

MIDWESTERN PETROLEUM SHORTAGE RESPONSE

COLLABORATIVE REGIONAL FRAMEWORK

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U.S. DEPARTMENT OF
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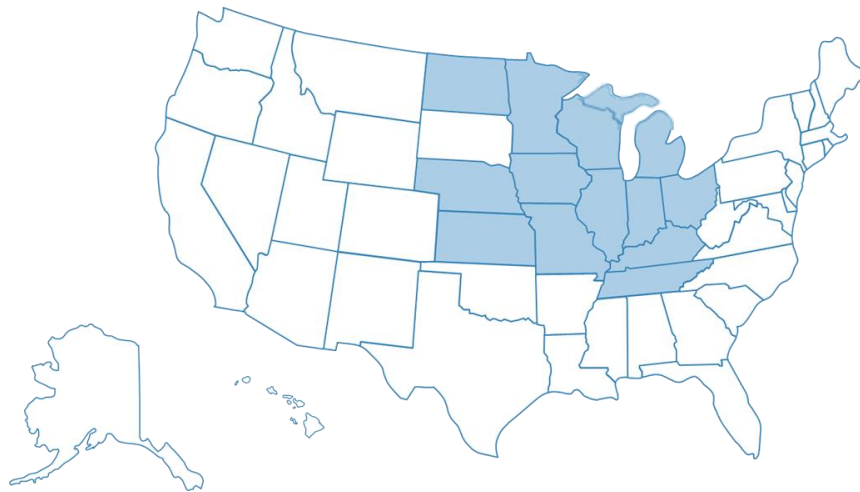
INTRODUCTION

The Midwestern Petroleum Shortage Response Collaborative (MPSRC) was created to facilitate the coordination and development of a regional catastrophic fuel response framework among a subset of midwestern states’ emergency management and energy offices. This initiative is a state-driven acknowledgment of the need to work together and share resources to best address state and regional petroleum shortage preparedness and response needs.

MPSRC states, shown in [Figure 1](#), include:

- Illinois
- Indiana
- Iowa
- Kansas
- Kentucky
- Michigan
- Minnesota
- Missouri
- Nebraska
- North Dakota
- Ohio
- Tennessee
- Wisconsin

Figure 1: MPSRC Member States



More information on member states’ state energy offices and emergency management agencies can be found in [Appendix A, State Energy Offices](#) and [Appendix A, State Emergency Management Agencies](#).

The purpose of the MPSRC Regional Framework is to codify guidance for coordinated response, prioritize response programs and actions, standardize information flows, and pre-identify tools and templates that may be necessary to respond to a petroleum shortage. This is a living document, so the MPSRC is encouraged to update the MPSRC Regional Framework to meet the evolving needs of the petroleum landscape and the MPSRC. The MPSRC Regional Framework is divided into three primary sections with supporting appendices:

Section 1) Programs and Actions for Regional Implementation

This section provides details and context on the programs and actions that MPSRC member states have agreed to include in their plans to allow for coordinated implementation during a petroleum shortage.

Section 2) Regional Response Roles and Responsibilities

This section describes communication and information sharing roles and expectations between states as well as guidance and best practices for ongoing preparedness efforts to strengthen regional readiness to respond to petroleum shortages.

Section 3) Regional Coordinated Response

This section provides guidance on states' decision-making process(es) before, during, and after regional coordination during potential petroleum shortages.

Appendices: Tools, Program Templates, and Messaging Guidance

This section includes templates and tools states can use and incorporate in their energy security plans and/or petroleum shortage response plans.

ASSUMPTIONS

Assumptions that may affect the operational environment of a coordinated regional response include:

- Each member state has an energy emergency response plan specific to their state's needs and capacities separate from the regional framework. A regionally coordinated approach does not suggest any changes to internal decision-making processes but does encourage regional collaboration and the implementation of consistent programs and actions when a coordinated response is required by two or more midwestern states.
- The scope of an event may require coordination beyond the MPSRC region.
- National Association of State Energy Officials (NASEO), National Emergency Management Association (NEMA), and Department of Energy (DOE) Office of Cybersecurity, Energy Security, and Emergency Response (CESER) may support states in response to a petroleum shortage event at the request of impacted states. The scale and scope of the event and states needs determines the level of their involvement.
- This effort builds off of the [Energy Emergency Assurance Coordinator \(EEAC\) Agreement](#), a broader national effort that supports state-to-state communication and information sharing as identified in the agreement by [DOE](#), the National Governors Association (NGA), [NASEO](#), the National Association of Regulatory Utility Commissioners (NARUC), and NEMA.
- States are responsible for involving their respective public and private sector partners in response efforts as necessary.

1. PROGRAMS AND ACTIONS FOR REGIONAL IMPLEMENTATION

This framework builds upon the [NASEO Petroleum Response Guidance](#) that describes programs and actions that states can use to incorporate into their plans to respond to petroleum shortage incidents. States cannot execute programs unless they have been previously stood up and funded, while actions are immediate responses that states can take to respond to petroleum shortages. As states use these programs and actions, they must ensure that they communicate and coordinate with neighboring states and the region as necessary to ensure a coordinated and cohesive response. Industry partners often work with the appropriate state offices to initiate the request for the waivers listed below. [DOE CESER's Energy Waivers Library](#) can also serve as a resource when implementing waivers. [Table 1](#) and [Table 2](#) below summarizes the key actions and programs that States can implement:

Table 1: Actions

ACTIONS	SUPPORTING TOOLS AND TEMPLATES
---------	--------------------------------

UNITY OF MESSAGE/PUBLIC COMMUNICATIONS

This action should be taken in tandem with most of the other actions and programs discussed below. Sharing information with the public and encouraging consumers to voluntarily reduce fuel usage through press releases, websites, outreach through social media, and public service announcements is a key tool to stem panic during petroleum shortages. Regionally, states should coordinate their messaging to ensure that the public is not receiving conflicting or confusing information.

[Quick Guide on Crisis Communications](#)
(NASEO & NARUC)

WAIVER OF THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION SAFETY REGULATIONS

To provide vital supplies and transportation services to a disaster area in the US, emergency declarations may be issued by the president, governors, or the Federal Motor Carrier Safety Administration (FMCSA). These declarations trigger the temporary suspension of federal safety regulations, including Hours of Service, for motor carriers and drivers engaged in specific aspects of the emergency relief effort ([49 CFR Parts 390-399](#)). Drivers responding to provide "direct assistance" to an "emergency" that meets the definitions in 49 CFR 390.5 and declared by FMCSA or a governor are exempt from applicable regulations in all states on their route to the emergency, *even though those States may not be involved in the emergency or stated in the declaration of emergency*. States may have additional legislation or rules requiring state-specific approvals, which they should be familiar with. Only FMCSA may declare a regional emergency (requiring that safety rules be waived) or extend said waiver beyond thirty days.

[Executive Order](#)

EPA FUEL SPECIFICATION WAIVERS

This action requests temporarily waiving the US Environmental Protection Agency's (EPA) regulations on diesel and fuel properties. In the event of a fuel supply emergency, the EPA and DOE may waive requirements for fuel and fuel additives to increase fuel supply. Enacting this waiver requires close coordination between the EPA and state agencies. If a state has its own fuel specification requirements, they may also need to be waived for the EPA waiver to be effective. Please note: The waiver may cover regulations related to Gasoline Reid Vapor Pressure (RVP), Conventional Blendstock for Oxygenate Blending (CBOB)/Reformulated Blendstock for Oxygenate Blending (RBOB), or sulfur.

[Executive Order
Template](#)

REQUEST FEDERAL ENERGY REGULATORY COMMISSION (FERC) PRIORITIZATION ORDER OR ALTERNATIVE DISPUTE RESOLUTION (ADR)

Under the Interstate Commerce Act, the Federal Energy Regulatory Commission (FERC) has the authority to order priority shipments on regulated interstate pipelines during emergency circumstances. Such prioritized shipments can be used to help alleviate shortages of a specific fuel type. States (typically a Governor or Legislator) can request that FERC exercise their authority to direct or prioritize pipeline shipments of fuel to an area that has a shortage through the issuance of a single, official order. FERC may also provide alternative dispute resolution (ADR) services to increase supply and minimize regional disruptions by bringing together relevant industry partners to coordinate pipeline shipments into the affected region. Should multiple states coordinate to have their Governors request either of these actions, there may be an increased likelihood FERC will take some type of action.

[2014 FERC Order](#)

REQUEST INTERNAL REVENUE SERVICE DYED DIESEL FUEL EXCISE TAX WAIVER

States can request that the Internal Revenue Service (IRS) temporarily waive the tax penalty for dyed diesel fuel sold for use on the highway, creating a greater supply of usable fuel. Dyed diesel fuel is only for use in off-road vehicles or non-highway use, such as farm tractors, heavy construction equipment, home heating, and generators. The IRS imposes a highway excise tax per gallon on diesel fuel sold for on-road use; dyed diesel fuel is not ordinarily subject to this tax. States can request this waiver by coordinating with the IRS in the case of a major shortage.

