

7615.0310 EVALUATION CRITERIA FOR MIDDLE DISTILLATES.

Subpart 1. **Amount.** The amount of middle distillates available for state set-aside is a volume equal to four percent of all prime suppliers' monthly supply estimate as stated in the monthly report filed pursuant to parts 7615.0200 to 7615.0220. Applicants shall specify the gallons requested for each end user category and the reason for any need of volumes in excess of contract volumes. All assignments shall be based on the priorities in subparts 2 to 5.

Subp. 2. **First priority.** First priority middle distillate users include:

- A. agriculture;
- B. emergency services;
- C. essential services;
- D. heating customers with no alternate source of fuel, including hospitals, multiunit housing, nursing homes, and residences;
- E. major industrial and commercial activities whose continued operation is essential to the economic well being of an area, including auto manufacturing and mining;
- F. minimum plant and building protection; and
- G. passenger transportation.

Subp. 3. **Second priority.** Second priority middle distillate users are heating customers on interruptible natural gas or another primary source of fuel. They include hospitals, multiunit housing, nursing homes, and residences.

Subp. 4. **Third priority.** Third priority middle distillate users include government buildings, for heating; industrial and commercial activities not included in subpart 2; and schools.

Subp. 5. **Priorities during fuel oil emergencies.** Notwithstanding the priorities stated in subparts 2, 3, and 4, when an energy supply fuel oil emergency has been declared pursuant to chapter 7620 and Minnesota Statutes, section 216C.15, the priorities stated in part 7620.0400 shall apply.

Statutory Authority: *MS s 216C.16*

History: *L 1987 c 312 art 1 s 9,10 subd 1*

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