PURSUANT TO ITS CURTAILMENT PLAN OR COMMISSION ORDER.
 - (C) PROJECTED OR ACTUAL DATES WHEN CONSUMERS OR CLASSES OF CONSUMERS WOULD BE SUBJECT TO CURTAILMENT, REALLOCATION, OR RESTRICTION.
- (3) IMPLEMENT MEASURES THAT INCLUDE:
- (A) FULFILLING ELECTRIC REQUIREMENTS FOR PRIORITY USE BY ITS CONSUMERS.
 - (B) REALLOCATING AND/OR CURTAILING SUPPLIES AMONG ITS CONSUMERS. EACH ELECTRIC PROVIDER THAT CURTAILS DELIVERIES TO CONSUMERS THAT PURCHASE POWER ON AN INTERRUPTIBLE BASIS SHALL CURTAIL ELECTRIC DELIVERIES PURSUANT TO ITS CURTAILMENT PLAN AND VOLUNTARY ARRANGEMENTS WITH INDIVIDUAL CONSUMERS. EACH ELECTRIC PROVIDER SHALL MONITOR CONSUMER COMPLIANCE WITH ITS CURTAILMENTS AND SHALL REPORT THE LEVEL OF COMPLIANCE TO THE COMMISSION, AS REQUESTED.
- (B) NOTHING IN THIS RULE SHALL PRECLUDE THE ELECTRIC PROVIDER, AFTER NOTIFICATION TO THE COMMISSION, FROM INITIATING ITS CURTAILMENT PLANS PRIOR TO COMMISSION DIRECTIVE, IN ORDER TO MEET OPERATIONAL NEEDS.
- (C) PRIOR TO AN ENERGY EMERGENCY, THE COMMISSION MAY, BY ORDER, REQUIRE THAT EACH ELECTRIC POWER PRODUCER, OTHER THAN ELECTRIC COOPERATIVES, HAVING A GENERATING CAPACITY OF FIFTY MEGAWATTS OR MORE SHALL FILE A WEEKLY OR DAILY REPORT OF ELECTRIC SUPPLY ADEQUACY IN THE FORM PRESCRIBED BY THE COMMISSION.

4901:5-19-05 ACTIONS TAKEN UPON DECLARATION OF ENERGY EMERGENCY.

- (A) VOLUNTARY CURTAILMENT. UPON DECLARATION OF AN ENERGY EMERGENCY BY THE GOVERNOR AND WHEN THE STATEWIDE NORMAL BURN DAYS REACH FORTY DAYS, OR WHEN IT IS OTHERWISE DETERMINED BY THE GOVERNOR THAT SUCH ACTION IS APPROPRIATE, THE FOLLOWING PROVISIONS SHALL BE APPLICABLE:
- (1) EACH ELECTRIC PROVIDER THAT HAS NOT IMPOSED MANDATORY CURTAILMENTS UNDER ITS EMERGENCY CURTAILMENT PLAN ON FILE WITH THE COMMISSION SHALL INCREASE ITS EFFORTS TO EFFECT VOLUNTARY

CONSERVATION, BY ALL CONSUMERS, OF AT LEAST TWENTY-FIVE PER CENT OF ALL NONPRIORITY USE OF ELECTRICITY.

(2) EACH ELECTRIC PROVIDER SHALL IMPLEMENT A PUBLIC APPEALS CAMPAIGN THROUGH NEWS MEDIA TO ITS CONSUMERS, MAKING APPROPRIATE SUGGESTIONS FOR ACHIEVING USAGE REDUCTIONS. THESE REDUCTIONS SHOULD INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING:

