

7620.0530 MEASURES FOR SEVERE SHORTAGES.

When the department determines that actions listed in parts 7620.0510 and 7620.0520 have not been or will not be sufficient to eliminate the shortage the following measures may be selected by the governor:

A. Owners/operators of commercial, industrial, and government buildings shall be ordered to reduce heating thermostats to 62 degrees Fahrenheit during the day where such action does not violate part 5205.0110, subpart 3 of the Department of Labor and Industry, and 50 degrees Fahrenheit at night or during unoccupied periods.

B. Emergency rules shall be ordered adopted or rules may be ordered suspended to relax environmental standards, where such action would yield significant fuel oil savings.

C. Delivery of fuel oil supplies to specific industrial sectors, including commerce and government, shall be ordered to be curtailed according to the following criteria. A curtailment order shall be in writing signed by the division director, and shall be delivered by registered mail to firms in the industrial sectors and area suppliers at least ten days prior to the effective date of the measure.

(1) Order of curtailment will be based on an industry's energy labor ratio, defined as the sum of natural gas and fuel oil consumption Btu's per year per employee. The industrial sector with the highest energy labor ratio will be the first to be curtailed, and so on. Such action will be rescinded in reverse order according to the industry's energy labor ratio.

(2) First priority uses under part 7620.0400, subpart 2 will be the last to be curtailed. Second priority uses will be curtailed after third priority uses.

(3) A firm within an industrial sector may be exempted from curtailment of fuel oil deliveries if it can demonstrate that its energy labor ratio is significantly below the industry average of the industrial sector because of conservation or conversion efforts. Exceptions may be granted on appeal pursuant to parts 7620.0310 to 7620.0340.

(4) A firm's energy labor ratio shall be determined by dividing the consumption of natural gas and fuel oil per employee by the ratio of its local degree days to the statewide average degree days of 8,400. The 30-year average of degree days shall be used.

(5) The order of curtailment and energy labor ratios for industrial sector groupings and associated standard industrial classification codes will be compiled by the department and published biennially in the State Register during the month of October.

D. Homeowners and renters may be requested to close homes and move in with friends, relatives, or into emergency shelters. The emergency operating center shall assist

in this effort by designating shelters, aiding in securing homes, and providing emergency transportation.

E. Actions available for implementation under parts 7620.0510 and 7620.0520 will remain available under this part.

Statutory Authority: *MS s 216C.15*

History: *L 1984 c 640 s 32; L 1987 c 312 art 1 s 9*

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