MINNESOTA ENERGY AGENCY

ENERGY EMERGENCY CONSERVATION AND ALLOCATION PLAN

JANUARY, 1977

CERTIFICATION

The January 1977 Energy Emergency Conservation and Allocation Plan has been prepared and issued by the Minnesota Energy Agency in accordance with the directive and guidelines of Minnesota Statutes 1974 Section 116H.09.

The plan is based upon comments received from the public and utilities, coal suppliers and petroleum suppliers, the independent evaluation and analysis of the director and the guidelines of Section 116H.09.

John P. Millhone
Director

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BACKGROUND

In 1974 the Minnesota State Legislature directed that an Energy Emergency Conservation and Allocation Plan (the "Plan") be prepared for use in the event of an energy supply emergency. Minn. Laws 1974, ch. 307 sec. 9, codified as Minn. Stat. sec. 116H.09(1974). The Minnesota Energy Agency (the "Agency") was directed to prepare and issue the plan, while the Department of Public Safety's Division of Emergency Services (the "Division") was given the job of implementing and enforcing it. The plan is intended to establish priorities of energy usage and to provide conservation actions for reducing energy usage. The following plan replaces the original plan.

I. EXECUTIVE COUNCIL AND LEGISLATURE

On the advice of the Agency, either the Executive Council or the Legislature may declare an energy supply emergency. The Executive Council may terminate an emergency at any time or may declare a renewed emergency. No declared or renewed emergency may remain in effect for more than 30 days.

II. ENERGY AGENCY

The Agency collects and analyzes data on energy supply and demand within the state. Whenever demand for any type of energy is projected to exceed, or exceeds, supply and the Director of the Agency perceives no remedy in the normal course of industry

and governmental response, then he shall provide both the Executive Council and the Legislature with information about the shortage, including the extent and cause, the expected duration, and the counties and types of users affected.

Upon declaration of an energy supply emergency, the Agency Director shall furnish the Division with a demand curtailment plan for each type of energy affected and shall assign Agency personnel to assist in implementing each plan. During implementation, the Agency Director shall assess the capability of each plan in reducing energy demand. When any plan does not sufficiently reduce energy demand, the Agency Director shall furnish the Division a revised plan more specifically tailored to reduce demand.

III. DIVISION OF EMERGENCY SERVICES

Upon the declaration of an energy supply emergency, the Director of the Division of Emergency Services (the "Division Director") shall implement the demand curtailment plans furnished by the Agency. When necessary, the Division Director shall be furnished with revised plans and shall utilize advice and counsel from the Agency.

During emergencies, all Regional Commanders, county and municipal Emergency Services directors shall serve as sources of information for the general public. Should it become necessary, the Division Director may select state employees from other departments and agencies to aid in administration and enforcement.

IV. COMMUNICATIONS

Upon the declaration of an energy supply emergency, the following steps shall be taken to inform Minnesota citizens of the measures adopted to deal with the emergency:

1. Press releases shall be prepared immediately for both print and broadcast media.

2. Press releases shall be distributed within 24 hours to all media and Emergency Services personnel in the state under the Governor's name.

3. Division personnel throughout the state shall receive press releases and shall arrange personal delivery to local media.

4. In the case of a dire emergency, the Governor may request prime television and radio time on all network and educational stations in the state. He may personally deliver a message explaining steps necessary during the emergency.

5. During the period of the emergency, additional news items shall be handled as in steps 1 through 3.

6. Division and Agency personnel shall identify groups affected by the emergency and their representatives. For example, the chamber of commerce in a town where commercial thermostat settings have to be lowered.

7. As soon as possible, local groups identified in step 6 shall be requested to become part of an educational and informational program to explain and help enforce the emergency regulations. This program may include, but is not limited to: seminars, pre-

sentations, pamphlets, direct mail, public service announcements on local media, the formation of energy emergency committees.