- (A) REDUCE OUTDOOR LIGHTING THAT IS NOT RELATED TO SAFETY OR SECURITY.
- (B) REDUCE GENERAL INTERIOR LIGHTING LEVELS TO MINIMUM LEVELS, TO THE EXTENT THIS CONTRIBUTES TO DECREASED ELECTRICITY USAGE.
- (C) REDUCE SHOW WINDOW AND DISPLAY LIGHTING TO MINIMUM LEVELS TO PROTECT PROPERTY.
- (D) REDUCE THE NUMBER OF ELEVATORS OPERATING IN OFFICE BUILDINGS DURING NONPEAK HOURS.
- (E) REDUCE ELECTRIC WATER HEATING TEMPERATURE TO MINIMUM LEVEL.
- (F) MINIMIZE WORK SCHEDULES FOR BUILDING CLEANING AND MAINTENANCE, RESTOCKING, ETC., IN ORDER TO ELIMINATE THE NECESSITY FOR OFFICE OR COMMERCIAL AND INDUSTRIAL FACILITIES TO BE OPEN BEYOND NORMAL WORKING HOURS.
- (G) MINIMIZE ELECTRICITY USE BY MAINTAINING A BUILDING TEMPERATURE OF NO LESS THAN SEVENTY-EIGHT DEGREES FAHRENHEIT BY OPERATION OF COOLING EQUIPMENT AND NO MORE THAN SIXTY-EIGHT DEGREES FAHRENHEIT BY OPERATION OF HEATING EQUIPMENT.
- (H) ENCOURAGE, TO THE EXTENT POSSIBLE, DAYTIME SCHEDULING OF ENTERTAINMENT AND RECREATIONAL FACILITIES.

(3) EACH ELECTRIC PROVIDER SHALL:

- (A) ISSUE PERIODIC BULLETINS, INFORMING CONSUMERS OF:
 - (1) THE ACTIONS WHICH WILL BE REQUIRED OF CONSUMERS IF IT BECOMES NECESSARY TO INITIATE MANDATORY CURTAILMENT

OF ELECTRIC ENERGY, AND THE PROCEDURES TO BE FOLLOWED PRIOR TO AND DURING THE PERIOD WHEN ELECTRIC USAGE IS RESTRICTED.

- (2) THE PROCEDURES TO BE FOLLOWED BY CONSUMERS WISHING TO SUBSTANTIATE A CLAIM FOR PRIORITY USE, AS DEFINED IN RULE 4901:5-19-01 OF THE ADMINISTRATIVE CODE.
- (B) PROVIDE TO THE COMMISSION WRITTEN INFORMATION CONCERNING ITS ANTICIPATED AND ACTUAL LOAD IN KILOWATT-HOURS CONSUMED, IN THE FORM PRESCRIBED BY THE COMMISSION. THIS REPORT SHALL BE FILED WEEKLY OR DAILY, AS INSTRUCTED BY THE COMMISSION.
- (4) EACH ELECTRIC POWER PRODUCER SHALL:
 - (A) ISSUE PERIODIC BULLETINS INFORMING CONSUMERS OF THE FUEL SUPPLY LEVEL, CALCULATED BASED ON APPENDIX A OF RULE 4901:5-19-01 OF THE ADMINISTRATIVE CODE, AT LEAST WEEKLY.
 - (B) PROVIDE TO THE COMMISSION ESTIMATES OF FUEL SAVINGS RESULTING FROM LOAD REDUCTION OR OTHER MEASURES.
 - (C) UPON ORDER OF THE COMMISSION OR THE GOVERNOR, OPERATE GENERATING PLANT TO OPTIMIZE FUEL USAGE.
- (5) THE COMMISSION SHALL CALCULATE THE STATEWIDE NORMAL BURN DAYS AND MAKE THE RESULTANT INFORMATION AVAILABLE TO THE GOVERNOR, THE UTILITIES, AND THE PUBLIC.
- (6) THE COMMISSION MAY ENCOURAGE ALL ELECTRIC PROVIDERS TO PURCHASE AND TO SHARE ENERGY AMONG THEMSELVES TO AID IN ALLEVIATING EXISTING ENERGY SHORTAGES AND TO PREVENT EVEN MORE SEVERE FUTURE ENERGY SHORTAGES.
- (7) ALL ELECTRIC PROVIDERS AND ELECTRIC POWER PRODUCERS SHALL REDUCE INTERNAL CONSUMPTION OF ELECTRIC ENERGY TO THE MAXIMUM DEGREE POSSIBLE, CONSISTENT WITH SAFE, EFFICIENT OPERATION. THE USE OF ELECTRICITY ON PREMISES, INCLUDING PARKING AND LARGE AREA LIGHTING AND INTERIOR LIGHTING, SHALL BE CURTAILED, EXCEPT LIGHTING ESSENTIAL FOR SECURITY OR SAFETY.

