

# **Title 422 - Oklahoma Liquefied Petroleum Gas Research, Marketing and Safety Commission**

## **Chapter 10 - Marketing and Safety Programs**

### **Subchapter 22 - Media Rebate Program**

#### **422:10-22-1. Purpose**

The purpose of these sections is to establish for Oklahoma retail propane dealers a media rebate program that achieves increased public awareness and assists in the marketing of propane as an environmentally beneficial alternative fuel. These sections outline the commission's mechanism for determining the eligibility of applicants, application requirements, administrative procedures, rebate amounts and adjustments, terms of compliance, penalties for violations and program termination.

[Source: Added at 17 Ok Reg 2999, eff 7-13-00]

#### **422:10-22-2. Definitions**

The following words and terms used in these rules shall have the following meanings, unless the context clearly indicates otherwise.

"Applicant" means a propane dealer who has submitted a complete and timely application.

"Application" means the set of forms prescribed by the Commission for the purpose of applying for and participating in the media rebate program as a propane dealer, including all required supporting documentation.

"Available funds" means the Money available in the Oklahoma LP Gas Research, Marketing and Safety Revolving Fund in the state treasury, consisting of fees charged under O.S. 52 Sec. 420.22 and penalties for the late payment of the fee charged under O.S. 52 Sec. 420.28.

"Commission" means the Oklahoma LP Gas Research, Marketing and Safety Commission.

"Commission advertising" means advertising produced or approved by the commission, including, but not limited to, print advertisements, billboards, written radio copy or fully produced radio or television commercials.

"Delivery date" means the date of postmark of a mailed complete and correct application or the date that a hand-delivered complete and correct application is stamped in at the Oklahoma City offices of the Commission.

"Eligible media outlet" means a media outlet, including, but not limited to, a radio or television station or cable franchise licensed by the Federal Communications Commission; a weekly or daily published newspaper; a weekly, monthly or bi-monthly magazine; a provider of billboard advertising; or a publisher of an annual or seasonal special events program that regularly accepts paid advertising from the public and whose target audience and message are consistent with the

goals of the Commission. The media outlet must be approved by the commission in advance of purchase of advertising. The term does not include dealer-published newsletters, yellow pages advertising, fliers or specialty advertising.

"Eligible media purchase" means any payment for Commission advertising displayed or broadcast in or on eligible media.

"Person" means an individual, sole proprietorship, partnership, corporation or other legal entity.

"Propane" means Liquefied petroleum gas (LPG), as that term is defined in O.S. 52 Sec. 420.21.

"Propane dealer" means a person who:

(A) has been issued a current Class I permit from the Oklahoma LP Gas Administration; or

(B) has been issued a Class X Manager's permit to operate or manage a retail business, including any branch outlet or outlets, delivering odorized propane to consumers; and

(C) is a regular supplier or a potential regular supplier of propane to an applicant.

"Retail propane delivery truck" means any bobtail truck, semitrailer, or other motor vehicle equipped with an LP-gas cargo container and each trailer, semitrailer, or other motor vehicle used principally for transporting LP-gas in portable containers that:

(A) has aggregate water capacity of 4,999 gallons or less; and

(B) is currently registered with the Oklahoma LP Gas Administration.

[Source: Added at 17 Ok Reg 2999, eff 7-13-00]

#### **422:10-22-3. Establishment; duration**

The media rebate program is hereby established on the effective date of this rule. The Commission may terminate this rebate program at any time.

[Source: Added at 17 Ok Reg 2999, eff 7-13-00]

#### **422:10-22-4. Eligibility**

(a) To be eligible for a rebate under this program, a propane dealer must document, using forms prescribed by the Commission for the purpose, that an eligible media purchase has been made from an eligible media outlet.

(b) No more than one rebate may be paid for each eligible media purchase.

(c) The commission may limit the total percentage and amount of rebates that may be paid to any applicant.