8. Local energy emergency committees consisting of affected groups and citizens may be formed to fulfill an ongoing educational function and to help in enforcement if and when the Governor decides the length and nature of the emergency so warrants. If a local energy awareness committee already exists in an affected community, the Governor may designate that committee to carry out this function.

V. DEMAND CURTAILMENT PLANS

For each energy type there is a demand curtailment plan. In the event an energy supply emergency is declared, these particular plans may be revised to cope with the situation at hand.

The demand curtailment plans are based upon three assumptions. One, Minnesota residents would prefer to reduce energy consumption voluntarily, rather than be coerced into doing so. Two, Minnesota residents would prefer to reduce personal energy consumption to maintain full employment. Three, the reduction of personal energy consumption by as much as 15%-20% would cause minimal inconvenience to Minnesota residents.

VI. USAGE PRIORITIES

The following users are entitled to 100 percent of current requirements:

A. Agricultural production - as defined by the Federal Energy Administration's Mandatory Petroleum Allocation Regulations in Section 211.51 (10 C.F.R. sec. 211.51).

B. Department of Defense.

C. Plant protection - enough fuel to prevent physical harm to plant facilities or danger to plant personnel, but not enough to maintain plant production.

D. Medical, dental and nursing buildings.

The following users are entitled to 100 percent of current requirements, as reduced by order of the Division Director:

A. Residential - direct usage in a residential dwelling or church or other place of worship for space heating, refrigeration, cooking, water heating and other residential uses.

B. Emergency services - law enforcement, fire fighting and emergency medical services.

C. Sanitation services - the collection and disposal for the general public of solid wastes, the maintenance operation and repair of liquid purification and waste facilities, and the provision of water supply services by public utilities.

D. Telecommunications services - the repair, operation and maintenance of voice, data, telegraph, video and similar communications services to the public by a communications common carrier.

E. Energy production - the refining, processing, production and distribution of coal, natural gas, petroleum or petroleum products, nuclear fuels and electrical energy. Also included is

the construction of facilities and equipment used in energy production, such as pipelines, mining equipment and similar capital goods.

F. Passenger transportation services - air and surface facilities and services, including water and rail, for carrying passengers, including tour and charter buses and taxicabs which serve the general public; and bus transportation of pupils to and from school and school-sponsored activities.

G. Cargo, freight and mail hauling by truck - all gasoline powered trucks with a gross vehicle weight (g.v.w.) rating in excess of 20,000 pounds, and all diesel powered trucks.

H. Aviation ground support vehicles and equipment.

I. Emergency street and highway maintenance.

VII. NORMAL BUSINESS PRACTICES

During a declared energy supply emergency, energy suppliers shall deal with purchasers according to normal business practices, and no supplier may modify any normal business practice so as to result in the circumvention of any provision of this program. No energy supplier may discriminate among purchasers by establishing new volume purchase arrangements during said emergency period that give preference to large volume purchasers unless authorized by the program.

VIII. HOARDING

After the declaration of a petroleum product emergency, hoarding shall not be allowed. Unless authorized by the Division, no bulk purchaser with more than 1,000 gallons of storage capacity shall purchase, nor shall any supplier sell to such a purchaser, a quantity of fuel which causes the purchaser to possess more than a two week supply.

IX. SHORTFALLS OF AVIATION GASOLINE SUPPLY

Percentage	Action
5	Reduce personal flying hours by 12%
10	Reduce personal flying hours by 25%
15	Reduce personal flying hours by 25%, business flying hours by 20%
20	Reduce personal flying hours by 25%, business flying hours by 20% and instructional flying hours by one-third
25	Reduce personal flying hours by 25%, business flying hours by 20%, instructional flying hours by 50% and charger flying hours by one-third

ESTIMATED NUMBER OF HOURS FLOWN BY AIRPLANES USING AVIATION GASOLINE PURCHASED DURING 1974 IN MINNESOTA

Category	Hours	Percent
Business	130,809	24.4
Charter (Transporting Persons and Goods)	41,966	7.8
Instruction	87,674	16.3
Personal	215,506	40.1
Other (Crop Spraying, Search and Rescue, Pipeline Patrol, Power Line Patrol, Fire Patrol, etc.)	61,124	11.4
Total	537,079	100.00

X. PERSPECTIVE ON ELECTRICITY

Electricity is used for many different purposes, but the pattern of electrical energy use varies greatly from region to region within the state. As a result, curtailment plans for electricity cannot be as specific as plans for other types of energy.

