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TESTER BILL EXPECTED NEXT WEEK, SOME GOVERNORS JOIN THE FRAY

Senator Jon Tester (D-MT) will likely offer his bill to delay the Federal Reserve's proposed debit swipe fee reform rule as an amendment to legislation the Senate will soon consider. As most PMAA members are aware, Tester's bill would delay the Fed rule for two years and calls for another study. Representative Shelley Moore Capito (R-WV) introduced similar legislation in the House; however, any action will likely take place first in the Senate.

PMAA has also learned that several governors are circulating a letter to other governors seeking support for Tester's delay bill. PMAA state associations have been alerted to this and will be working to brief governors on the real facts about the Fed proposed rule. MPC predicts the final rule will be quite different from the proposed rule and will address many concerns expressed by banks.

SENATOR LEAHY RECOMMENDS PMAA CHAIRMAN FOR CFTC COMMISSION SEAT

This week Judiciary Committee Chairman Senator Patrick Leahy (D-VT) sent a [letter](#) to President Obama urging him to appoint PMAA Chairman Sean Cota to the soon to be open CFTC Commissioner seat that is held by Michael Dunn. Dunn's term expires at the end of June.

This is a critical time when the CFTC is responsible for finalizing over 40 detailed regulations implementing the Dodd-Frank derivatives reforms (P.L. 111-203). Sean is a business oriented candidate who played a pivotal role in obtaining the strong Dodd-Frank derivatives language. According to Leahy, "As President of Cota & Cota Oil, Inc. in Bellows Falls, VT., and Chairman of the PMAA, Sean has been a national leader in efforts to increase transparency and consistency in the commodity and derivatives markets. His knowledge was integral in the drafting of key commodity, swap, and derivative provisions of the Dodd-Frank Wall Street Reform and Consumer Protections Act, which we all hope will create a more dynamic and transparent marketplace for years to come. Sean has been an effective advocate for end users and open markets, while working respectfully with those who have a different point of view."

Sean's nomination would require Senate confirmation. Leahy is a senior member of the Senate Agriculture Committee which has jurisdiction over CFTC nominations. Confirmation will be a tough road for the final nominee as many Republicans are opposed to the CFTC reforms that are included in the Dodd-Frank Act and Democrats do not have the 60 votes needed to avoid a stalemate.

CFTC'S POSITION LIMITS COMMENT PERIOD ENDS MONDAY

When Congress returns from its brief recess next week, energy policy, in addition to averting a government shutdown and dealing with the War in Libya, will be among those issues taking center-stage. That is not to say that high energy prices have not been a focal point in Washington during their absence. In recent weeks, Congress has been closely watching the Commodity Futures Trading Commission's (CFTC) consideration of aggregate position limits on speculators.

Last year's Wall Street Reform law requires the CFTC to create new rules on commodity trading that would reverse much of the deregulation of the past twenty years. This includes a requirement that hard limits on the size of positions that speculator can take in any given commodity. The new rule would require limits on energy contracts, where they have not applied for over a decade, as well as for over-the-counter swaps and foreign boards of trade that do business in the US. It would also require limits in the aggregate across all markets. Advocates for speculative position limits were encouraged to see a recent study by Stanford University titled, "Investor Flows and the 2008 Boom/Bust in Oil Price" which argues that speculative investments in oil elevated prices that do not correlate with supply and demand fundamentals.

Furthermore this week, CFTC Chairman Gary Gensler urged the European Union to follow through with its own swaps reform regulations. The EU is debating legislation to regulate the swaps market and Gensler warned that deviations from reform between the US and the EU, especially regarding forcing central clearing of standardized swaps could cause trans-Atlantic problems.

The deadline for comments on the proposed rule is this Monday, March 28, 2011 at 9:00pm Eastern. PMAA will submit comments to the CFTC in support of aggregate limits on highly leveraged speculators which have driven oil prices in recent months to highs not seen since the summer of 2008. If you haven't done so already, PMAA asks that you use the [CFTC position limit comment website](#) to send this [letter \(pdf version\)](#) to the CFTC. Please type in your name and company info and copy and paste the letter in the Comment Section and add anything you would like to it that personalizes it to your small business. Type in the validation code and click Submit Comment.

ST. LOUIS-DISPATCH GETS IT RIGHT ON SWIPE FEE REFORM

Missouri executive Ron Leone sent this op-ed that ran in the St. Louis-Dispatch yesterday. It effectively articulates the need for swipe fee reform and is worth the read.

Side-swiped: Congress is wrong to delay reducing debit card fees

By The Editorial Board Thursday, March 24, 2011

When big banks and members of Congress who do their bidding rail against the evils of Wall Street reform, this is one of the things banks rail about: How can lawmakers dare to say that they no longer can charge 44 cents for an electronic transaction that costs them four cents?

Such a provision was in last summer's financial regulation overhaul. Now some senators - carrying water for the big banks - are working to delay it. An amendment last summer sponsored by Sen. Dick Durbin, D-Ill., reduced the debit card fees - called swipe or interchange fees - that banks can charge merchants each time a consumer uses a debit card.

Those transaction fees have become a huge cost of doing business for retail businesses, and the costs are being passed on to consumers.

