

(A) THE DEPARTMENT SHALL ESTABLISH AND MAINTAIN IN A STATE OF READINESS, PLANS AND PROCEDURES FOR IMPLEMENTING A STATE STANDBY SET-ASIDE PROGRAM FOR USE DURING AN ENERGY EMERGENCY.

(B) THE SET-ASIDE PROGRAM SHALL BE ESTABLISHED FOR THE FOLLOWING PRODUCTS: MOTOR GASOLINE, MIDDLE DISTILLATE, PROPANE, RESIDUAL FUEL OIL (EXCEPT AS USED IN ELECTRIC GENERATING STATIONS BY ELECTRIC COMPANIES OR AS BUNKER FUEL FOR MARINE SHIPPING), AND AVIATION GASOLINE.

(C) THE SECRETARY SHALL DETERMINE ~~BY--RULE--OR REGULATION~~ THE APPROPRIATE STATE SET-ASIDE PERCENTAGE LEVEL FOR EACH PRODUCT AND MAY REVIEW AND REVISE SUCH PERCENTAGES AS DEEMED APPROPRIATE. SUCH PERCENTAGE LEVELS SHALL NOT EXCEED 5 PERCENT FOR MOTOR GASOLINE, 4 PERCENT FOR MIDDLE DISTILLATES, 3 PERCENT FOR PROPANE, 3 PERCENT FOR RESIDUAL FUEL OIL (EXCEPT AS USED IN ELECTRIC GENERATING STATIONS BY ELECTRIC COMPANIES OR AS BUNKER FUEL FOR MARINE SHIPPING) AND 2 PERCENT FOR AVIATION GASOLINE.

11-203.

(A) THE DEPARTMENT MAY USE THE STATE SET-ASIDE PROGRAM DURING AN ENERGY EMERGENCY TO MITIGATE THE HARDSHIP AND EMERGENCY SITUATION OF ANY PERSON TO THE EXTENT THE PERSON IS ENGAGED ONLY IN THE FOLLOWING ACTIVITIES:

- (1) AGRICULTURAL PRODUCTION;
- (2) CARGO FREIGHT AND MAIL HAULING BY TRUCKS AND MAIL CARRIERS;
- (3) CONGREGATE CARE FACILITIES;
- (4) EMERGENCY SERVICES;
- (5) ENERGY PRODUCTION;
- (6) PASSENGER TRANSPORTATION SERVICES;
- (7) RESIDENTIAL SPACE HEATING AND FOOD PREPARATION;
- (8) SANITATION SERVICES;
- (9) SOCIAL SERVICE AGENCY USE; AND
- (10) SPACE HEATING REQUIREMENTS OF MEDICAL AND NURSING BUILDINGS; AND
- (11) TELECOMMUNICATION SERVICES.

(B) IF STATE SET-ASIDE VOLUMES ARE NOT SUFFICIENT TO SATISFY ALL REQUESTS FOR ASSIGNMENTS, THE DEPARTMENT MAY 7