- (8) WHEN IT IS DETERMINED SUCH ACTION IS APPROPRIATE, THE GOVERNOR OR THE COMMISSION, IN CONSULTATION WITH THE DIRECTOR OF THE OHIO ENVIRONMENTAL PROTECTION AGENCY, MAY:
- (A) REQUEST AUTHORIZATION FROM THE PROPER AUTHORITIES TO CURTAIL USE OF POLLUTION CONTROL FACILITIES.
 - (B) REQUEST AUTHORIZATION FROM THE PROPER AUTHORITIES TO BURN NON-CONFORMING COAL IN ORDER TO MAXIMIZE USE OF THE REMAINING STOCKPILES.
 - (C) REQUEST INDUSTRY TO UTILIZE INDUSTRIAL-OWNED GENERATION EQUIPMENT TO SUPPLEMENT UTILITY GENERATION TO THE MAXIMUM EXTENT POSSIBLE.
- (B) MANDATORY CURTAILMENT - STAGE ONE. DURING AN ENERGY EMERGENCY AND WHEN THE STATEWIDE NORMAL BURN DAYS REACH THIRTY DAYS, OR WHEN IT IS OTHERWISE DETERMINED BY THE GOVERNOR OR THE COMMISSION THAT SUCH ACTION IS APPROPRIATE, THE FOLLOWING PROVISIONS SHALL BE APPLICABLE, IN ADDITION TO THOSE ALREADY IN EFFECT:
- (1) CONSUMER USE OF ELECTRICITY SHALL BE CURTAILED AS FOLLOWS:
 - (A) ALL PREVIOUS MEASURES SHALL BE CONTINUED EXCEPT AS AMENDED BY PARAGRAPH (B) OF THIS RULE.
 - (B) ALL NONPRIORITY USE OF OUTDOOR LIGHTING IS PROHIBITED.
 - (C) 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 CAUSE SUCH MEASURES TO BE INAPPROPRIATE.
 - (D) 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.
 - (2) EACH ELECTRIC POWER PRODUCER SHALL:

- (A) WHEREVER POSSIBLE, SWITCH TO A FUEL OTHER THAN COAL, PROVIDED THAT BOTH OF THE FOLLOWING ARE MET:

 - (1) THE ELECTRIC POWER PRODUCER HAS INFORMED THE COMMISSION THAT IT WILL BE SWITCHING FUELS.
 - (2) THE COMMISSION HAS CONFIRMED TO THE ELECTRIC POWER PRODUCER THAT THE SPECIFIC ALTERNATE FUELS ARE NOT THEMSELVES IN SHORT SUPPLY.
- (B) REPORT TO THE COMMISSION, AS PART OF ITS REPORT OF ELECTRIC SUPPLY ADEQUACY, ITS DAILY FUEL USAGE BURN, ENERGY PURCHASES BY SOURCE, FUEL DELIVERIES, ITS UTILITY NORMAL BURN DAYS, AND ESTIMATED FUEL SAVINGS RESULTING FROM LOAD REDUCTION OR OTHER MEASURES.
- (3) EACH ELECTRIC PROVIDER SHALL REPORT TO THE COMMISSION ITS ANTICIPATED AND ACTUAL LOAD IN KILOWATT-HOURS CONSUMED IN THE FORM PRESCRIBED BY THE COMMISSION. THIS REPORT SHALL BE FILED DAILY OR WEEKLY, AS INSTRUCTED BY THE COMMISSION.
- (4) THE COMMISSION MAY:

 - (A) MONITOR AND VERIFY EACH OHIO ELECTRIC POWER PRODUCER'S FUEL SUPPLY, BURN DAY LEVEL, AND ENERGY PURCHASES ON A DAILY BASIS.
 - (B) ASSURE THAT EACH ELECTRIC POWER PRODUCER CONSIDERS ALL POSSIBLE FUELS FOR GENERATION.
 - (C) TAKE OTHER ACTIONS IT CONSIDERS TO BE REASONABLE AND APPROPRIATE.
- (5) THE OHIO EMERGENCY MANAGEMENT AGENCY MAY BE REQUESTED TO:

 - (A) ESTABLISH AND MAINTAIN A CENTRAL EMERGENCY OPERATIONS CENTER STAFFED WITH APPROPRIATE PERSONS FROM STATE, LOCAL, AND OTHER AGENCIES FOR THE PURPOSE OF PROVIDING COORDINATED RESPONSES TO THREATS TO LIFE, PROPERTY, PUBLIC HEALTH, OR SAFETY.
 - (B) PLAN THE NECESSARY ADMINISTRATIVE AND LOGISTICAL CAPABILITY TO SUPPORT DELIVERY OF, AND TO PROVIDE SECURITY FOR THE

MOVEMENT OF, FUEL FOR ELECTRIC GENERATION, WHERE LIFE, PROPERTY, HEALTH, OR SAFETY ARE THREATENED.

- (c) ESTABLISH AND MAINTAIN COMMUNICATIONS WITH EMERGENCY MANAGERS WITHIN EACH COUNTY IN THE GEOGRAPHIC AREA FOR WHICH THE GOVERNOR DECLARED AN ENERGY EMERGENCY, FOR THE PURPOSE OF PROVIDING COORDINATED LOCAL RESPONSES TO THREATS TO LIFE, PROPERTY, PUBLIC HEALTH, OR SAFETY.

- (C) MANDATORY CURTAILMENT - STAGE TWO. DURING AN ENERGY EMERGENCY AND WHEN THE STATEWIDE NORMAL BURN DAYS REACH TWENTY-FIVE DAYS, OR WHEN IT IS OTHERWISE DETERMINED BY THE GOVERNOR OR THE COMMISSION THAT SUCH ACTION IS APPROPRIATE, THE FOLLOWING PROVISIONS WILL BE APPLICABLE, IN ADDITION TO THOSE ALREADY IN EFFECT:

- (1) ALL PREVIOUS MEASURES SHALL BE CONTINUED EXCEPT AS AMENDED BY PARAGRAPH (C) OF THIS RULE.
- (2) ALL CONSUMERS SHALL DISCONTINUE NONPRIORITY USE OF ELECTRICITY ON TWO DAYS OF EACH WEEK. CONSUMERS SHALL NOT INCREASE NONPRIORITY USES ABOVE MANDATORY STAGE ONE LEVELS DURING OTHER DAYS OF THE WEEK. CONSUMERS MAY, IN THE ALTERNATIVE, ELECT TO REDUCE TOTAL ELECTRICITY CONSUMPTION BY TWENTY-FIVE PER CENT BELOW NORMAL USAGE. CONSUMERS CHOOSING THE ALTERNATE OPTION MUST KEEP RECORDS SUFFICIENT TO DOCUMENT THE REDUCTION.
- (3) EACH ELECTRIC PROVIDER SHALL INFORM CONSUMERS OF THE DAYS THAT NONPRIORITY USE SHALL BE DISCONTINUED.

- (D) MANDATORY CURTAILMENT - STAGE THREE. DURING AN ENERGY EMERGENCY AND WHEN THE STATEWIDE NORMAL BURN DAYS REACH TWENTY DAYS, OR WHEN IT IS OTHERWISE DETERMINED BY THE GOVERNOR OR THE COMMISSION THAT SUCH ACTION IS APPROPRIATE, THE FOLLOWING PROVISIONS SHALL BE APPLICABLE, IN ADDITION TO THOSE ALREADY IN EFFECT:

- (1) ALL PREVIOUS MEASURES SHALL BE CONTINUED EXCEPT AS AMENDED BY PARAGRAPH (D) OF THIS RULE.
- (2) CONSUMERS SHALL DISCONTINUE NONPRIORITY USE OF ELECTRICITY ON THREE DAYS OF EACH WEEK. CONSUMERS SHALL NOT INCREASE NONPRIORITY USE ABOVE MANDATORY STAGE TWO LEVELS DURING OTHER DAYS OF THE WEEK. CONSUMERS MAY, IN THE ALTERNATIVE, ELECT TO REDUCE TOTAL ELECTRICITY CONSUMPTION BY FIFTY PER CENT BELOW

NORMAL USAGE. CONSUMERS CHOOSING THE ALTERNATE OPTION MUST KEEP RECORDS SUFFICIENT TO DOCUMENT THE REDUCTION.