Over a 24 hour period demand for electricity can fluctuate by as much as 25% to 50% of the peak load. The daily peak demand can occur anywhere between 9:00 A.M. and 10:00 P.M., depending upon the time of year and the area within the state. The hours between midnight and 7:00 A.M. usually are characterized by relatively low demand. It is quite likely that an emergency shortage of electricity would be local in nature. It could be by equipment breakdown, exceptionally high demand, or a combination of those two factors.

In the summer, much of the electrical demand is the result of space conditioning (cooling, dehumidifying and ventilation). In the winter, space heating contributes greatly to the total electrical load. In the spring and fall seasons, demand for electricity is relatively low. However, utilities typically choose these periods of the year for planned equipment maintenance, which does leave open the possibility of an emergency situation in the spring or fall.

Utilities in Minnesota and the rest of the Upper Midwest are interconnected by a regional electric reliability council known as MARCA (Mid-Continent Area Reliability Coordination Agreement). MARCA, in turn, is interconnected with several

other regional councils. Emergency shortages will exist in one or more utilities only after available capacity of generation and transmission of other MARCA utilities to supply the shortage has been utilized. Each utility has its own program for reducing load by public appear and/or voltage reduction and a program for shedding parts of its load when it is unable to supply all of the demand for electricity.

SHORTFALLS OF ELECTRICITY

When an emergency situation develops, the following steps shall be implemented:

1. The utility experiencing the emergency shortage shall implement its load reduction program and/or its program for shedding parts of its load.

2. The utility shall notify the Energy Agency of the emergency and the steps taken to remove the problem.

3. If the utility determines that it cannot cope with the emergency by itself, it shall immediately inform the Energy Agency.

4. After analyzing the factors involved (the utility, its location, the nature of its load, the time of year, etc.), the Agency Director shall recommend a detailed plan of action to the Division Director.

POSSIBLE LOAD CURTAILMENT ACTIONS

Summer Season:

1. Reduce air conditioning load in all sectors.

2. Turn down thermostats on hot water heaters.

3. Reduce use of electricity for commercial lighting and displays.

4. Reduce irrigation load during the peak period.

5. Reduce use of residential appliances during the peak period.

6. Reduce certain industrial loads during the peak period.

Winter Season:

1. Turn down thermostats for space and water heating.

2. Reduce use of electricity for commercial lighting and displays.

3. Reduce use of residential appliances during the peak period.

4. Reduce certain industrial loads during the peak period.

Spring and Fall Seasons:

1. Turn down thermostats on hot water heaters.

2. Reduce use of electricity for commercial lighting and displays.

3. Reduce use of residential appliances during the peak period.

4. Reduce certain industrial loads during the peak period.

5. Reduce electric crop drying during the peak period.

APPROXIMATE CONSUMPTION OF ELECTRICITY SOLD BY UTILITIES IN MINNESOTA IN 1974

Category	Percent
Farm	8.0
Irrigation	0.1
Non-farm Residential	28.1
Commercial	24.9
Mining	9.4
Industrial	21.4
Street and Highway Lighting	0.8
Other	7.4
Total	100.0

XI. SHORTFALL OF LIQUID PETROLEUM GAS DURING THE FALL (SEPT., OCT., NOV.)

Percentage	Action
5	Reduce residential/commercial water heater setting by 30°.
10	Reduce residential/commercial water heater settings by 30° and thermostat settings by 3°. Eliminate residential clothes drying and limit residential cooking to one meal per day.
15	Reduce residential/commercial water heater settings by 30° and thermostat settings by 6°. Eliminate residential clothes drying and residential cooking.