Banks, of course, cannot argue with a straight face that a bill that reduces their allowed transaction profit from 1,100 percent to 300 percent, as Mr. Durbin's legislation does, would send them to the poor house. They're arguing instead that allowing more competition in the swipe-fee industry somehow would damage smaller banks.

Yes, big bankers are arguing against competition, suggesting that Wall Street reform somehow impedes the free market.

Wrap your mind around that one.

The argument is especially galling when you consider that small banks - including 300 banks based in Missouri - were exempted from the legislation.

Nobody is arguing against the right for banks to make a reasonable profit. But Mr. Durbin's amendment passed with 64 votes in the Senate at a time last year when Republicans and Democrats couldn't agree on anything. That big banks are pushing so hard right now to overturn the legislation before the new rules would take effect in July is further evidence that Wall Street has failed to learn from its mistakes.

Two Missouri lawmakers - Sen. Claire McCaskill, a Democrat, and Rep. Blaine Luetkemeyer, a Republican, have signed on to this attempt to delay this common-sense, pro-consumer, free-market idea. Like Swiper, the sneaky fox in the children's television show "Dora the Explorer," the big banks want to operate without repercussions.

Lobbyist Ron Leone, who represents convenience stores in Missouri, characterized this as a "Wall Street vs. Main Street" debate. We agree, and we are disappointed that Ms. McCaskill and Mr. Luetkemeyer are standing with the Swipers from Wall Street.

Keep in mind that Mr. Leone's organization is no anti-business outfit. He frequently argues for the interests of Big Tobacco and Big Oil, two products that make his members' businesses very profitable. Like Mr. Durbin, Mr. Leone sees swipe-fee legislation as simply trimming fat from a cash cow.

As Mr. Durbin told the Post-Dispatch's Bill Lambrecht: "The big banks and credit card companies have been saved from their own internal failures and shortcomings time and time again by this government."

Indeed, it's time for the government to stop talking about "small business" and do something to help them.

FUEL RELIEF FOR JAPAN

Helping the people of Japan in this time of great need is an important priority. The California Independent Oil Marketers Association (CIOMA) is supporting relief efforts organized by the Fuel Relief Fund headquartered in Riverside, California. Fuel Relief Fund is now in Ishinomaki, Japan, an area especially devastated by the terrible earthquake and tsunami that followed. The citizens of this town and neighboring communities are without electricity and running water AND without heat. Temperatures at night continue to be around freezing. Fuel Relief Fund is giving away free heating oil to keep people warm. If you can help, please visit www.fuelrelieffund.org.

2011 PETROLEUM MARKETERS LEADERSHIP INSTITUTE (PMLI)

The 2011 Petroleum Marketers Leadership Institute will be held at the Madison Hotel located downtown in Memphis, TN April 10 -12, 2011. In preparation for the 2011 Petroleum Marketers Leadership Institute, we need you to begin thinking of petroleum marketers who are active in your association who have "the right stuff". These are marketers who you can count on to support the industry and your state association. They are the ones who give of themselves and are often natural

leaders. **PMAA relies heavily on state association executives to identify nominees/candidates for PMLI.** The value in PMLI is the cadre of leaders it is creating for our future. You can never have too many knowledgeable and dedicated leaders. State associations that have sent emerging leaders to the Institute the past seven years have already begun to reap its rewards.

As state associations, you are not obligated to pay anything for candidates to attend. Some states assist with travel related and tuition costs for their candidates but that varies from state to state. **The most important thing is to make sure you give us a few names of marketers to invite.** The tuition this year will be the same as last year - \$425.00 per person - and that includes meals and curriculum. When you compare this with other leadership programs of similar length, you'll find that the \$425.00 is a fraction of what other programs cost. From 2001 to 2010 we have had over 150 marketers go through PMLI and all of them have expressed very favorable comments about the program.

For more information please contact your state executive or the WPMA offices.

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2012 WESTERN PETROLEUM MARKETERS CONVENTION & CONVENIENCE STORE EXPO LAS VEGAS, NEVADA

Start planning now to attend the 2012 WPMA Convention and Convenience Store Expo. It will be held at the Mirage in Las Vegas, Nevada. Mark your calendars for February 21-23, 2012.

MARK YOUR CALENDARS FOR UPCOMING EVENTS IN 2011

June 7-9, 2011 – MPMCSA Convention – Hilton Garden Inn – Missoula, Montana

June 20-23, 2011 – WOMA Convention – Suncadia Lodge – Cle Elum, Washington

August 3-5, 2011 – IPM&CSA Convention – Sun Valley Resort – Sun Valley, Idaho

August 30-31, 2011 – NMPMA Convention – Embassy Suites, Albuquerque, New Mexico

September 14-15, 2011 – UPMRA Convention – Peppermill Hotel Casino – Wendover, NV

Petro Pete: "I have a tip that can take five strokes off anyone's golf game: it's called an eraser."

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- DOT 406 MC
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- 2 ½ Pump with PTO
- Pro Tec Box & Rear bumper
- \$16,000.00 OBO

Contact Marty Hull – 360-520-3275 (cell) 360-736-2821