(3) EACH ELECTRIC PROVIDER SHALL INFORM CONSUMERS OF THE DAYS WHEN NONPRIORITY USE SHALL BE DISCONTINUED.

(E) MANDATORY CURTAILMENT - STAGE FOUR. DURING AN ENERGY EMERGENCY AND WHEN THE STATEWIDE NORMAL BURN DAYS REACH FIFTEEN DAYS, OR WHEN IT IS OTHERWISE DETERMINED BY THE GOVERNOR OR THE COMMISSION THAT SUCH ACTIONS ARE APPROPRIATE, ALL CONSUMERS SHALL DISCONTINUE ALL NONPRIORITY USE OF ELECTRICITY ON ALL DAYS OF EACH WEEK. ALL PREVIOUS MEASURES SHALL BE CONTINUED EXCEPT AS AMENDED BY THIS PARAGRAPH.

4901:5-37-01 DEFINITIONS.

- (A) "COMMISSION" MEANS THE PUBLIC UTILITIES COMMISSION OF OHIO.
- (B) "ELECTRIC COOPERATIVE" HAS THE MEANING SET FORTH IN DIVISION (A)(5) OF SECTION 4928.01 OF THE REVISED CODE
- (C) "ELECTRIC DISTRIBUTION UTILITY" HAS THE MEANING SET FORTH IN DIVISION (A)(6) OF SECTION 4928.01 OF THE REVISED CODE.
- (~~C~~D) "ELECTRIC ENTITY" MEANS ANY ELECTRIC LIGHT COMPANY, SUPPLIER SUBJECT TO CERTIFICATION UNDER SECTION 4928.08 OF THE REVISED CODE, ELECTRIC POWER UTILITY THAT IS OWNED BY A MUNICIPAL CORPORATION OR NOT FOR PROFIT, OR ELECTRIC POWER PRODUCER OR MARKETER, AS ENUMERATED IN DIVISION (A)(3) OF SECTION 4935.03 OF THE REVISED CODE.
- (~~D~~E) "EMERGENCY" MEANS AN ANTICIPATED OR EXISTING SHORTAGE IN THE SUPPLY OF ELECTRIC ENERGY, OR CONSTRAINT IN THE TRANSMISSION, DISTRIBUTION, OR GENERATION OF ELECTRICAL ENERGY, WHICH HAS OR MAY ADVERSELY AFFECT THE OPERATION OR RELIABILITY OF TRANSMISSION, DISTRIBUTION, OR GENERATION FACILITIES.
- (~~E~~F) "ESSENTIAL CONSUMERS" MEANS THE FOLLOWING CONSUMERS OF AN ELECTRIC SUPPLIER:
- (1) HOSPITALS AND EMERGENCY CARE FACILITIES, EACH OF WHICH PROVIDES MEDICAL CARE AND PERFORMS IN-PATIENT PROCEDURES.
 - (2) PRISONS AND GOVERNMENTAL DETENTION INSTITUTIONS.
 - (3) FIRE AND POLICE STATIONS, OHIO NATIONAL GUARD FACILITIES, MILITARY BASES, AND FEDERAL FACILITIES ESSENTIAL TO THE NATIONAL DEFENSE.
 - (4) ANY CONSUMER ON A MEDICAL OR LIFE-SUPPORT SYSTEM WHO HAS PROVIDED APPROPRIATE DOCUMENTATION TO THE ELECTRIC SUPPLIER THAT AN INTERRUPTION OF SERVICE WOULD BE IMMEDIATELY LIFE-THREATENING.
 - (5) RADIO AND TELEVISION STATIONS USED TO TRANSMIT EMERGENCY MESSAGES AND PUBLIC INFORMATION BROADCASTS RELATING TO EMERGENCIES.
 - (6) WATER PUMPING PLANTS ESSENTIAL TO THE SUPPLY OF POTABLE WATER TO A COMMUNITY.

