CHAPTER 5
PURCHASING FUEL FROM ALTERNATIVE SOURCES

565—5.1(323A) Scope. This chapter establishes rules as required in Iowa Code section 323A.2(1) “c.” whereby the director is to make a determination on whether a franchisee has demonstrated that a special hardship exists due to petroleum outages or impending outages in the community served by the franchisee relating to the public health, safety, and welfare. Such a determination by the director is one of the steps necessary in order that a franchisee may purchase fuel from a source other than its franchisor without providing good cause for termination of a franchise.

This rule is intended to implement Iowa Code section 323A.2(1) “c.”

565—5.2(323A) Director’s determination. Any franchisee wishing to demonstrate to the director, as required in Iowa Code section 323A.2(1) “c.” that a special hardship exists in the community served by the franchisee relating to the public health, safety, and welfare, shall do so in conjunction with an application for set-aside petroleum made pursuant to Chapter 3 of these rules. Procedural rules of Chapter 3 shall also apply to this chapter. The criteria used by the director in making a determination of community hardship shall be the same as that used in 565—rule 3.13(473) of these rules, “criteria for assignment from state set-aside.” The director shall notify both the franchisee and franchisor in writing of the director’s decision following a review of the relevant facts presented.

This rule is intended to implement Iowa Code section 323A.2(1) “c.”

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