[Sample Waiver
Announcements](#)

WAIVERS FOR STATE WEIGHT LIMITS FOR PETROLEUM TANKER TRUCKS

Under a governor-declared emergency declaration, weight limits for petroleum tanker trucks may be waived. This action only applies on a state-by-state basis and if trucks have to go out of state for fuel supplies, they are subject to weight limits in the states through which they pass.

[NASEO Guidance](#)

PERIOD OF ABNORMAL ECONOMIC DISRUPTION

Any prolonged interruption of the supply of petroleum has the potential to do considerable harm to the economy and functioning of the U.S. During shortages, some retailers may take advantage of market conditions by price gouging, resulting in the need to enact consumer protections and seek penalties for those engaging in illegal behavior. The impacts of petroleum shortages do not end at state lines; regional messaging and coordinated regulations present a united front against those engaging in price gouging activities.

[Price Gouging](#)
[State Statutes](#)

Table 2: Programs

PROGRAMS	SUPPORTING TOOLS AND TEMPLATES
<p>PRIORITY END-USERS PROGRAM</p> <p>This priority end-user program requires petroleum suppliers to provide sufficient liquid fuels to meet the needs of critical end-users such as first responders: law enforcement, fire and emergency medical services, and any other essential service providers determined by the state or other legal authorities. Use of this program requires the state to identify critical end-users for priority service who then self-certify current fuel needs. This program should only be used in serious, longer-term shortages with limited supplies available to essential users.</p>	<p>Guidance for States on Petroleum Shortage Response Planning</p>
<p>MINIMUM PURCHASE AND/OR ODD-EVEN OR LICENSE SEQUENCING PURCHASE PROGRAM</p> <p>This program, enacted via a governor’s emergency executive order, declares that, due to lack of supply, gasoline and/or diesel fuel shall be dispensed to vehicle owners based on the end number or letter on their license plates on the corresponding even or odd day of the month. Historically, this measure has been accompanied by minimum purchase rules which encourage consumers to wait to fill up their tanks until they can purchase at least the minimum amount (i.e., no fewer than 10 gallons) suggested by the state order.</p>	<p>Odd-Even Purchase Executive Order Template</p>

ESTABLISH RETAIL GAS STATION PRIORITIES FOR ESSENTIAL SERVICES

This program prioritizes gas station supplies for essential services. Some state and local governments are reliant on retail gas stations to meet their fleet needs. Prioritizing gas station supplies for essential services may help ensure that essential public service needs are met during a serious fuel shortage. To implement this program, states must identify essential services to prioritize and coordinate messaging related to prioritization. Please reference page 70 of the NASEO Petroleum Guidance for additional information on designating and establishing priorities for retail gas stations.

[Guidance for States on Petroleum Shortage Response Planning](#)

CONTRACTUAL PROVISIONS FOR FUEL SUPPLIES IN AN EMERGENCY

Regulations and laws vary from state to state, but it is important that state leadership understands how fuel supplies are secured. Contractual provisions are often quite specific, so it is vital to understand when they apply and the legal nuances surrounding them. Though contractual provisions are not frequently used, they are a tool that can be utilized during a dire circumstance.

[NASEO Guidance](#)

2. REGIONAL RESPONSE ROLES AND RESPONSIBILITIES

Identifying roles and responsibilities for a petroleum shortage incident promotes better coordination and information sharing among state, local, and federal government departments and agencies. States should reference and update the shared regional contact list annually for up-to-date contact information and confirm their state contacts are correct.

Each year, one of the states in the MPSRC volunteers to be the lead coordinating state for the Collaborative. This coordinating lead state brings other states within the region together on a regular schedule to prepare for fuel-shortage incidents and during an incident to coordinate regional actions. If the lead state is greatly impacted by a disruption, they may request the vice state or another unimpacted state lead coordination.

Roles and responsibilities for states during steady-state conditions include:

- Updating contact information annually or when there are personnel changes
- Develop/maintain a state energy profile, including the many uses of petroleum, (understanding your state's baseline helps with monitoring for deviation and evaluating potential impacts)
- Work with state and industry partners to engage in integrated preparedness planning
- Maintain situational awareness by monitoring markets, events, and supply on a regular basis. States may opt to use a liquid fuels risk rubric to synthesize data
- Establishing and maintaining information sharing channels and flows with both private (industry) and public partners, as well as other stakeholders
- Determining and maintaining communication protocols and tools
- The SPSRC coordinating-lead state will coordinate quarterly steady-state calls

State responsibilities throughout a petroleum shortage response include:

- Contacting neighboring states for situational assessments
- Communicating situational assessments through agency leadership or appropriate representatives
- The SPSRC coordinating-lead state will convene regional coordination calls as necessary; if the coordinating-lead state is the primary impacted state, they may request another state, NASEO, or DOE assume this responsibility.
- Determining the appropriate programs and actions to mitigate impacts
- Coordinating stakeholders (e.g., federal government, other state governments, local governments, petroleum industry partners)
- Notify neighboring states of any waivers that are implemented
- Coordinating emergency declaration considerations

Impacted States

Impacted states may request that the lead state initiate coordination in the event of a petroleum shortage incident. If impacted state(s) implement actions, it may be beneficial to communicate those actions with all states in the Collaborative, whether they are directly affected. Should the incident rise to the level of requiring a coordination call, the MPSRC coordinating-lead state will organize one. Impacted states should employ a consistent and coordinated public messaging strategy both throughout their state and with neighboring states. While regionally coordinated messaging is encouraged, it may prove challenging to implement due to factors such as the political environment. Reference [Appendix C](#) for additional information on public information and communications.

Secondary Impacted and Non-Impacted States

All states, even those not directly impacted, in the region should maintain situational awareness of the programs and actions that impacted states are taking to recover from a disruption event. Some programs and actions may have inter-state implications.

PLEASE NOTE: Information sharing between impacted and non-impacted states provides common awareness of the situation, the severity of the incident, and the geographic scope of impacts and keeps non-impacted states abreast of the response and recovery actions and programs that impacted states are pursuing. Non-impacted states may receive requests to provide resources during recovery, such as through an Emergency Management Assistance Compact (EMAC).

Non-impacted states may also be affected by the response actions of other states. For example, non-impacted states may experience heightened traffic due to an evacuation in another state. Reference [Appendix C](#) for additional information on public information and communications.

REGIONAL COMMUNICATION AND INFORMATION SHARING

The MPSRC has access to the resources below to support regional coordination and information sharing. In addition to these resources, the [EEAC Program](#) will serve as the primary communication framework for regional coordination.¹

Contacts

A list of MPSRC contacts is available through your MPSRC coordinating-lead. The contact list should be reviewed and updated at least annually by the states participating in the MPSRC. It is the responsibility of the state serving as the lead for the year to ensure that MPSRC states update the contact list on an as needed basis.

Electronic Mail (Email) List

The MPSRC lead will maintain an Email distribution list of MPSRC members. If support with contact information is necessary, MPSRC members can email Kirsten Verclas (kverclas@naseo.org) or Blake Kinney (bkinney@naseo.org).

Email communication will serve as the primary communication and information sharing tool. The MPSRC Lead state may elect to establish collaboration sites (SharePoint, Teams, Dropbox, Google Drive) if needed.

Quarterly Coordination Calls

Steady-state calls provide regular opportunities for member states to share energy market updates and analysis and build relationships among the region's state energy and emergency management offices. During these calls, planning developments, lessons learned, preparedness activities, training, state exercises, and points of coordination will be discussed, along with other topics of interest to the group. Representatives from the member state energy offices and emergency management agencies will be the primary attendees of these calls. Additional attendees such as industry members, partners from non-member states, and national/federal partners may also be invited by the member states.

The MPSRC coordinating-lead state will host the quarterly calls. These calls may occur anytime that works for Region; however, after the NASEO semi-annual severe weather outlooks (spring and fall) would be a

¹ Member states can refer to the “Agreement for Enhanced Federal and State Energy Emergency Coordination, Communications, and Information Sharing” for more information. [http://naseo.org/Data/Sites/1/documents/energyassurance/documents/final-eeac-agreement-\(february-2016\).pdf](http://naseo.org/Data/Sites/1/documents/energyassurance/documents/final-eeac-agreement-(february-2016).pdf)

beneficial time to conduct a call. Member states have the option to invite industry partners to participate. [Table A.1](#) provides a template call agenda and [Table A.2](#) depicts a proposed schedule.

Regional Coordination Call In Response to a Petroleum Shortage Incident

During a petroleum shortage that necessitates coordination with regional partners, the impacted state(s) will coordinate with the MPSRC coordinating-lead state to convene a Collaborative call to share information on the current situation, assess potential downstream impacts, and identify any support the non-impacted states may be able to provide. An agenda for this call can be found in [Table A.3](#) If the MPSRC coordinating-lead state is one of the impacted states, they may ask another state to host or alternatively, request NASEO to facilitate. States may also request DOE CESER to provide situational updates.