SHORTFALL OF LIQUID PETROLEUM GAS DURING THE WINTER (DEC., JAN., FEB., MARCH)

Percentage	Action
5	Reduce residential/commercial water heater settings by 30°.
10	Reduce residential/commercial water heater settings by 30° and thermostat settings by 3°.
15	Reduce residential/commercial water heater settings by 30° and thermostat settings by 3°. Reduce thermostat settings a further 10° for 8 hours per night.
20	Reduce residential/commercial water heater settings by 30° and thermostat settings by 7°. Reduce thermostat settings a further 10° for 8 hours per night.
25	Reduce residential/commercial water heater settings by 30° and thermostat settings by 7°. Reduce thermostat settings a further 10° for 8 hours per night. Eliminate residential clothes drying and cooking.

ESTIMATED DISTRIBUTION OF LIQUID PETROLEUM GAS CONSUMPTION DURING 1974 IN MINNESOTA

Category	Percent
Residential & Commercial	57.7
a. Space Heating	39.2
b. Water Heating	14.4
c. Cooking	2.9
d. Clothes Drying	1.2
Agricultural Production	23.5
a. Corn	16.1
b. Soybean	.8
c. Other Crops	.3
d. Poultry	.9
e. Dairy	1.6
f. Other Livestock	3.8
Other Uses	18.8
a. Dairy Products Processing	1.5
b. Industrial Usage (includes refinery fuel)	6.0
c. Transportation	3.0
d. Utility Gas	2.1
e. Miscellaneous	6.2
Total	100.0

ESTIMATED DISTRIBUTION OF LIQUID PETROLEUM GAS CONSUMPTION DURING THE FALL AND WINTER IN MINNESOTA

Category	FALL Sept., Oct., Nov.	WINTER - Dec., Jan., Feb., March
Space Heating	28.0	50.0
Water Heating	16.4	12.5
Cooking, Clothes Drying	4.6	3.5
Crop Drying	34.8	-
Livestock	3.0	9.6
Dairy Products Processing	1.0	2.0
Other Industrial Usage	3.0	9.0
Transportation	3.0	3.0
Utility Gas	-	4.2
Miscellaneous	6.2	6.2
Total	100.0	100.0

XII. SHORTFALL OF MIDDLE DISTILLATE SUPPLY IN THE FIRST QUARTER (JAN., FEB., MARCH)

Percentage	Action
5	Reduce residential thermostat settings by 6^{o} for 8 hours per night. Reduce commercial settings by 2^{o}.
10	Reduce residential thermostat settings by 2^{o} and commercial settings by 4^{o}. Reduce residential settings a further 6^{o} for 8 hours per night.
15	Reduce residential thermostat settings by 4^{o} and commercial settings by 6^{o}. Reduce residential settings a further 6^{o} for 8 hours per night.
20	Reduce residential thermostat settings by 4^{o} and commercial settings by 6^{o}. Reduce residential settings a further 10^{o} and commercial settings by 9^{o} for 8 hours per night.
25	Reduce residential thermostat settings by 6^{o} and commercial settings by 8^{o}. Reduce residential settings a further 10^{o} and commercial settings by 9^{o} for 8 hours per night.

SHORTFALL OF MIDDLE DISTILLATE SUPPLY
IN THE FOURTH QUARTER (OCT., NOV., DEC.)

Percentage	Action
5	Reduce residential thermostat settings by 6^{o} for 8 hours per night. Reduce commercial settings by 3^{o}.
10	Reduce residential thermostat settings by 3^{o} and commercial settings by 4^{o}. Reduce residential settings a further 6^{o} for 8 hours per night.
15	Reduce residential thermostat settings by 4^{o} and commercial settings by 6^{o}. Reduce residential settings a further 6^{o} and commercial settings by 9^{o} for 8 hours per night.
20	Reduce residential thermostat settings by 6^{o} and commercial settings by 7^{o}. Reduce both residential and commercial settings a further 9^{o} for 8 hours per night.
25	Reduce residential thermostat settings by 8^{o} and commercial settings by 10^{o}. Reduce both residential and commercial settings a further 9^{o} for 8 hours per night.

