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US SUPREME COURT TO DECIDE WHETHER TO HEAR CHALLENGES TO HEALTHCARE LAW

The US Supreme Court will meet on November 10 to decide whether it will hear challenges to the healthcare law, the Patient Protection and Affordable Care Act (PPACA). There are five cases that challenge the constitutionality of the individual mandate provisions. The Court will consider whether to hear any of the five cases, and if it does, how to merge the issues among the five lawsuits.

It's expected the Court will take up the suit filed by the NFIB and 26 states. A decision from the Supreme Court could come as early as November 14. We have reported previously that several Courts of Appeal have ruled differently on the constitutionality of the individual mandate, leading to a decision from the Supreme Court.

US APPEALS COURT RULES OIL COMPANIES AREN'T OVERCHARGING CONSUMERS FOR PREMIUM GASOLINE

Earlier this week, a U.S Appeals Court ruled in favor of six refiners: BP, Chevron, ConocoPhillips, ExxonMobil, Shell and Valero, ruling that they were not in breach of contract or violating business practice laws when marketing premium fuel even when there may be a small amount of unleaded regular or midgrade gasoline left in the hose from a previous consumer. The ruling sets precedent in California and eight other states where consumers have been filing lawsuits against oil companies. The plaintiffs complained that some gasoline dispensers were flawed because when they purchase premium fuel, they could be receiving up to 0.3 of a gallon of regular or midgrade that remained in the hose from the last customer resulting in the motorist being overcharged at the pump for buying premium. The plaintiffs want the oil companies to make a more accurate dispenser, but cost effective technology is non-existent.

The U.S. Appeals Court ruled against the plaintiff's lawsuit because refiners are obeying state and federal laws including requirements of the National Conference on Weights and Measures (NCWM), the Federal Trade Commission and the Petroleum Marketing Practices Act for rules on posting prices at the pump. Current NCWM Handbook 44 permits a maximum of 0.3 gallons of residual fuel in blender pumps which prohibits the purging of fuel from the hose or meter during a purchase.

HOUSE VOTES TO REPEAL THREE PERCENT WITHHOLDING BILL

On Thursday, the House passed H.R. 674 by a vote of 405 – 16 which repeals the withholding tax on contractors doing business with federal, state, and local governments. The overwhelming vote count in favor of repeal sends a strong message to the Senate to act before the end of this year to end the burdensome mandate. House Leadership was able to combine H.R. 674 with H.R. 2576, which was also approved by the House Thursday with bipartisan support, into one measure. H.R. 2576 offsets the three percent withholding mandate by adjusting the income qualifications for purposes of determining eligibility for certain healthcare-related programs, such as Medicaid.

The Obama Administration has indicated support of H.R. 674 and H.R. 2576. Repealing the three percent withholding mandate would "reduce a burden on government contractors who otherwise comply with their tax obligations, particularly small businesses. The effect of the repeal of the withholding requirement would be to avoid a decrease in cash flow to these contractors, which would allow them to retain these funds and use them to create jobs and pay suppliers. This would complement the Administration's other efforts to help small businesses," the White House said last week.

Given that the House just passed two bipartisan bills that include an offset for the three percent withholding mandate, it's very likely the Senate will follow suit next month. Last week, Senate Republicans offered their own bill (S. 1726) but it fell three votes shy of the 60 needed resulting in a 57-43 vote.

EPA PROPOSES REVISIONS TO UST REGULATIONS

This week the U.S EPA's Office of Underground Storage Tanks (OUST) proposed revisions to the 1988 federal underground storage tank (UST) regulations. According to the EPA the revisions are designed to improve prevention and detection of UST releases and ensure all USTs - including those in Indian Country - meet the same minimum standards. This is the first time EPA is proposing significant revisions to the federal UST regulations since they were first promulgated in 1988. The proposed changes include:

- Adding secondary containment requirements for new and replaced tanks and piping
- Adding operator training requirements for UST system owners and operators
- Adding periodic operation and maintenance requirements for UST systems
- Removing certain deferrals
- Adding new release prevention and detection technologies
- Updating codes of practice
- Making editorial and technical corrections

EPA is also proposing to update the state program approval (SPA) requirements to incorporate the proposed changes to the UST technical regulation listed above.

PMAA's UST Task Force is closely examining the proposed rule and will help prepare comments for EPA and for congressional committees that are monitoring the new proposal. PMAA will provide more detailed information in an upcoming Regulatory Report.

WPM NEWS HOLIDAY GREETINGS

Here's a unique way to say "Happy Holidays" to your customers, associates and friends! The winter issue of Western Petroleum Marketers News magazine includes festive business card greetings from WPMA members, associate members, board members and staff. You can include your business card in the magazine greetings for the low price of \$155. Cards are due in the WPMA office by November 1st. For more information on this and other advertising opportunities, visit the WPMA website: www.wpma.com, and click on Advertising at the bottom of the home page.

YOU CAN CONTRIBUTE!