Critical Information Sources

Critical information sources are essential pieces of information required to carry out response processes with optimal situational awareness. Critical information sources relevant to petroleum shortage response include, but are not limited to:

- Knowledge of critical infrastructure impacted by the disruption
- Awareness of alternative supply sources that could re-supply the impacted region
- Base stock levels of fuels in the impacted region
- Planned future shutdowns of refineries supplying the impacted region
- Weekly or daily assessments and short-term energy market forecasts (i.e., the U.S. Energy Information Administration [EIA] and other data sources)
- [State and regional energy risk profiles](#)
- Regional gasoline and diesel fuel prices — price increases prior to any disruption may indicate a tight supply market
- Refinery and pipeline operating conditions (via relationships, reports)
- Heating and cooling degree days
- Weather data, to the degree it impacts demands
- Heating fuel reports

Unity of Message/Public Communications

In a fuel shortage, it is important for all members of the MPSRC to provide messaging with pertinent information about the disruption and all accompanying actions to educate the public, mitigate misinformation, and reduce panic. This can be achieved through unity of message/public communications

that share coordinated, timely information with the public through press releases, websites, outreach through social media, and public service announcements. This communication can also encourage consumers to voluntarily curtail fuel usage as necessary to help reduce the impacts of the shortage. These programs can be implemented using existing communications channels and resources in coordination with energy partners.

ONGOING REGIONAL PETROLEUM SHORTAGE PREPAREDNESS

By updating state energy security plans, fuel plans, and emergency response plans, as well as advancing capabilities over time, MPSRC states can enhance their overall preparedness for a shortage event, as well as lessen potential impacts from an emergency. The following section provides guidance and best practices for ongoing preparedness and resilience against regional petroleum shortages. Among the tasks that MPSRC states shall undertake as part of regional preparedness are trainings, exercises, and the pre-development of mutual aid packages.

Maintaining Capabilities

MPSRC states should regularly coordinate to maintain capabilities during steady state to better prepare for regional coordination during a shortage. To foster collaboration and facilitate collective maintenance of response capabilities, the MPSRC states hold quarterly coordination calls and share information via email.

Integrated Planning

MPSRC states should engage in integrated preparedness planning with other state agencies, stakeholders, and industry partners. As the threat landscape evolves, so should energy security plans. Planning efforts present a unique opportunity to convene stakeholders and response partners and align plans across agencies/departments. One such opportunity for integration is incorporation of energy threats into State Hazard Mitigation Plans for identification of mitigation measures. These planning efforts also provide an opportunity to engage industry partners to identify critical infrastructure and potential ways to harden this infrastructure or make it more resilient.

Training and Exercising

Inter-agency, as well as intra- and inter-state training and exercises are critical for maintaining response readiness. Training and exercises allow MPSRC states to test capabilities, procedures, and systems in a no-fault learning environment in advance of a shortage. This can help identify gaps, strengths, and areas for improvement and provide an opportunity for coordination among member states.

During coordination calls, MPSRC members should discuss relevant upcoming trainings and exercises that other member states, as well as industry partners, may support or participate in. This should include integrating regional coordination elements into each state's petroleum exercise.

Mutual Aid

Mutual aid is an essential resource for receiving assistance through pre-arranged agreements with another entity, such as another state, to provide support under specified terms and conditions.

Mutual aid agreements should be established during steady state and should define explicit terms, including considerations for how the agreement is activated, how the requesting and supporting entity communicate and coordinate with one another, and funds available to support the terms of the agreement. These mutual aid agreements may be through [EMAC](#) or other mutual aid mechanisms.

Pre-Scripted Resource Requests

The development of pre-scripted resource requests during steady state supports efficient and effective facilitation of mutual aid during a shortage. By developing resource requests ahead of time, the impacted state can save time and reduce stress when an incident does occur. Identifying other member states who could meet these resource needs prior to the incident helps states work through key logistical issues, reimbursement requirements, as well as offers additional opportunities to train and exercise with each other.

Mission-Ready Packages

Mission-ready packages (MRPs) are another method for preparing to engage mutual aid during steady state. MRPs include detailed information about the resource capabilities, timing considerations, and any associated costs. By establishing these details in advance, states identify key resources they can offer to help neighboring states. Like pre-scripted resource requests, MRPs speed up the mutual aid process and provide an opportunity for continued coordination with regional partners as part of preparedness.

Energy Emergency Support Function (ESF #12) mission ready package templates can be found on the [EMAC website](#) under EMACweb.org – Learn – Energy discipline page.

3. REGIONAL COORDINATION

Coordinating the implementation of petroleum shortage programs and actions as needed across the region provides consistency across state lines and reduces the administrative burden compared to different sets of actions across the region. Regional coordination creates consistency, streamlines the response process for suppliers operating in multiple states and supports public awareness and compliance. The following section highlights state-level and regional decision-making processes necessary for a coordinated response across impacted and non-impacted states in the region.

TRIGGERS AND THRESHOLDS FOR REGIONAL COORDINATION

PURPOSE:

Triggers and thresholds help States understand the severity of petroleum shortage incidents. These thresholds also help determine the point after which stakeholder states should reach out to external partners for supplemental assistance.

Monitoring and Pre-Event

Before the onset of a disruptive event, states may find it prudent and necessary to share situational awareness information with one another to assess the severity of the impending disruption. Once an event that causes a disruption in fuel supply operations occurs, it triggers coordinated information sharing as described in the [EEAC Agreement](#). The EEAC Agreement establishes information sharing protocols, including what information should be shared, as well as communications protocols for timely coordination and information sharing.

Convening a Petroleum Shortage Coordination Call

Should even a single state deem it necessary to coordinate with the region for, or in preparation for, a shortage event, they will contact the MSPRC lead to convene a Petroleum Shortage Coordination Call to determine the impacts and if joint action is necessary. If a state is solely impacted, the impacted state's energy security plan or petroleum shortage plan should also be implemented as needed. If the disruption impacts, or will impact, multiple states, the MSPRC lead should proactively convene a Petroleum Shortage Coordination Call. Neighboring states are also empowered to contact each other for situational awareness and to coordinate response actions.

All disruptions are not the same, global market forces could result in very different concerns than those created by a severe weather event or a cyber-attack on a pipeline. As such, information sharing will result in a more knowledgeable and cohesive response. Information, including that gleaned from neighboring states and industry, about the event is communicated with state leadership and associated internal partners. For communications to the public, states may reference [Appendix C](#) for information on public information and communications.

Coordinated Actions

If joint action is necessary, approval from the states’ governors may be required prior to implementing the programs and before actions are taken for a coordinated response. Should these programs/actions mitigate impacts of the event, they shall be monitored and in effect until the petroleum shortage stabilizes. In the event they are not successful, additional programs/actions should be considered.

States' implementation of coordinated regional response actions are voluntary. States will only initiate coordinated actions when two or more states in the region face a petroleum shortage and those states agree that a coordinated regional approach is mutually beneficial. States should use the existing pre-established decision-making authorities and processes as described in their state’s emergency response plans, state energy security plans, and fuel plans.

Considerations for Coordination

When there is a disruption to petroleum supply, states should consider the following questions when assessing the situation and determining the ideal coordinated response:

Does this event impact multiple states?	
<p>If the answer is yes, the MPSRC coordinating-lead state should convene the Collaborative member states in a conference call to identify the scope of impacts and consider aligning response actions. support from NASEO, NEMA, and DOE may be available at the request of impacted states.</p>	<p>If the answer is no, impacted states should carry out their internal response plan and use the EEAC listserv to share steps with collaborative member states. States may still hold a conference call, if desired, for regional awareness and to share effective practices.</p>

The event impacts multiple states. Should joint action be taken?	
<p>If the answer is yes, impacted states should align needs and capabilities to determine which programs/actions to enact and the processes required to do so.</p>	<p>If the answer is no, impacted states should implement their response plan without regional coordination but maintain communication with member states about the situation and actions taken.</p>

Do the identified programs and actions require the governor's (or delegated) approval for implementation?