ESTIMATED DISTRIBUTION OF MIDDLE DISTILLATE CONSUMPTION DURING 1974 IN MINNESOTA

Category	Percent
Space Heating*	**61.1**
a. Residential	37.4
b. Commercial	23.7
Agriculture	**5.1**
a. Corn Production	1.3
b. Small Grains Production	1.0
c. Soybean Production	.7
d. Hay Production	.4
e. Other Crop Production	.2
f. Poultry Raising	.2
g. Dairy	.4
h. Other Livestock	.9
Industry	**3.9**
a. Food Processing Industry	1.0
b. Paper and Allied Products Manufacturing	.64
c. Stone, Clay and Glass Manufacturing	.48
d. Primary Metal Industries	.84
e. Other Industries	.94
Electricity Generation	**3.1**
Transportation	**26.8**
a. Metropolitan Transit Commission (MTC)	.56
b. Other Bus Companies	.2
c. Ships and Barges	.26
d. Trucking	16.71
e. Railroad	8.54
f. Other	.53
Total	**100.00**

* Approximately 3% of this amount is used for water heating and other purposes.

ESTIMATED DISTRIBUTION OF QUARTERLY MIDDLE DISTILLATE PURCHASES DURING 1974 IN MINNESOTA

	First Quarter Jan., Feb., March	Second Quarter April, May, June	Third Quarter July, Aug., Sept.	Fourth Quarter Oct., Nov., Dec.
Residential Space Heating	48.29	28.87	30.77	43.19
Commercial Space Heating	30.5	18.22	19.42	27.26
Agricultural Production	--	10.2	7.1	3.1
Industry	5.0	3.3	3.3	4.0
Electricity Generation	2.2	4.0	4.0	2.2
Bus	.76	.76	.76	.76
Ships and Barges	--	.4	.4	.24
Trucks	8.71	22.71	22.71	12.71
Railroad	4.54	11.54	11.54	6.54
Total	100.0	100.0	100.0	100.0

XIII. SHORTFALL OF MOTOR GASOLINE SUPPLY

Percentage	Action
2.5	Direct maximum weekly consumption per vehicle in 11th R.D.C.D.* of 15.5 gallons
5	Direct maximum weekly consumption per vehicle in 11th R.D.C.D.* of 14.5 gallons
10	Direct maximum weekly consumption per vehicle of 14.5 gallons
15	Direct maximum weekly consumption per vehicle of 13.5 gallons
20	Direct maximum weekly consumption per vehicle of 12.5 gallons
25	Direct maximum weekly consumption per vehicle of 11.5 gallons

* R.D.C.D. - Regional Development Commission District

ESTIMATED DISTRIBUTION OF GASOLINE END USE DURING 1974 IN MINNESOTA

Category	Percent
Automobile	69.5
Light Truck	17.4
Corn Production	2.0
Small Grains Production	1.5
Soybean Production	1.1
Hay Production	.6
Other Crop Production	.2
Livestock Raising	1.0
Iron Mining Industry	.1
Bus	1.0
U.S. Government Sales	1.3
Exports	1.1
Aviation	.3
Shrinkage	2.9
Total	100.0