- (7) SEWAGE PLANTS ESSENTIAL TO THE COLLECTION, TREATMENT AND DISPOSAL OF A COMMUNITY'S SEWAGE, EXCEPT LIFT STATIONS.
- (8) EMERGENCY MANAGEMENT AND RESPONSE FACILITIES AND THE COUNTYWIDE "911" SYSTEM.
- (9) BLOOD BANKS.
- (~~FG~~) "NONCOMPETITIVE RETAIL ELECTRIC SERVICE" HAS THE MEANING SET FORTH IN DIVISION (B) OF SECTION 4928.01 OF THE REVISED CODE.
- (~~GH~~) "RELIABILITY COUNCIL" MEANS "RELIABILITYFIRST CORPORATION," A REGIONAL RELIABILITY COUNCIL OF THE "NORTH AMERICAN ELECTRIC RELIABILITY COUNCIL", OR THE CURRENT ELECTRIC RELIABILITY ORGANIZATION ESTABLISHED TO AUGMENT RELIABILITY OF ITS MEMBERS' ELECTRIC SUPPLY SYSTEMS THROUGH COORDINATION OF PLANNING AND OPERATIONS OF ITS MEMBERS' GENERATION AND TRANSMISSION FACILITIES.

4901:5-37-02 GENERAL PROVISIONS.

- (A) THE RULES IN THIS CHAPTER ARE INTENDED TO RESULT IN ELECTRIC ENTITIES:
 - (1) PREVENTING EMERGENCIES.
 - (2) INITIATING AND PERFORMING SYSTEM RESTORATION FOR ANY ELECTRIC SERVICE WHICH SUFFERED AN OUTAGE DUE TO AN EMERGENCY.
 - (3) PRESERVING AND PROTECTING ELECTRIC SERVICES WHOSE OPERATIONS CONTINUED OR WERE RESTORED DURING AN EMERGENCY.
- (B) EACH ELECTRIC ENTITY SHALL COMPLY WITH THE APPLICABLE RULES OF THIS CHAPTER AND ORDERS OF THE COMMISSION DURING AN EMERGENCY THAT HAS ADVERSELY AFFECTED, OR MAY ADVERSELY AFFECT, THE OPERATION OR RELIABILITY OF ELECTRIC SERVICE.
- (C) NONE OF THE RULES OF THIS CHAPTER SHALL APPLY TO ELECTRIC COOPERATIVES UNLESS THERE IS A DECLARED ENERGY EMERGENCY (AS SUCH TERM IS DEFINED IN OHIO ADMINISTRATIVE CODE SECTION 4901:5-19-01(G)).
- (D) EACH ELECTRIC DISTRIBUTION UTILITY SHALL FILE, FOR THE COMMISSION'S APPROVAL, ITS EMERGENCY PLAN AND AMENDMENTS ON ENERGY SHORTAGES OR DELIVERY CONSTRAINTS. THE EMERGENCY PLAN SHALL INCLUDE THE REQUIREMENTS AND PROCEDURES OF THIS CHAPTER.

~~(DE)~~ THE COMMISSION MAY, IN ADDITION TO THE RULES OF THIS CHAPTER, ADOPT ORDERS TO REQUIRE ANY ELECTRIC ENTITY ~~TO:~~(1) TAKE, OTHER THAN AN ELECTRIC COOPERATIVE, TO TAKE PRESCRIBED ACTIONS BEFORE AN EMERGENCY.

~~(2)~~ ~~INITIATE~~F) THE COMMISSION MAY, IN ADDITION TO THE RULES OF THIS CHAPTER, ADOPT ORDERS TO REQUIRE ANY ELECTRIC ENTITY TO INITIATE OR TERMINATE ANY ACTION DURING AN EMERGENCY.

4901:5-37-03 EMERGENCY REPORTING TO THE COMMISSION; EMERGENCY ACTIONS.