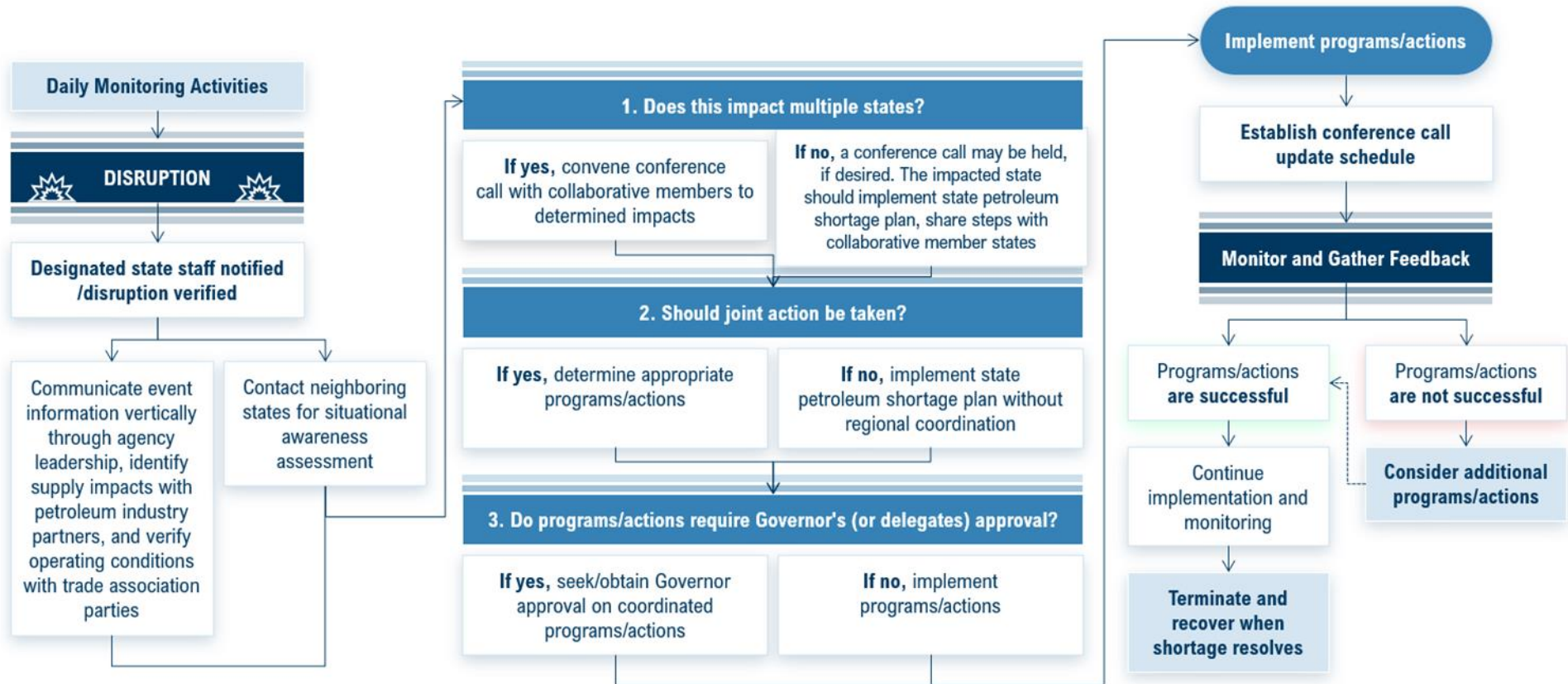
If the answer is **yes**, impacted states should follow their respective procedures for obtaining gubernatorial (or other) approval on the selected programs and actions.

If the answer is **no**, impacted states should carry out implementation of the selected programs and actions to address the disruption.

Figure is a visual representation of the decision-making process for a coordinated regional response.

Please reference [Regional Communication and Information Sharing section](#) for additional details.

Figure 2: Regional Coordinated Response



SUMMARY

In summary, this framework establishes programs and actions, coordination mechanisms, and information and resource sharing practices, along with associated tools and templates, that better prepare MPSRC states ahead of crises and guide states during crises when time is limited. Combined with the collective expertise and experience of State and regional energy and emergency management contacts and NASEO, NEMA, and DOE, this framework is designed to mitigate impacts from an incident and improve response and long-term recovery outcomes. MPSRC states are encouraged to utilize and adapt the tools and templates in this framework, as referenced in the next section, to capture the evolving nature of incidents and the states' improved coordinated response to them. States should also incorporate the programs and actions included in this framework into their state energy security plans so that all states are capable of coordinating cohesively with the region during crises.

APPENDIX A: TOOLS FOR THE MPSRC

The following section contains templates, generic waiver templates, and other response tools as requested by state participants.

STEADY-STATE COORDINATION CALL AGENDA AND SCHEDULE

Table provides a template agenda for regional coordination steady-state calls. **Table** contains a proposed schedule of host states and call time frames.

Table A.1: Steady-State Call Agenda

Date:	Time:	Dial-In Information:
1. Introductions and Contact Information		
Lead / Facilitator:		
Member States: Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Tennessee, Wisconsin		
Attendees: [MPSRC Partners, Other Attendees]		
2. Topic #1: [enter topic here]		
Lead / Facilitator:		
<ul style="list-style-type: none"> [Report Out Items] 		
3. Topic #2: [enter topic here]		
Lead / Facilitator:		
<ul style="list-style-type: none"> [Report Out Items] 		
4. Other Discussion		
Lead / Facilitator:		
<ul style="list-style-type: none"> [Report Out Items] 		
5. Action Items		
Lead / Facilitator:		
Action Item:	Responsible Party:	Status:
6. Next MPSRC Steady-State Call		
Lead / Facilitator:	Date:	Time:

Table A.2: Proposed Schedule of Regional Steady State Calls

Time Period	Call Date	Host	Alternate
Q4 – 2023	December 2023		
Q1 – 2024	March 2024		
Q2 – 2024	June 2024		
Q3 – 2024	September 2024		
Q4 – 2024	December 2024		
Q1 – 2025	March 2025		
Q2 – 2025	June 2025		
Q3 – 2025	September 2025		
Q4 – 2025	December 2025		
Q1 – 2026	March 2026		
Q2 – 2026	June 2026		
Q3 – 2026	September 2026		
Q4 – 2026	December 2026		

PETROLEUM SHORTAGE COORDINATION CALL AGENDA

Table A.3 provides a template agenda for regional coordination response calls.

Table A.3: MPSRC Response Call Agenda

Date:	Time:	Dial-In Information:
1. Introductions and Contact Information		
Lead / Facilitator:		
Member States: Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Tennessee, Wisconsin		
MPSRC Response Partners:		Other Stakeholders:
<ul style="list-style-type: none"> (e.g., National Association of State Energy Officials representative) 		<ul style="list-style-type: none"> (e.g., DOE CESER, industry partner representative)
2. Event Details		
Lead / Facilitator:		Impacted State(s):
<ul style="list-style-type: none"> Hazard / Event Anticipated / Actual Incident Location Onset and Timing of Incident 		<ul style="list-style-type: none"> Current and Expected Impacts Response Operations Points of Contact
3. Situational Awareness		
Lead / Facilitator:		Impacted State(s) [Round Robin]:
State of Current Activities:		
<ul style="list-style-type: none"> Areas Affected Estimated Impacts Supply Chain Considerations 		<ul style="list-style-type: none"> Energy Market Status Anticipated Duration of Response Operations Other:
4. Regional Coordination		
Lead / Facilitator:		Impacted State(s):
Program and Actions Considerations:		
[Program/Action 1]	<ul style="list-style-type: none"> Program/Action Description Implementation Considerations Approval Needs/Strategy Public Messaging Considerations Next Steps Other: 	
5. Other Discussion		
Lead / Facilitator:		Impacted State(s) [Round Robin]:
Discussion Items:		
6. Action Items		
Lead / Facilitator:		Impacted State(s) [Round Robin]:
Action Item:	Responsible Party:	Status:
7. Next Regional Conference Call		
Lead / Facilitator:	Impacted State(s):	Date / Time:

MIDWESTERN STATES ENERGY CRITICAL INFORMATION SOURCES

Assessments and Short-Term Forecasts

Item	Description	Link	How is this data used?
State Profiles and Energy Estimates (EIA)	Energy use and infrastructures maps by state	eia.gov/state	Baseline state energy data for situational awareness supply chain, support program, and policy development.
Short Term Energy Outlook (EIA)	US Energy Supply and Demand Assessment	https://www.eia.gov/outlooks/steo/	State and regional trends are affected by the US outlook. This report may help identify factors that influence regional supply and demand.
State and Regional Risk Profiles (DOE)	Energy Sector Risks by state and region	https://www.energy.gov/ceser/state-and-regional-energy-risk-profiles	Quantifies energy sector risks at the state and regional level. Helps understand the nature of the threats that may require a response.
Energy Infrastructure with Real-Time Storm Information (EIA)	Maps of infrastructure and storms and warning	https://www.eia.gov/special/disruptions/	Shows areas affected by hurricanes and storms and the critical energy infrastructure in the impacted area.

Petroleum Data

Item	Description	Link	How is this data used?
State and regional level inventories (EIA)	Refinery, bulk terminal, stocks by state	https://www.eia.gov/petroleum/data.php#consumption	Shows monthly historical primary stocks by state and regions. Can be compared to weekly regional stock data from the EIA Weekly Petroleum Status Report.
Working and net available shell storage capacity (EIA)	Petroleum Administration for Defense Districts (PADD) level storage capacity	https://www.eia.gov/petroleum/storagecapacity/	Allows user to access stock data and determine at a PADD level how full or low stock levels may be relative to total storage capacity. Allows user to say how full the storage is in the region.
Retail prices gasoline and diesel fuel (AAA)	By state—current daily, historical	https://gasprices.aaa.com/todays-gas-prices	Has current gasoline prices date by states and major cities; spiking prices may be due to supply disruptions.
Gas Buddy	US gasoline price heat map	US and Local National Gas Station Price Heat Map - GasBuddy.com	Provides comparative gasoline prices analysis. Higher prices may indicate supply constraints.
Daily wholesale and retail petroleum product prices (EIA)	National and regional petroleum prices	eia.gov/todayinenergy/prices.cfm	Shows daily wholesale and retail prices for various energy products, including spot prices and select futures prices at national or regional levels.