ESTIMATED DISTRIBUTION OF QUARTERLY MOTOR GASOLINE END USE
DURING 1974 IN MINNESOTA

	First Quarter Jan., Feb., March	Second Quarter April, May, June	Third Quarter July, Aug., Sept.	Fourth Quarter Oct., Nov., Dec.
Automobile and Light Truck	91.6	85.0	85.0	85.0
Corn Production	--	2.0	3.2	2.0
Small Grains Production	--	1.5	2.4	1.5
Soybean Production	--	1.2	1.9	1.2
Hay Production	--	.6	.9	.6
Other Crop Production	--	.2	.3	.2
Livestock Raising	1.0	1.0	1.0	1.0
Iron Mining Industry	.1	.1	.1	.1
Bus	1.0	1.0	1.0	1.0
U.S. Government Sales	1.3	1.3	1.3	1.3
Other	5.0	6.1	2.9	6.1
Total	100.0	100.0	100.0	100.0

ESTIMATED DISTRIBUTION OF MOTOR GASOLINE CONSUMPTION DURING 1972, 1973, AND 1974 IN MINNESOTA BY REGIONAL DEVELOPMENT COMMISSION DISTRICTS

District Number	Counties	Percent
1	Kittson, Roseau, Marshall, Polk, Pennington, Red Lake, Norman	3.1
2	Lake of the Woods, Beltrami, Clearwater, Mahnomen, Hubbard	1.7
3	Koochiching, St. Louis, Lake, Cook, Itasca, Aitkin, Carlton	8.3
4	Clay, Becker, Wilkin, Otter Tail, Traverse, Grant, Douglas, Stevens, Pope	7.0
5	Cass, Wadena, Crow Wing, Todd, Morrison	3.5
6W	Big Stone, Swift, LacQuiParle, Chippewa, Yellow Medicine	2.1
6E	Kandiyohi, Meeker, Renville, McLeod	3.5
7W	Stearns, Benton, Wright, Sherburne	4.6
7E	Mille Lacs, Kanabec, Pine, Isanti, Chisago	2.5
8	Lincoln, Lyon, Redwood, Pipestone, Murray, Cottonwood, Rock, Nobles, Jackson	4 7
9	Sibley, Brown, Nicollet, LeSueur, Watonwan, Blue Earth, Waseca, Martin, Faribault	6.4
10	Rice, Goodhue, Wabasha, Steele, Dodge, Olmsted, Winona, Freeborn, Mower, Fillmore, Houston	9.4
11	Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, Washington	43.2
	Total	100.0

XIV. SHORTFALL OF NATURAL GAS SUPPLY
IN THE FIRST QUARTER (JAN., FEB., MARCH)

Percentage	Action
5	Reduce residential and commercial thermostat settings by 2^{o}.
10	Reduce residential and commercial thermostat settings by 2^{o}. Reduce residential and commercial settings a further 6^{o} for 8 hours per night.
15	Reduce residential and commercial thermostat settings by 4^{o}. Reduce residential and commercial settings a further 6^{o} for 8 hours per night.
20	Reduce residential and commercial thermostat settings by 4^{o}. Reduce residential and commercial settings a further 12^{o} for 8 hours per night.
25	Reduce residential and commercial thermostat settings by 6^{o}. Reduce residential and commercial settings a further 12^{o} for 8 hours per night.

SHORTFALL OF NATURAL GAS SUPPLY IN THE FOURTH QUARTER (OCT., NOV., DEC.)

Percentage	Action
5	Reduce residential and commercial thermostat settings by 3°.
10	Reduce residential and commercial thermostat settings by 3°. Reduce residential and commercial settings a further 9° for 8 hours per night.
15	Reduce residential and commercial thermostat settings by 6°. Reduce residential and commercial settings a further 9° for 8 hours per night.
20	Reduce residential and commercial thermostat settings by 6°. Reduce residential and commercial settings a further 18° for 8 hours per night.
25	Reduce residential and commercial thermostat settings by 12°. Reduce residential and commercial settings a further 9° for 8 hours per night.

