

CHAPTER 5
PURCHASING FUEL FROM ALTERNATIVE SOURCES

[Prior to 3/11/87, see Energy Policy Council[380] Ch 5]

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.”

[Filed 12/4/81, Notice 9/30/81—published 12/23/81, effective 1/28/82]

[Filed without Notice 2/20/87—published 3/11/87, effective 4/15/87]