Item	Description	Link	How is this data used?
Residential Heating Oil and Propane Prices (EIA)	Weekly by states during the heating season	Residential Propane Weekly Heating Oil and Propane Prices (October - March) (eia.gov)	Weekly residential prices by state (October through March). Price spikes are indicative of supply problems.
Capacity of Operable Petroleum Refineries by State (EIA)	Barrels per day	eia.gov/petroleum/refinerycapacity/table3.pdf	Operational refinery capacity is important. When one or more refineries shut down, this tool can estimate the total supply disruption and compare it to state demand.
Pipeline, Marine, and Rail Deliveries (EIA)	Pipeline, Tanker, Barge and Rail by PADD	eia.gov/dnav/pet/PET_MOVE_NETR_A_E_PC0_VNR_MBBL_M.htm	Shows the volume of the flow for a full range of petroleum products between PADD, including net imports and exports.

Energy Supply State Report Examples

Report	Type	Organization	Link
Weekly Heating Fuels Report	Historic prices and inventories and analysis	NYSERDA	nyserda.ny.gov/Cleantech-and-Innovation/EA-Reports-and-Studies/Weekly-Heating-Fuels-Report.aspx
Weekly Transportation Fuels Report	Historic prices and inventories and analysis	NYSERDA	nyserda.ny.gov/Cleantech-and-Innovation/EA-Reports-and-Studies/Weekly-Transportation-Fuels-Report
Michigan Energy Appraisal (Spring and Fall)	Short-term projections for the state and region	Michigan Agency for Energy	Michigan Energy Assessment Winter 2019

Report	Type	Organization	Link
California	Energy Maps of California	California Energy Commission	https://www.energy.ca.gov/data-reports/energy-maps-california
Kentucky Situational Awareness Report	Consolidated dashboard of relevant EIA information	Kentucky Office of Energy Policy	energy-situation-report-kygis.hub.arcgis.com

SITUATIONAL AWARENESS AND REAL-TIME ASSESSMENT RESOURCES

Emergency Situation Reports (SitReps) and Infrastructure Mapping

Resource	Site Provider	Link	Description
EIA Storm Threat Mapping Tool	DOE	https://www.eia.gov/special/disruptions/	EIA tracks and reports on selected significant storms that impact or could potentially impact energy infrastructure.
Petroleum Infrastructure and Energy Resources	DOE	eia.gov/app/e1c92d7601b9490697d22dfe2da1b4ac	
Energy Disruptions Maps (Hurricanes, Typhoons, Flooding, Cyclones, Wildfires)	DOE	atlas.eia.gov/pages/energy-disruptions	

Resource	Site Provider	Link	Description
Public Emergency Energy Situation Reports	DOE	https://www.energy.gov/ceser/emergency-response-hub	Highlights energy emergencies; summarizes DOE actions, energy infrastructure operation status, etc.
State-Specific Emergency Alerts and Situational Awareness Statements	State Emergency Management Agencies		
EAGLE-I (DOE)	Interactive geographic information system (GIS) that	https://eagle-i.doe.gov/login	Allows users to view and map the nation's energy infrastructure and obtain near real-time informational updates concerning the electric, petroleum and natural gas sectors within one visualization platform.
Electricity Information Sharing and Analysis Center (E-ISAC)	North American Electric Reliability Corporation (NERC)	https://extfs.eisac.com/adfs/ls/idpinitiatedsignon.htm	Hub for bi-directional information sharing among members, partners, and E-ISAC analysts.

Weather

Resource	Site Provider	Link	Description
National Hurricane Center	National Oceanic and Atmospheric Administration (NOAA)	https://www.nhc.noaa.gov/	Provides hurricane and marine forecasts.
Active Weather Alerts by Hazard	NOAA	weather.gov/alerts	
Snow and Ice Accumulation	NOAA	weather.gov/box/winter	
National Forecast Maps	NOAA	weather.gov/forecastmaps	
Heating/Cooling Degree Days	NOAA	https://www.cpc.ncep.noaa.gov/products/analysis_monitoring/cdus/degree_days/	<p>Pertinent weather statistics that help states understand trends and deviations from weather norms.</p> <p>Weekly and monthly statistics by state.</p>

Resource	Site Provider	Link	Description
Climate Outlooks	NOAA	https://www.cpc.ncep.noaa.gov/products/forecasts/	Watches/Warnings; Hazards; Weather Outlooks for three to seven and eight to ten days; monthly; seasonal.

Energy Emergency Assurance Coordinators

Resource	State Provider	Link	Description
ISERnet	Log into the ISERnet for the current listing by state	ISERnet Login	

State Energy Offices

State	Agency	Link
Illinois	Illinois Environmental Protection Agency – Office of Energy	https://epa.illinois.gov/topics/energy.html
Indiana	Indiana Office of Energy Development	https://www.in.gov/oed/
Iowa	Iowa Economic Development Authority – Energy Office	https://www.iowaeda.com/iowa-energy-office/

State	Agency	Link
Kansas	Kansas Corporation Commission – Energy Office	http://www.kcc.state.ks.us/kansas-energy-office
Kentucky	Kentucky Energy and Environment Cabinet – Office of Energy Policy	http://energy.ky.gov/
Michigan	Michigan Public Service Commission	https://www.michigan.gov/mpsc
Minnesota	Minnesota Department of Commerce – Energy Division	https://mn.gov/commerce/
Missouri	Missouri Department of Natural Resources – Division of Energy	https://energy.mo.gov/
Nebraska	Nebraska Department of Environment and Energy	http://www.neo.ne.gov/
North Dakota	North Dakota Department of Commerce – Division of Community Services	https://www.business.nd.gov/energy/
Ohio (State Energy Office not involved in Collaborative)	Ohio Department and Development – Office of Energy & Environment	https://ohio.gov/wps/portal/gov/site/business/resources/advanced-energy-programs

State	Agency	Link
Tennessee	Tennessee Department of Environment and Conservation – Office of Energy Programs	https://www.tn.gov/environment/
Wisconsin	Public Service Commission of Wisconsin – Office of Energy Innovation	https://psc.wi.gov/Pages/Programs/OEI.aspx

State Emergency Management Agencies

State	Agency	Link
Illinois	Illinois Emergency Management Agency and Office of Homeland Security	https://iemaohs.illinois.gov/
Indiana	Indiana Department of Homeland Security	https://www.in.gov/dhs/
Iowa	Iowa Department of Homeland Security and Emergency Management	https://homelandsecurity.iowa.gov/
Kansas	Kansas Division of Emergency Management	https://www.kansastag.gov/101/KDEM
Kentucky	Kentucky Emergency Management	https://kyem.ky.gov/Pages/default.aspx
Michigan	Michigan State Police	https://www.michigan.gov/msp/divisions/emhds
Minnesota	Minnesota Homeland Security and Emergency Management	https://dps.mn.gov/divisions/hsem/Pages/default.aspx
Missouri	Missouri State Emergency Management Agency	https://sema.dps.mo.gov/

State	Agency	Link
Nebraska	Nebraska Emergency Management Agency	https://nema.nebraska.gov/
North Dakota	North Dakota Department of Emergency Services	https://www.des.nd.gov/
Ohio	Ohio Emergency Management Agency	https://ema.ohio.gov/
Tennessee	Tennessee Emergency Management Agency	https://www.tn.gov/tema.html
Wisconsin	Wisconsin Emergency Management	https://wem.wi.gov/

Trade Associations

Resource	Link
American Petroleum Institute	https://www.api.org/
American Fuel and Petrochemical Manufactures	https://www.afpm.org/
American Gas Association	aga.org
National Propane Gas Association	https://www.npga.org/
Gasoline and Diesel Fuel Stations	Gas Station Convenience Store Associations (petromac.com)

Quick Energy Analysis

Resource	Site Provider	Link	Description
Oil Price Information Service (OPIS) Alerts	OPIS	OPIS Products Energy Pricing, News, Analytics & Software (opisnet.com)	Real time petroleum market information. Subscription fee.
"Peak Oil Review" and Peak Oil News"	Association of the Study of Peak Oil- USA	https://energybulletin.org/	Subscribe to the weekly review of world oil market events and subscribe to daily articles.
NPGA (National Propane Gas Association) PLAN	NPGA	https://plan.npga.org/	Share or view reported wait times at supply points. Supply points are listed by state or by proximity to your current location.
U.S. Energy Information Administration Newsletters	EIA	https://www.eia.gov/tools/emailupdates/-email_list_13_1	Sign up for EIA updates including <i>This Week in Petroleum</i> .

