

7615.0100 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 7615.0100 to 7615.0350 the terms defined in this chapter have the meanings given them.

Subp. 2. **Agriculture.** "Agriculture" means certain activities in food production, processing, and sales as set out in the Standard Industrial Classification Manual, 1972 edition.

A. Included activities are:

(1) activities listed in Division A, Agriculture, Forestry, and Fishing, except those excluded by item B;

(2) activities listed in Division D, Manufacturing, including grain and seed drying under Major Group 20, Food and Kindred Products, except those excluded by item B;

(3) activities listed in codes 1475, 2141, 2411, 2421, 2873, 2874, 2875, 2879, and 5462; and

(4) activities of potash mining listed in code 1474, dicalcium phosphate production listed in code 2819, farm to market hauling and log trucking listed in code 4212, and farm irrigation systems listed in code 4971.

B. Excluded activities are:

(1) classification codes 0742, 0752, 0781, 0782, 0849, and nonfood producing activities in codes 0271 and 0279 within Division A, Agriculture, Forestry, and Fishing; and

(2) classification codes 2047, 2067, and 2085 within Major Group 20, Food and Kindred Products in Division D, Manufacturing.

Subp. 3. **Assignment.** "Assignment" means an order by the office or the board to a prime supplier to release state set-aside product to a specific person.

Subp. 4. **Average product use.** "Average product use" means the volume of product purchased during the same month last year.

Subp. 5. **Board.** "Board" means the state set-aside appeals board.

Subp. 6. **Cargo and freight hauling.** "Cargo and freight hauling" means hauling by any truck with a gross vehicle weight of 20,000 pounds or more and the shipping of goods by rail or water.

Subp. 7. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Commerce.

Subp. 8. **Current month requirement.** "Current month requirement" means the volume of product needed by an end user to meet its supply need for the present month.

Subp. 9. **Decision.** "Decision" means the ruling of the board about any appeal.

Subp. 10. **Department.** "Department" means the Minnesota Department of Commerce.

Subp. 11. **Emergency services.** "Emergency services" means activities immediately necessary to preserve the health or safety of the citizens. Emergency services include: ambulance operation; city, county, state, and federal law enforcement; firefighting; mobilized National Guard; and Red Cross services.

Subp. 12. **End user.** "End user" means a final consumer of motor gasoline or middle distillate.

Subp. 13. **Energy production.** "Energy production" means the manufacturing, processing, storage, or transportation of primary energy sources including electricity, natural gas, or petroleum products. Energy production excludes electric utilities whose needs for electrical energy can be met by purchase from members of the Mid Continent Area Power Pool.

Subp. 14. **Essential services.** "Essential services" means activities that provide continuing public health and safety services. They include: energy production; government services; maintenance vehicles for telecommunication services; postal services; sanitation services; and cargo and freight hauling.

Subp. 15. **Fuel coordinator.** "Fuel coordinator" means city council or county board appointed individuals who verify state set-aside applications.

Subp. 16. **Government services.** "Government services" includes: activities of the judicial branch of government; jail and prison activities; meetings of elected political officials; the Division of Emergency Management city, county, and state activities; hearings of mobilized local energy conservation boards; hearings of the Office of Administrative Hearings; and minimum services to provide Aid For Dependent Children, food stamps or food support, Social Security income, and Social Security checks.

Subp. 17. **Middle distillates.** "Middle distillates" means distillates obtained between kerosene and lubricating oil fractions in the refining process, including kerosene, number one and number two heating oil, and number one and number two diesel fuel.

Subp. 18. **Motor gasoline.** "Motor gasoline" means a liquid mixture of hydrocarbons produced by the distillation of petroleum and used chiefly as a fuel in internal combustion engines.

Subp. 19. **Office.** "Office" means the unit within the department responsible for the state set-aside program.

Subp. 20. **Officer.** "Officer" means the individual who manages the office and who has authority to sign orders and documents for the state set-aside program.

Subp. 21. **Order.** "Order" means a written document signed by the officer or the commissioner directing a prime supplier to release a product for an assignment. The office may telephone an order to the prime supplier, but the office shall promptly send the written order to the prime supplier's representative. The order is effective the day it is signed by the officer or commissioner.

Subp. 22. **Passenger transportation.** "Passenger transportation" means: conventional public transit service that operates on a fixed route and is available to the public for a fare; intercity bus transportation; van pools; subscription buses; tour and charter bus transportation; bus transportation of pupils for educational purposes; taxicabs licensed to conduct business in a municipality; rail passenger transportation; aviation ground support for regularly scheduled airlines; and special transportation services for the elderly or persons with disabilities.

Subp. 23. **Person.** "Person" means an individual and any legally existing business, government unit, or institution.

Subp. 24. **Plant protection.** "Plant protection" means sufficient heat and power to keep from freezing pipes and damaging equipment.

Subp. 25. **Postal service.** "Postal service" means the delivery of first, second, or third class United States mail.

Subp. 26. **Prime supplier.** "Prime supplier" means the producer or supplier now or hereafter making the first sale of middle distillates or motor gasoline subject to the state set-aside program for consumption within the state.

Subp. 27. **Prime supplier's representative.** "Prime supplier's representative" means an individual who is authorized to act as liaison for the prime supplier in regular activities of the state set-aside program.

Subp. 28. **Retail outlet.** "Retail outlet" means a person who sells refined petroleum products from fixed tanks in a fixed location to end users in retail volumes.

Subp. 29. **Sanitation services.** "Sanitation services" means the activities of a person who supplies water to the public through public utilities, or collects or disposes of gaseous, liquid, or solid wastes for the public.

Subp. 30. **Service.** "Service" means personal service or service by certified United States mail, postage prepaid, addressed to a person at the person's last known address.

Subp. 31. **Shortfall.** "Shortfall" means the amount by which demand exceeds supply of crude oil or refined petroleum products during any month.

Subp. 32. **State.** "State" means the state of Minnesota.

Subp. 33. **State set-aside.** "State set-aside" means the amount of middle distillates or motor gasoline required to be made available by a prime supplier for utilization by the commissioner to resolve or mitigate emergencies or hardships due to shortages of supply.

Subp. 34. **Supplier.** "Supplier" means a person, other than the United States Department of Defense, who furnishes a refined petroleum product or crude oil to end users, other suppliers, wholesale purchaser consumers, or wholesale purchaser resellers.

Subp. 35. **Wholesale purchaser consumer.** "Wholesale purchaser consumer" means an end user who purchases truck transport volumes of middle distillate or motor gasoline or both from a prime supplier.

Subp. 36. **Wholesale purchaser reseller.** "Wholesale purchaser reseller" means a person who obtains petroleum product from a supplier and, without additional refining, sells or transfers the product to other purchasers.

Statutory Authority: *MS s 216C.16*

History: *L 1983 c 289 s 115 subd 1; L 1987 c 71 s 2; c 312 art 1 s 9,10; L 2001 lSp4 art 6 s 1; L 2003 lSp14 art 1 s 106; L 2005 c 56 s 2*

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