WPMA welcomes industry-related articles, editorials and comments for publication in *Western Petroleum Marketers News* magazine. All members and associate members of WPMA are eligible to submit items for publication. Articles will be included as space allows, and no self-promoting articles or editorials will be accepted. WPMA reserves the right to edit and make adaptation of such contributions to accommodate the magazine's space and style. Please submit articles or content to Jan Roothoff, WPMA Administration/IT Director at janr@wpma.com, or mail to Jan Roothoff, Western *Petroleum Marketers Association*, PO Box 571500, Murray, UT 84157-1500.

WPMA CONVENTION LANYARD SPONSORSHIP AVAILABLE

Would you like to boost your visibility at the 2012 Western Petroleum Marketers & Convenience Store Expo? Our EXCLUSIVE sponsorship for the 2012 WPMA Convention lanyards would give you just that, for a cost of \$5,000. Your company will receive the benefits of the convention Sapphire Sponsorship, which includes two banners hung in the trade show area (provided by you) and listing on convention signage and in the Expo Program as a Sapphire Sponsor (a \$2500 benefit). This is a year-round sponsorship, since we will use the lanyards at all of our 2012 state conventions in Idaho, Montana, New Mexico, Utah and Washington, to increase your visibility.

We know this opportunity will bring a lot of exposure to your company, as everyone at the shows will be wearing YOUR lanyard. If you're interested please call Jamie Wood at (801) 263-9762 or email jamiew@wpma.com.

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WPMA is offering a unique way to give your company more visibility at the WPMA 2012 Convention and Convenience Store Expo, with an exclusive Smart Phone App sponsorship. For a \$3500 sponsorship fee, the smart phone app sponsor will receive a full-screen ad displayed for ten seconds every time the app is accessed. Included with this sponsorship is a scrolling banner ad, one of only ten ads that will scroll at the top of the screen when the WPMA convention app is in use.

The scrolling banner ad is a second advertising opportunity. Each banner ad will display on the smart phone for five seconds in random order while the WPMA convention app is in use. Only ten banners will be sold, so your name will be very visible to all who use the app. The WPMA Convention app received great reviews at the 2011 show, and we look forward to even more users this year.

For more information, to sponsor or to purchase a scrolling banner ad, please contact Jamie Wood at 801-263-9762, or e-mail jamiew@wpma.com.

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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. Our keynote speaker will be Ben Stein. Mark your calendars for February 21-23, 2012.

Use the QR code to the left to go to the WPMA National Convention page.

MARK YOUR CALENDARS FOR UPCOMING EVENTS IN 2012

June 5-7, 2012 - MPMCSA Convention – Billings Hotel and Convention Center – Billings, Montana

June 18-21, 2012 – WOMA Convention – Suncadia Lodge – Cle Elum, Washington

August 1-3, 2012 – IPM&CSA Convention – Coeur d’Alene Resort, Coeur d’Alene, Idaho

Petro Pete: *“With sufficient thrust, pigs fly just fine.”*

WPMA MEMBER SERVICES



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If you do not wish to receive information via fax or e-mail, please contact WPMA at: (801) 263-9762, Fax: (801) 262-9413, or e-mail: janr@wpma.com. Thanks.

Classified Ads

WANTED

We are looking to buy a used 1500-2000 gallon bob tail truck (gasoline or diesel) to haul hydraulic oil. Needs to be in good to excellent condition.

Please call 575-885-6001 for further details or if you have one to sell.

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Carlsbad, NM 88220



Date of Event: *February 21 - 23, 2012*
SCHOLARSHIP FOUNDATION
SILENT AUCTION DONATION FORM



The WPMA Scholarship Foundation needs your help!

Please support the WPMA Scholarship Program by donating generously to the Scholarship Foundation Silent Auction at the Western Petroleum Marketers and Convenience Store Expo in Las Vegas on **February 21 - 23, 2012**.

You are donating to a very worthy cause — the education of our future leaders. Your donation is tax deductible and your company will also receive name recognition and exposure!

Your name will be listed:

- ✓ **In the 2012 Convention Program**
- ✓ **On scholarship signage at the convention**
- ✓ **In the Silent Auction brochure that is distributed in all convention attendee packets**
*(if donation is received before **February 1, 2012**)*
- ✓ **On a sign next to the item in the Silent Auction**
- ✓ **In the 2012 Post Convention *Western Petroleum Marketers News (WPM News)* Magazine**

Company Name: _____

Name of person making contribution: _____
*(Please check box if individual name is to be listed **instead** of company name in brochure and on signage)*

Address: _____

Phone: (____) _____ Fax: (____) _____

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I would like to donate:

\$ _____ Cash directly to the Scholarship Foundation

An item for the Silent Auction (if box is checked ✓ please fill in 1-3)

1. Item to be donated: _____

2. Description of item (details for silent auction brochure - style, make, etc.): _____

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Return form via **fax** to Kathy at WPMA: (801) 262-9413, **e-mail** to kathym@wpma.com,
or **mail** to: WPMA, Kathy Michaelis, PO Box 571500, Murray, UT 84157-1500

The WPMA Scholarship Foundation has been designated a 501 (c) (3) charitable foundation by the Internal Revenue Service. ***Donations are tax deductible.***