Petroleum Waivers

Resource	Site Provider	Link	Description
Transportation Waivers and Emergencies	US Department of Transportation (DOT)	transportation.gov/emergency	DOT will post information related to transportation waivers and other actions.
FMCSA Hours of Service Exemptions	National Propane Gas Association (NPGA)	npga.org	On homepage, under Hours of Service Exemptions.
Petroleum Shortage Response Planning	NASEO	https://naseo.org/petroleum-shortage-response-planning	

Resource	Site Provider	Link	Description
Emergency Declarations, Waivers, Exemptions and Permits	Federal Motor Carrier Safety Administration (FMCSA)	fmcsa.dot.gov/emergency-declarations	
Energy Waiver Library	DOE	Energy Waiver Library Department of Energy	

APPENDIX B: PROGRAM TEMPLATES

The following templates are provided by the NASEO Guidance for States on Petroleum Shortage Response Planning. States must customize these templates before using them.



WAIVER OF FEDERAL MOTOR CARRIER ADMINISTRATION SAFETY REGULATIONS

Template: Waiver

Executive Order [insert number and year]

State of [Energy] Emergency [or Disaster]

Waiver of Select Regulations Covering Motor Carriers and Driver

Transporting [insert fuels covered by the order, e.g., gasoline, diesel fuel, propane, Number 2 home heating oil, etc.]

WHEREAS, [insert citation to legal authorities that give the governor the authority to take the actions contained in the order];

WHEREAS, [insert a brief description of the event(s) that have required this action]; and

WHEREAS, [insert a brief description of the consequences and impacts of the event(s)]; and

WHEREAS, it is in the best interests of the State of [insert name] to provide for the safe transportation of petroleum products within this State, and to assure that petroleum product supplies will remain sufficient to protect the health, safety, and economic well-being of the State's residents and visitors; and

WHEREAS, this declaration of emergency [disaster] is recognized by the Federal Motor Carrier Safety Administration (FMCSA) to cause and to place into immediate effect relief from Federal Motor Carrier Safety Regulations contained in 49 CFR Parts 390-399; and [if applicable, insert any corresponding or equivalent reference in state law].

WHEREAS, all of the safety regulations contained in 49 CFR Parts 390-399 are waived, including Driver Hours of Service; however, motor carriers are encouraged to comply with the safety regulations that do not otherwise restrict or impede their ability to assist in the recovery effort in the area for which an emergency has been declared.

NOW, THEREFORE, I, [insert governor's name], Governor of the State of [insert state name], by virtue of the power and authority vested in the Governor by [insert legal reference to authorities], order the following:

- 1) A State of [Energy] Emergency [Disaster] is declared in the State of [insert state name] for [insert the names of the counties in which this declaration applies or specify that it is a statewide declaration].
- 2) Relief from Federal Motor Carrier Safety Regulations contained in 49 CFR Parts 390-399; and [if applicable, insert any corresponding or equivalent reference in state law as may be needed].
- 3) This order applies only to [insert fuels to be covered by this order, e.g., gasoline, diesel fuel, Number 2 home heating oil, propane, biofuels, etc.]. No other petroleum products or other fuels are covered by the exemption and suspension under this Order.

- 4) The relief from these regulations shall remain in effect for the duration of the emergency or thirty (30) days, whichever is less. Only the FMCSA Field Administrator can extend the thirty (30) day limit for an extension of relief from the federal safety regulations.
- 5) Nothing in this Order shall be construed as an exemption from applicable controlled substances and alcohol use and testing requirements (49 CFR Part 382 and [insert applicable state statute, order, and/or rule]), the commercial driver's license requirements (49 CFR Part 383 and [insert applicable state statute, order, and/or rule]), the financial responsibility requirements (49 CFR Part 387 and [insert applicable state statute, order, and/or rule]), applicable size and weight requirements, or any portion of federal and State regulations not specifically identified.
- 6) Motor carriers or drivers currently subject to an out-of-service order are not eligible for the exemption and suspension until the out-of-service order expires or the conditions for rescission have been satisfied.

Governor: _____

Dated: _____ [Insert location]

File with [insert name of the state office, department, or legislative body with which the order may need to be filed].

ODD-EVEN PURCHASE PROGRAM

Template: Executive Order

Executive Order [insert number and year]

State of [Energy] Emergency [or Disaster]

Implementation of Odd-Even Purchase Plan

WHEREAS, [insert citation to legal authorities that give the governor the authority to take the actions contained in the order];

WHEREAS, [insert a brief description of the event(s) that have required this action]; and

WHEREAS, [insert a brief description of the consequences and impacts of the event(s)]; and

WHEREAS, it is in the best interests of the State of [insert name] to provide priority to emergency responders for petroleum product supplies needed to protect the health, safety, and economic well-being of the state's residents and visitors.

NOW, THEREFORE, I [insert governor's name] Governor of the State of [insert state name], by virtue of the power and authority vested in the Governor by [cite statute] upon declaration of a state of emergency in the Executive Proclamation [insert number] under this act, I, [insert governor's name], Governor, hereby implement a Priority End-User Program, [statewide, in the state of, or to become effective in the counties of] as set forth below on [insert time, month, day, year].

Odd-Even Gasoline Purchase Requirements

If a state has other unique means used in license plate identification, the following should be adapted to be consistent with the plate numbering and lettering used in the state.

At the retail level, gasoline (and/or) diesel fuel² shall be dispensed into vehicles with a license plate ending in an odd number (1, 3, 5, 7 and 9) only on odd numbered days of the month (first, third, fifth, seventh, and ninth). Personalized license plates and any other license plates without numbers shall be defined as odd. Examples of odd day license plates are: BBB 1333, KBC 475, and BERTHA.

1) At the retail level, gasoline (and/or) diesel fuel shall be dispensed into vehicles with a license plate ending in

² Gasoline is defined for the purpose of this order as any of the various grades of motor gasoline (premium, regular, or unleaded including gasoline/alcohol mixtures –gasohol), suitable for the operation of an internal combustion engine (defined under ASTM Standard D 439-70). Diesel is defined as the various forms of diesel fuel (Number 1 and 2) used in high-speed diesel engines that are generally operated under uniform speed and load conditions, such as those in railroad locomotives, trucks, and automobiles as defined in ASTM Specification D 975.

zero or an even number (0, 2, 4, 6 and 8) only on even numbered days of the month (second, fourth, sixth, eighth, and tenth (zero)). Examples of even day license plates are: BBB 020, RMP 768, and KBC 776.

- 2) If a vehicle license plate contains both letters and numbers and the last digit is a letter, the last or only number digit will determine whether sale of gasoline is eligible on an odd or even day. Examples of license plates containing letters as last digits are 123 FT (odd day), 764 NT (even day), and 468 GN (even day).
- 3) For any calendar month in which there are 31 days, and in February of a leap year, sales shall be made on the last day of the month without regard to the digits of the license plates.

Exemptions

Retailers must exempt the following types of motor vehicles from these regulations:

- 1) Police, fire, ambulance, or other emergency vehicles.
- 2) Buses, taxis, vanpools, or other commercial passenger carriers.
- 3) U.S. Postal Service vehicles.
- 4) Motorcycles or mopeds, and similar two-wheel vehicles.
- 5) Vehicles bearing out-of-state license plates.
- 6) Vehicles registered or operated by a person with a current valid driver's license from outside the area under the odd-even purchase plan.
- 7) Local, county, state, and federal government vehicles that provide essential services for the health, safety, and well-being of citizens.
- 8) Vehicles operating in an unusual emergency situation in the judgment of retailers.
- 9) Vehicles with license plates with handicap designation.

Violation of Order

Any person who knowingly violates this directive is guilty of [insert any penalties that may be provided by state law]. For example, this might be something like a misdemeanor punishable by a fine of not more than [insert number of dollars]. Each day a violation continues is a separate offense. The Attorney General or a Prosecuting Attorney of a county may bring an action in a court of competent jurisdiction to prevent a violation of this order or to compel a person to perform a duty imposed on the person under this Executive Order.

Duration of Order

This order shall remain in effect for [insert number of]days from its effective date unless amended, superseded, or rescinded by further Executive Order. It shall expire [insert number of] days after the proclamation of a state of energy emergency unless extended as provided for in [insert reference to the statute under which this action is based. Alternatively, it could say until such time as supply conditions improve and the plan is no longer needed and the governor issues an order rescinding the plan.].

Governor: _____

Dated: _____ [Insert location]

File with [insert name of state office, department, or legislative body with which the order may need to be filed].

EPA FUEL SPECIFIC WAIVER

Executive Order [insert number and year]

State³ of [Energy] Emergency [or Disaster]

Implementation of Priorities for Essential Services

WHEREAS, [insert citation to legal authorities that give the governor the authority to take the actions contained in the order];

WHEREAS, [insert a brief description of the event(s) that have required this action]; and

WHEREAS, [insert a brief description of the consequences and impacts of the event(s)]; and

WHEREAS, it is in the best interests of the State of [insert name] to provide priority to emergency responders for petroleum product supplies needed to protect the health, safety, and economic well-being of the state's residents and visitors.

NOW, THEREFORE, I [insert governor's name] Governor of the State of [insert state name], by virtue of the power and authority vested in the Governor by [insert legal reference to authorities], order the following:

[Insert the information on the specific waivers granted by the Environmental Protection Agency. If the fuel specifications that have been waived have been adopted as part of the state implementation program and adopted under rule or law, the governor will need to at this point include references to those specific rules or laws and also waive those provisions for the same duration as approved by Environmental Protection Agency.]