(A) EACH ELECTRIC ENTITY SHALL PROMPTLY REPORT TO THE COMMISSION:

- (1) ANY LOSS IN SERVICE FOR FIFTEEN MINUTES OR MORE OF ELECTRIC POWER SUPPLY TO A FIRM LOAD OF ONE HUNDRED MEGAWATTS OR MORE.**
- (2) ANY ACTION TO REDUCE FIRM CUSTOMER LOADS IN ORDER TO MAINTAIN RELIABILITY OF THE POWER SUPPLY SYSTEM.**
- (3) ANY APPEAL FOR THE PUBLIC TO CONSERVE ELECTRICITY.**
- (4) 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.**
- (5) ANY EMERGENCY ALERT, NOTICE, OR STATEMENT ISSUED BY A RELIABILITY COUNCIL WHICH RELATES TO A UTILITY COMPANY'S OVERALL GENERATION OUTPUT.**
- (6) ANY OUTAGE OR INCIDENT WHICH DAMAGES OR RENDERS INOPERABLE SYSTEM EQUIPMENT LOCATED IN OHIO.**
- (7) 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.**
- (8) ANY ACTION TAKEN PURSUANT TO THE RULES OF THIS CHAPTER.**

EACH REPORT SHALL BE MADE BY FAX, VOICE MAIL, PERSONAL CONTACT OR OTHER COMMISSION DETERMINED MEANS WITH A DESIGNATED COMMISSION REPRESENTATIVE AND SHALL INCLUDE A DESCRIPTION OF THE SITUATION.

(B) WHEN AN ELECTRIC ENTITY IS UNABLE TO RELIEVE AN EXISTING OR ANTICIPATED ENERGY SHORTAGE BY OBTAINING OR PURCHASING POWER THROUGH AN INTERCONNECTED SYSTEM, EACH ELECTRIC ENTITY SHALL IMPLEMENT AND FOLLOW:

- (1) THE RELIABILITY COUNCIL'S LOAD SHEDDING PROCEDURES.
- (2) THE PROVISION OF THE ELECTRIC ENTITY'S EMERGENCY PLAN, AS APPROVED BY THE COMMISSION, IF APPLICABLE.

4901:5-37-04 SUDDEN OR UNANTICIPATED EMERGENCY RESULTING IN OVERLOADING TRANSMISSION FACILITIES.

WHEN SUDDEN OR UNANTICIPATED GENERATION OR TRANSMISSION OUTAGES CAUSE AN OVERLOADING OF AN ELECTRIC ENTITY'S FACILITIES OR INTERCONNECTION CIRCUITS THAT OPERATE AT A NOMINAL SIXTY HERTZ, THAT ELECTRIC ENTITY SHALL PERFORM ANY OR ALL OF THE FOLLOWING ACTIONS, AS REQUIRED:

- (A) INTERRUPT SERVICE TO CUSTOMERS SERVED UNDER INTERRUPTIBLE TARIFFS OR CONTRACTS.
- (B) INTERRUPT SERVICE TO FIRM SERVICE CUSTOMERS.
- (C) REDUCE VOLTAGE NOT MORE THAN FIVE PER CENT IF THE TRANSMISSION SYSTEM IS ISOLATED.
- (D) DISCONNECT THE OVERLOADED FACILITY OR CIRCUIT.

4901:5-37-~~04~~05 ANTICIPATED EMERGENCY CONDITIONS.

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 ENTITY SHALL PERFORM ANY OR ALL OF THE FOLLOWING ACTIONS, AS REQUIRED AND AS APPLICABLE:

- (A) INTERRUPT SERVICE TO CUSTOMERS SERVED UNDER INTERRUPTIBLE TARIFFS OR CONTRACTS.
- (B) INTERRUPT SERVICE TO CUSTOMERS WITH CONTROLLED SERVICE LOADS.
- (C) REDUCE VOLTAGE NOT MORE THAN FIVE PER CENT ON THE DISTRIBUTION SYSTEM.
- (D) REQUEST VOLUNTARY LOAD REDUCTIONS OF LARGE VOLUME FIRM CUSTOMERS.
- (E) APPEAL TO THE PUBLIC TO CONSERVE ELECTRICITY.
- (F) INITIATE MANUAL LOAD SHEDDING OF FIRM CUSTOMER LOADS.

(G) EACH ELECTRIC DISTRIBUTION UTILITY SHALL:

- (1) MAKE REASONABLE EFFORTS TO MAINTAIN SERVICE TO ESSENTIAL CUSTOMERS.**
- (2) SELECT DISTRIBUTION CIRCUITS AND LINES TO INTERRUPT SERVICE.**

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