ESTIMATED DISTRIBUTION OF NATURAL GAS CONSUMPTION DURING 1974 IN MINNESOTA

Category	Percent
Residential	32.9
a. Space heating	24.5
b. Water heating	6.2
c. Cooking	.9
d. Clothes drying	.3
e. Lighting	.4
f. Other	.6
Commercial	23.9
a. Space heating	22.8
b. Other	1.1
Industrial	30.0
a. Iron mining	10.9
b. Food processing	4.2
c. Wood pulp and paper	5.5
d. Stone, clay and glass	1.3
e. Machinery, except electrical	.9
f. Primary metal	.5
g. Fabricated metal	.9
h. Printing and publishing	.5
i. Electrical equipment	.5
j. Chemical and allied products	1.0
k. Lumber and wood products	.3
l. Other	3.5
Electricity Generation	13.2
Total	100.0

ESTIMATED DISTRIBUTION OF QUARTERLY NATURAL GAS CONSUMPTION DURING 1974 IN MINNESOTA	1ST QTR JAN FEB MARCH	2ND QTR APRIL MAY JUNE	3RD QTR JULY AUG SEPT	4TH QTR OCT NOV DEC
Residential space heating	45.0	15.0	8.0	30.0
Residential water heating	3.8	7.0	9.0	5.0
Other residential usage	1.0	2.5	3.5	1.8
Commercial space heating - firm contract	35.0	9.0	4.4	20.0
Commercial space heating - interruptible	5.7	3.0	2.9	11.2
Other commercial usage	.5	1.2	1.7	1.0
Iron mining industry	4.0	15.0	17.0	7.6
Other industry - firm contract	3.0	6.3	9.5	4.6
Other industry - interruptible	-	19.0	22.0	12.0
Electricity generation	2.0	22.0	22.0	6.8
Total	100.0	100.0	100.0	100.0

XV. SHORTFALL OF RESIDUAL OIL SUPPLY
IN THE FIRST (JAN.-MARCH) AND FOURTH (OCT.-DEC.) QUARTERS

Percentage	Action
5	Reduce industrial/commercial consumption by 5%-6%
10	Reduce industrial/commercial consumption by 10%-12%
15	Reduce industrial/commercial consumption by 10%-12% plus reduce middle distillate consumption by 5%
20	Reduce industrial/commercial consumption by 10%-12% plus reduce middle distillate consumption by 10%
25	Reduce industrial/commercial consumption by 10%-12% plus reduce middle distillate consumption by 15%

ESTIMATED DISTRIBUTION OF RESIDUAL OIL CONSUMPTION DURING 1974 IN MINNESOTA

Category	Percent
Industrial	67.6
Commercial/Residential	13.4
Electric Generation	10.6
Transportation	8.4
Total	100

XVI. SEVERE SHORTAGE

A severe energy shortage consists of a shortfall in supply greater than 15%-20%. Given the supply interconnections that Minnesota has with other states, it is unlikely that a severe shortage could occur here without occuring in other states and without causing the federal government to initiate a national emergency plan that would preempt any state plan. Should there be a severe energy shortage that does not elicit federal intervention, the Agency Director shall revise the emergency plan to more greatly reduce energy demand. New demand curtailment measures may include a shortened work week, a lowered speed limit and limited school sessions.

XVII. ENFORCEMENT

Acceptable methods of enforcing reduced energy consumption in the home do not seem to exist. Very few people would tolerate government surveillance of lifestyles. Given a true energy emergency, it is assumed that people will voluntarily comply with any demand curtailment measures that are required of them.

Business and public institutions, on the other hand, shall be expected to maintain records, for inspection by Division and Agency personnel, of the conservation methods employed and the quantities of energy saved pursuant to a demand curtailment plan.

At the request of the Agency Director, the attorney general shall bring any action, civil or criminal, necessary to enforce the plan.

XVIII. PENALTIES

Penalties for the violation of any provision of the plan are set out in Minn. Stat. sec. 116H.15(1974).

Any person who violates the plan or knowingly submits false information in any report required by the plan shall be guilty of a misdemeanor. Maximum penalty is $300 or 90 days or both. Each day of violation shall constitute a separate offense.