Duration of Order

This order shall remain in effect for [insert number of] days from its effective date unless amended, superseded, or rescinded by further Executive Order [or Proclamation]. It shall expire in [insert number of] days after the proclamation of a state of emergency unless extended as provided for in [insert reference to the statute under which this action is based. Alternatively, it could say until such time as supply conditions improve and the plan is no longer needed and the governor issues an order rescinding the plan.].

Governor: _____

Dated: _____ [Insert location]

File with [insert name of the state office, department, or legislative body with which the order may need to be filed].

³ Please note: EPA Fuel Specification Waivers may also be issued on behalf of a region experiencing a shortage.

PETROLEUM PRIORITIES FOR ESSENTIAL SERVICES

Template: Executive Order

Executive Order [insert number and year]

State of [Energy] Emergency [or Disaster]

Implementation of Priorities for Essential Services

WHEREAS, [insert citation to legal authorities that give the governor the authority to take the actions contained in the order];

WHEREAS, [insert a brief description of the event(s) that have required this action]; and

WHEREAS, [insert a brief description of the consequences and impacts of the event(s)]; and

WHEREAS, it is in the best interests of the State of [insert name] to provide priority to emergency responders for petroleum product supplies needed to protect the health, safety, and economic well-being of the state's residents and visitors.

NOW, THEREFORE, I [insert governor's name] Governor of the State of [insert state name], by virtue of the power and authority vested in the Governor by [cite statute] upon declaration of a state of emergency in the Executive Proclamation [insert number] under this act, I, [insert governor's name], Governor, hereby implement a Priority End-User Program, [statewide, in the state of, or to become effective in the counties of] as set forth below on [insert time, month, day, year].

Priority End Users

Petroleum suppliers shall supply 100 percent of the current fuel requirements to emergency responders (law enforcement, firefighting units, and emergency medical services) upon certification. This certification, to be submitted from a priority end-user to their supplier, shall contain:

- 1) Statement of the most recent 12 months of purchases in gallons.
- 2) Anticipated requirements for each of the next 12 months.
- 3) Written justification explaining the need for any volumes in excess of historical or contractual purchases.
- 4) A sworn statement by the responsible party that the information contained in the certification is true and accurate and that the petroleum product to be provided will only be used for priority use as indicated by the emergency responders.

Suppliers will have ten (10) workdays to begin supplying a priority account with the current requirements upon submission of the certificate of need.

I hereby designate the [insert state agency name], as the state office responsible for the administration of this program. As such, the [insert state agency name] shall provide for a mechanism that will allow for the resolution of any dispute arising out of the imposition of the Priority End-User Program.

Violation of Order

Any person who knowingly violates this directive is guilty of a [Insert any penalties that may be provided by state law. For example, this might be “a misdemeanor punishable by a fine of not more than [insert number of dollars]. Each day a violation continues is a separate offense. The Attorney General or a Prosecuting Attorney of a county may bring an action in a court of competent jurisdiction to prevent a violation of this order or to compel a person to perform a duty imposed on the person under this Executive Order.

Duration of Order

This order shall remain in effect for [insert number of] days from its effective date unless amended, superseded, or rescinded by further Executive Order [or Proclamation]. It shall expire in [insert number of] days after the proclamation of a state of emergency unless extended as provided for in [insert reference to the statute under which this action is based. Alternatively, it could say until such time as supply conditions improve and the plan is no longer needed and the governor issues an order rescinding the plan.].

Governor: _____

Dated: _____ [Insert location]


File with [insert name of the state office, department, or legislative body with which the order may need to be filed].

Template: Priority End-Use Certificate Form

DEPARTMENT OF: [INSERT NAME]
[Insert Agency Name]
[Insert Agency Address]
CERTIFICATE OF PRIORITY END-USE
Please Print or Type – Application Must Be Legible and Signed. Return To Above Address.

PART 1: IDENTIFICATION

1. Date of Request:							
	Month	Day	Year				
2. Employer Identification Number (EIN):							

3. Name of Company / Applicant Submitting Request: <i>(Last name first if individual)</i>	
4. Mailing Address of Company / Applicant: <i>(Street, city, state, zip code, county)</i>	
5. Name and Phone of Contact Person <i>(Including area code)</i>	
6. Name of Delivery Location <i>(If different from 4)</i>	

7. Applicant's Classification:		
<input type="checkbox"/> a) Police Agency	<input type="checkbox"/> b) Fire Fighting Units	<input type="checkbox"/> c) Emergency Medical Services
<input type="checkbox"/> d) Other / Explain:		

PART II: SUPPLIER / SUPPLY DATA

Supply Volumes for Requested Product (*in gallons*):

Month:	Current Requirements:		Actual Purchases for the Last Twelve Months:	
	Year:	Purchases:	Year:	Volume:
1) JAN				
2) FEB				
3) MAR				
4) APR				
5) MAY				
6) JUN				
7) JUL				
8) AUG				
9) SEP				
10) OCT				
11) NOV				
12) DEC				
13) TOTAL	-		-	

PART III: SUPPLY / SUPPLY DATA STORAGE CAPACITY

8. Supplier Information

(Enter the information requested below for each current supplier for motor gasoline. List on the first line the principal immediate supplier. If more than three, use an additional sheet.)

a) Name and Mailing (street) Address	b) City, State and Zip Code	c) Supplier's Name	d) % of Volume	e) Name and Phone Number of Contact Person (including area code)

9. Justification of Volumes Requested

(Describe in detail the reasons justifying the requested volumes as normal and reasonable for intended use, and provide reasons why the product is needed. Use additional sheets as needed.)

PART IV: CERTIFICATION (TO BE COMPLETED BY ALL APPLICANTS)

I hereby certify that all information submitted as part of this application is true, accurate and complete to the best of my knowledge, that any quantity requested for priority use will be used only for that requested use, and that an amended application for a downward base period adjustment will be filed if the need for the volume assigned pursuant to this application declines.

Name of Applicant or Company (official)	Title of Applicant or Company (official)	Signature	Date Signed (Month/Day/Year)

Template: Emergency Rule Procedure and Appeals Process

These rules take effect upon filing with the [insert name of the appropriate state agency should your state have a requirement for the filing of administrative rules].

By authority conferred on [insert state agency name], by the Governor upon the proclamation of an emergency and by Executive Order [insert number] on [insert month, day, year] under [insert full legal citation to the act and section of the act upon which this authority is based].

Finding of Emergency

By executive order, the Governor has declared that a state of [energy] emergency exists. Under powers granted to the Governor during a declared state of energy emergency, Executive Order [insert number and year] was issued establishing a Priority End-User Program. In this order, the Governor designated [insert state agency name], as the agency responsible for the administration of this program. Further, it required a mechanism to resolve any disputes arising out of the use of this plan. The following rules are intended to outline an appeals procedure to provide this mechanism.

Delay in establishing rules of procedure to effectively carry out the duties delegated to the [insert state agency name] regarding the administration of the Priority End-User Program might well constitute a threat to the citizens of the state due to the lack of petroleum products. To avoid this threat and to assure that essential public needs are met [insert state agency name] finds the following rules are needed for the preservation of public health, safety, and welfare and that an emergency exists within the meaning of [insert the legal reference to the state law and executive order under which it is to be implemented].

Rule 1: Definitions

- 1) As used in these rules:
 - a) “Current requirements” means the supply of motor gasoline, distillate fuel oil and propane needed by an end-user or wholesale purchaser to meet its present priority end-use needs.
 - b) “Department” means the [insert state department name].
 - c) “Designated Supplier” (See Supplier below).
 - d) “Director” means the director of the [insert state agency name], or the designee thereof.
 - e) “Distillate Fuel Oil” means a general classification for one of the petroleum fractions produced in conventional distillation operations. It includes diesel fuels and fuel oils. Products known as Number 1, Number 2, and Number 4 diesel fuel are used in on-highway diesel engines, such as those in trucks and automobiles, as well as off-highway engines, such as those in railroad locomotives and agricultural machinery. Products known as Number 1, Number 2, and Number 4 fuel oils are used primarily for space heating and electric power generation.
 - f) “End-User” means any person who is an ultimate consumer of a petroleum product other than a wholesale purchaser-consumer.
 - g) “Motor Gasoline” means a complex mixture of relatively volatile hydrocarbons with or without small quantities of additives, blended to form a fuel suitable for use in spark-ignition engines. Motor gasoline, as defined in ASTM Specification D 4814 or Federal Specification VV-G1690C, is characterized as having a boiling range of 122 to 158 degrees Fahrenheit at the 10-percent recovery point to 365 to 374 degrees

Fahrenheit at the 90% recovery point. “Motor gasoline” includes conventional gasoline; all types of oxygenated gasoline, including gasohol; and reformulated gasoline; but excludes aviation gasoline.