[Source: Added at 17 Ok Reg 2999, eff 7-13-00]

#### **422:10-22-5. Application**

- (a) Forms. Application for a rebate shall be made by a propane dealer on forms prescribed for that purpose by the Commission.
- (b) Payment. The Commission may approve payment of a rebate to an applicant subject to the availability of funds. Applicants have no legal right or other entitlement to receive rebates under this program, and receipt of a complete and correct application does not bind the Commission to approve payment of a rebate to any applicant.
- (c) Priority. Applications shall be considered on a first-come, first-served basis according to the date of receipt of complete and correct applications.
- (d) Acceptance. Applications will be accepted no earlier than the effective date of this rule and no later than the date of termination of the program. An application must be received at the Commission no later than 60 days following the date of the eligible media purchase to be eligible for rebates. Applications may be mailed or hand-delivered to the Oklahoma LP Gas Research, Marketing and Safety Commission, 6412 N. Santa Fe Ave., Suite C, Oklahoma City, Oklahoma 73116-9111. Applications may not be submitted electronically or by facsimile transmission (FAX).
- (e) Media purchase date. Applications must pertain to eligible media purchases made no earlier than the effective date of this rule and not later than the program termination date.
- (f) Completeness. Applicants must furnish completely and correctly all information required on the official media rebate application. No application may be considered complete until all required information is correct and all forms and required supporting documentation are received by the commission.
- (g) Incomplete applications. Applicants have 30 days from the date the Commission sends notice to correct any errors or omissions on the application. If a complete, correct application is not received by the commission within 30 days after notice has been sent, the application shall be void.

[Source: Added at 17 Ok Reg 2999, eff 7-13-00; Amended at 25 Ok Reg 2509, eff 7-11-08]

#### **422:10-22-6. Rebate percentage and amount**

- (a) The Commission shall establish the media rebate percentage and amount. The commission may change this percentage and amount at any time. If the commission changes the rebate percentage and amount, an applicant whose application is approved shall receive the percentage and amount that is in effect on the delivery date.
- (b) In setting the percentage amount of the rebate, the Commission may consider any or all of the following:
  - (1) availability of funds;
  - (2) the effectiveness of the program in increasing propane use;

- (3) dealer participation;
- (4) administrative cost; and
- (5) increased public awareness of energy-conservation, energy-efficiency, or air-quality benefits.

[Source: Added at 17 Ok Reg 2999, eff 7-13-00]

#### **422:10-22-7. Verification; basis of rebate calculation**

- (a) A rebate amount shall be calculated on the basis of an eligible media outlet's published rate card or rate schedule in effect at the time of the media purchase, unless a lower rate was available for comparable purchases at that time. If a lower rate for comparable purchases was available, the rebate amount shall be calculated based on that lower rate.
- (b) The commission may conduct spot checks to verify rate cards or rate schedules of eligible media outlets.

[Source: Added at 17 Ok Reg 2999, eff 7-13-00]

#### **422:10-22-8. Compliance**

- (a) An applicant may be suspended from or declared ineligible to participate in the rebate program if, in the judgment of the commission director, the applicant has submitted false information or otherwise violated media rebate program rules.
- (b) Within 30 days after the Commission director mails a notice of suspension or ineligibility to an applicant, the applicant may appeal the suspension or declaration of ineligibility in writing to the Commission. Action taken by the Commission with respect to such appeals are final.

[Source: Added at 17 Ok Reg 2999, eff 7-13-00]

#### **422:10-22-9. Complaints**

Any person may file a complaint about a media outlet, a propane dealer or another person regarding alleged violations of the rebate program rules. Complaints should be sent in writing to the Commission director at the address set forth in Sec.422:10-22-4 (relating to Application).

[Source: Added at 17 Ok Reg 2999, eff 7-13-00]

#### **422:10-22-10. Penalties**

Violations of media rebate program rules are subject to civil and criminal prosecution and penalties prescribed under O.S. 52 Sec. 420.28.

[Source: Added at 17 Ok Reg 2999, eff 7-13-00]