The plan may be enforced by injunction, action to compel performance or other appropriate action in the district court of the county where the violation takes place. The existence of an adequate remedy at law shall not be a defense to such an action.

A court which finds that a person has violated a requirement of the plan or has knowingly submitted false information in any report required by the plan, or has violated a court order issued pursuant to the plan may impose a civil penalty of not more than $10,000 for each such violation. These funds are payable to the general fund in the state treasury.

XIX. APPEALS BOARD

An Appeals Board will be created in each county, in each city of the first class and in each city of more than one thousand population in St. Louis county.

Each county appeals board shall consist of the county director of Emergency Services or his designate as chairman, the county fuel coordinator and three persons appointed by the chairman of the county Board of Commissioners. The appointed members

shall include an elected official, a member of the public and a representative of an energy supplier.

A municipal appeals board shall consist of the municipal director of Emergency Services or his designate as chairman, the municipal fuel coordinator and three persons appointed by the president of the city council, including an elected official, a member of the public and a representative of an energy supplier.

The appointed members shall not be named until after the declaration of an emergency. In making these appointments, the chairman of the county board of commissioners and president of the city council shall make every reasonable effort to avoid any conflicts of interest.

Three board members shall constitute a quorum.

XX. APPEALS

A. SUBSTANCE

Each appeal from an action taken pursuant to an emergency plan shall be in writing and shall be signed by the appellant. Each appeal shall state:

1. The action appealed from, including the individual or unit of government taking the action, and the date and nature of the appeal.
2. The reason for the appeal, including the reasons appellant believes the order to be unjust or unwise.
3. The names and addresses of any person known to the appellant who might be adversely or beneficially affected by the outcome of the appeal.

4. The nature of the relief sought, whether reversal, modification or some other relief.

Within three (3) days after receipt of an appeal, the chairman of the appeals board or his designate shall set a hearing date and not less than three (3) days before the hearing date, shall notify all affected persons, either verbally or in writing, of the appeal and the time and place for the hearing. The hearing date shall be no more than seven (7) days after the announcement of the hearing.

The parties to an appeal shall be the appellant and the Division. If the appellant is a person other than the original applicant for an order, the applicant may be permitted to intervene. Upon application, any other person may be permitted to intervene upon a showing that he will be adversely or beneficially affected by the outcome of the appeal, unless the board determines that his interest is adequately represented by one of the parties. Any party may be represented by counsel, but need not be.

Informal disposition may be made of an appeal or any issue therein by stipulation, agreed settlement, or consent order at any point in the proceedings. The board may dispose of an appeal adversely to a party which defaults. Disposition by default shall occur only after the party against whom default is proposed, having received timely notice, fails to appear.

The board may order a pre-hearing conference to be held at any time prior to hearing, if it determines that such conference may simplify the issues or provide an opportunity for settlement. If a pre-hearing conference is ordered, notice of the time and

place of said conference shall be served on all parties to the appeal not less than two (2) days before the date of the conference.

B. HEARINGS

Anyone submitting an appeal shall have the right to a hearing before the Appeals Board, at which hearing the parties may cross-examine witnesses and present evidence, rebuttal testimony and argument with respect to the issue or issues raised in the appeal. Evidence must be offered to be considered.

The Board shall prepare an official record of each hearing. Any party requesting a verbatim transcript of the hearing must bear the expense of preparing the transcript.

The Chairman of the Board shall decide the procedure at the hearing. The Board may prohibit devices which interfere with the hearing and may evict persons who disrupt the hearing.

C. DECISION

No factual information or evidence which is not part of the record shall be considered by the Board in making a decision on an appeal. Within five (5) days after the hearing is closed, the Board shall issue a recommended decision in writing, including the findings and conclusions on which the decision is based, a copy of which shall be given to all parties to the appeal. The Division Director may accept or overrule the Board's decision or he may remand the appeal for further hearing on specified parts. His decision shall be in writing and served on all parties.

The appellant may seek judicial review of a final decision of the Division Director.