- h) “Person” means an individual, corporation, firm, government unit, organization, or any other establishment whatsoever.
- i) “Propane, Consumer Grade” means a normally gaseous paraffinic compound (C₃H₈) that includes all products covered by Natural Gas Policy Act specifications for commercial use and HD-5 propane and ASTM Specification D 1835. It is a colorless paraffinic gas that boils at a temperature of -43.67 degrees Fahrenheit. It does not include the propane portion of any natural gas liquid mixes, e.g., butane-propane mix.
- j) “Supplier” means a firm, or a part or subsidiary of a firm (not including the U.S. Department of Defense) that presently or during the last 12 months supplies, sells, transfers, or otherwise furnishes, such as by consignment, motor gasoline, distillate oil and propane to wholesale purchasers or end-users, including but not limited to refiners, importers, resellers, jobbers, or retailers.

Rule 2: Appeals – Petition; Stay Order; Response; Decision

- 1) person aggrieved by a certification of priority end-use may file a written petition of appeal to the [insert state name]. The petition shall include:
 - a) Name and address of the petitioner.
 - b) A concise statement of facts surrounding the case, including the reason for the appeal and relief sought.
 - c) Names and addresses of persons known to petitioner who may be affected adversely by the outcome of the appeal. The petitioner shall attach a sworn statement to the petition that states that the information provided in the petition is true to the best of the petitioner’s knowledge.
- 2) [Insert state agency name] shall, within three workdays after the filing of a petition, serve a copy of the petition on known persons who might be affected adversely by the outcome of the appeal. Persons served with a petition may, not later than five workdays from service of the petition, file a written reply, supported by a sworn statement to the effect that the information in the reply is true to the best of the respondent’s knowledge. A copy of the response shall be made available to the petitioner.
- 3) Within 20 workdays after the petition of appeal is filed, the [insert state agency name] shall render a decision on the appeal and serve it upon all persons who participated in the appellate proceeding and any other person who is aggrieved by the decision and order. A person is deemed to have exhausted their administrative remedies once a decision has been rendered on the appeal.

APPENDIX C: MESSAGING GUIDANCE

The following guidance contains links and best practices for public information programs and communications that can be implemented during a petroleum shortage. This guidance should be used in accordance with any coordinated messaging strategies in place for the event.

PUBLIC INFORMATION & COMMUNICATIONS

Lessons and Best Practices

Strong unity of public messaging is a key

management tool. This includes strong relationships with appropriate contacts and developing a clear understanding of how to share relevant data for public messaging. Timely and accurate information helps prevent confusion and uncertainty and enlists public support and cooperation. Participants in an effective public information program include the Governor's Office, state agencies, local governments, energy providers, local businesses, state legislature, and the federal government. It is essential to provide stakeholders and the public with information about the nature, severity, and duration of an emergency to minimize or prevent further impacts, price gouging, panic buying, etc. Before a state government can provide information to the public, it must gather information, describe the emergency accurately, and develop recommendations to manage the situation. It is important to remember to tell the public only what you know and are doing rather than speculating.

PUBLIC INFORMATION PROGRAMS HAVE THREE PRIMARY FUNCTIONS IN AN ENERGY EMERGENCY:

1. Help the public understand the nature of the problem and prevent panic.
2. Encourage appropriate public, business, and individual responses, including fuel conservation, energy use reduction programs, and public safety messages.
3. Inform the public of any actions that the state/region has taken to help reduce the impacts of the shortage.

Frequently Asked Questions

The following frequently asked questions may serve as general practice guidelines before and during any state public messaging response. You should always consult your office, agency, or state public information officer (PIO) during messaging operations.

What are the main considerations when developing or executing a public information program?

- **Officials should first examine where they fit into existing public information programs. Some questions to ask are as follows:**
 - Does the office have a responsibility to directly engage with the public? Is the office responsible for providing information to other state agencies?
 - Who are the key people needed to develop and approve answers to the public's questions (i.e., who needs to be in the room when messages are crafted and distributed)?
 - What does the flow of information look like (e.g., incoming information, draft responses, approval, distribution)?
 - When does coordination with neighboring states and the region occur?
- **Designate Contacts:** Maintain an up to date **24-hour** telephone and address directory of key staff and other stakeholders, such as state agencies with Emergency Support Function (ESF)-12 responsibilities, local governments, federal government agencies, and energy industry representatives.
- **Include Local Officials:** identify local government contacts and share information with them – unity of message. The National Association of Counties (NACo) has a consolidated list of county officials, which can be used to find county government representatives. The National League of Cities has a [map of State Municipal Leagues](#), which can also be used to find local government representatives.
- **Coordinate with Other States in the Region:** Confer with the PIOs for neighboring states in order to coordinate messaging, provide the same information, and simplify prescriptive actions.
- **Use National and State Information:** Use data from trusted sources, like EIA or CESER, plus other sources, to describe the external forces (e.g., international markets, shipping issues, transportation, refinery outages, and weather) that might affect a state's energy situation. Use industry experts in the interpretation of events.
- **Ensure Accuracy:** Information must be verified before release.
- **Prepare Press Kits:** Handouts for press conferences and written statements for broadcast appearances are excellent tools for disseminating information, such as fuel supply and use issues, data, responder actions, and comparisons with previous emergencies. Written statements provide a record of what was said.

- **Don't Rush to Conclusions:** Use extreme caution when drawing conclusions with media present. Energy emergencies usually involve complex factors, and members of the press may be under pressure to simplify information and meet deadlines even with incomplete information. Public opinion can be swayed by fragmented data and unsupported opinions. Information and conclusions should be balanced and accurate.
- **Use Contacts in Private Organizations and Industry Associations:** Enlist private organizations to distribute information. For example, the Automobile Association of America distributes information about gasoline and diesel fuel prices. Fuel, oil, and propane dealer associations are invaluable for providing information and speaking on behalf of the petroleum industry.

What type of energy-related information should officials share during energy emergencies through a public information program?

- Information that quantifies the size, scope, and potential duration of the problem
- Geographic area affected
- Effects upstream and downstream in the energy supply/distribution system
- Public statements by state officials
- Specific actions taken by state or local governments to mitigate impacts
- Requests from industry for assistance and response
- In-state media reports that accurately describe the problem

What are some communications pitfalls of which states should be aware?

- **Multiple authorities** may inadvertently release information that appears to be contradictory because they use different technical terms.
- Some groups will take advantage of an emergency by **mischaracterizing, dramatizing, or exaggerating** details in ways that further their self-interest.
- Exercise caution when responding to direct requests from the media to comply with state **information protocols**.
- **Do not speculate** when providing information or answering questions from the public or media. Only relay information that is confirmed as accurate.
- **Antitrust laws** prohibit oil companies from sharing information among themselves, so companies are unlikely to inform the public during shortages, unless it is due to a refinery or pipeline shutdown. As a result, the lead agency concerned with petroleum may be asked to explain the adequacy and availability of oil product supplies.

How do you effectively communicate to all generations and audiences during crises and emergencies?

- **Meet your audience where they are:** If the power is out, people cannot watch television. Alternative methods of reaching your community include radio or cell alerts. Reaching out to neighborhood activists and local officials is a good way to amplify your message. If you use social media platforms to simply repost original platforms, you're not maximizing the use of each of those platforms. Each has unique features and content controls. You have to be strategic when it comes to posting content. Older audiences are still looking for traditional media. You may need to bring in trusted associations and groups into your network of trusted agents to provide confidence to messages.
- **Think visually:** People process images first. You are giving away 90% of your audience if you don't have a visual component to your message.
- **Think like an advocate:** Equitable access to services is a looming crisis if you are unprepared. You should develop plans to communicate **with people with access and functional needs and people who do not speak English.**

How can officials handle social media (i.e., X and Facebook)?

- **Speak as a person who represents an organization, not the organization itself:** Virtual messages tend to be better received when coming from a person as opposed to an official account.
- **Keep messaging consistent, but be prepared to pivot:** Prepare a flash report that consists of bullet point highlights, situation updates, state response actions, and current impacts at both the state and county levels. Updates should be sent to your state's governor, legislature, emergency coordinators, PIOs, industry partners, and news outlets at the same time (ensure that you follow your state's emergency communications process in case it deviates from these recommendations).

Resources

The following provides available trainings as well as example and resources for use by the Collaborative.

Available Training

- Federal Emergency Management Agency ([FEMA IS-29: Public Information Officer Awareness](#))

State Examples of Emergency Orders and Declarations

- [Montana EO 9-2021 Drivers Hours Emergency | FMCSA \(dot.gov\)](#)
- [Oregon Emergency Order Granting Suspension of Certain Motor Carrier Regulations in Response to Wildfire Activity | FMCSA \(dot.gov\)](#)
- [EO213 - SOE Transportation Waivers Pipeline61.pdf](#)

Additional Resources

- [National Incident Management System Basic Guidance for Public Information Officers](#)
- [NASEO NARUC Quick Guidance on Crisis Communications](#)
- [Guidance for States on Petroleum Shortage Response Planning \(naseo.org\)](#)
- [DOE State Energy Security Plan Framework and Guidance](#)