

STATE OF MINNESOTA

DEPARTMENT OF ENERGY, PLANNING AND
DEVELOPMENT

In the Matter of the Proposed Amendment
of Rules of the Department of Energy
Planning and Development, Energy Division,
Governing Implementation of the State
Energy Supply Conservation and Allocation
Plan During a Petroleum Supply Shortage;
6 MCAR §§ 2.3101-3121.

Statement of Need and
Reasonableness

In May of 1982 the Department of Energy, Planning and Development adopted Petroleum Supply Emergency Rules, 6 MCAR §§ 2.3101-2.3121, to guide the actions of the Governor during a petroleum shortage. These rules, which became effective on May 29, 1982, set forth a plan for increasing conservation and maintaining essential services in order to minimize the impact of a shortage on Minnesota residents. The Petroleum Supply Emergency Rules are authorized by Minn. Stat. § 116J.15. These rules also meet, in part, federal requirements set forth in the Emergency Energy Conservation Act of 1979, Pub. L. 96-102, Title II Section 212,42 United States Code, Section 8512.

The amendment would make submission of emergency conservation plans by school districts voluntary rather than mandatory. The amendment is proposed as noncontroversial rules pursuant to Minn. Stat. 15.0412 Subd. 4h (1981 Supp.). This statement explains the need for and reasonableness of the amendment the Department is proposing.

The amendment is necessary because both DEPD and most of the state's school districts have had their budgets radically reduced in the last two years. Sharp reductions in state aid to education have significantly reduced schools resources to prepare emergency plans. A 30 percent cut in staff has significantly reduced DEPD's ability to provide technical assistance and adequately review plans.

The amendment is reasonable because the measure's impact is largely symbolic. The school conservation measure was developed primarily to create a visible commitment to emergency conservation during a petroleum shortage from a broad range of consuming groups. It was not intended to greatly reduce the state's petroleum consumption, since school petroleum use is only a minimal part of total use in the state. In the Statement of Need and Reasonableness submitted for the originally proposed rules, the Energy Division (then Energy Agency) estimated that the school conservation measure would reduce Minnesota motor fuel consumption by a maximum of 1 percent during an average February week. In the more likely event that a transportation fuel shortage would occur during the summer months, this measure would save virtually no petroleum.

Furthermore, DEPD believes that much of the potential benefit of the measure can be gained by encouraging voluntary submission of emergency plans. DEPD has developed and published a guidebook to complying with the measure and still intends to distribute the book to encourage schools to plan for petroleum supply disruptions. In addition, development of emergency plans is also being encouraged through DEPD's Total Energy Management for Schools project. This is a statewide program to motivate and assist schools in developing comprehensive energy management programs, including emergency transportation planning. Through these efforts the Department believes it will get the participation from schools that have adequate resources to do so, yet not burden schools that do not have administrative staff time to prepare an emergency plan.

In the light of reduced resources and given the measure's largely symbolic importance, DEPD believes it is no longer either reasonable or necessary to require that schools submit emergency conservation plans to the state. The proposed changes would not materially reduce the state's emergency response capabilities and will better reflect the availability of resources to the state's school districts.