

November 27, 2013

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WPMA OFFICES CLOSED FOR THANKSGIVING

The WPMA offices will be closed Thursday, November 28 and Friday, November 29, 2013 for the Thanksgiving holiday. We wish everyone a very happy and safe Thanksgiving.

MARKETERS URGED TO IGNORE VENDOR SOLICITATIONS ON BROKER AND FREIGHT FORWARDER REGISTRATION

Petroleum marketers are receiving a high volume of faxes, emails and mail from vendors warning about new registration requirements from the U.S. DOT's Federal Motor Carrier Safety Administration (FMCSA). The vendors are third party facilitators who file for a fee various motor carrier registration applications and paperwork required by the FMCSA. These vendor communications are often designed to look like an official government communication, warn of "civil penalties" and "violations" for motor carriers who don't act in accordance to the solicitation and sent to a wide range of recipients including those who are not required to comply.

The latest communication of this kind warns of new FMCSA broker and freight forwarder registration requirements for **interstate** motor carriers. Generally, petroleum marketers do not act as brokers or freight forwarders when transporting their own product or acting as a for-hire carrier for another marketer. Consequently, the new registration requirement clearly does not apply to the vast majority of petroleum marketers and likely does not apply to the remaining few that may act like freight forwarders but do not qualify as such under FMCSA regulations.

PMAA has submitted a written request to the FMCSA for an interpretation of the agency's freight forwarder definition to make certain the registration requirement does not apply to petroleum marketers. What is known for certain is that the registration requirement does not apply to **intrastate** petroleum marketers. The FMCSA interpretation may take 30 to 60 days. The compliance date for registration was October 1. In the meantime, **interstate** petroleum marketers, who also act as for hire motor carriers and think they fit into the following FMCSA freight forwarder definition, should contact [Mark S. Morgan](mailto:mmorgan@pmaa.org) (mmorgan@pmaa.org), PMAA Regulatory Counsel.

"Freight Forwarder: A company that arranges for the truck transportation of cargo belonging to others, utilizing for-hire carriers to provide the actual truck transportation. The Forwarder does assume responsibility for the cargo from origin to destination and usually does take possession of the cargo at some point during the transportation. Forwarders typically assemble and consolidate less-than-truckload (LTL) shipments into truckload shipments at origin and disassemble and deliver LTL shipments at destination. Forwarders must register with FMCSA by filing a Form OP-1 (FF)."

DELAYS FOR THE KEystone XL PIPELINE

Last week, TransCanada pushed back the operational date for its 830,000 barrel per day Keystone XL pipeline until 2016 as the company awaits final approval from President Obama. With the permit expected early next year, "There's no way we can get it done faster than two years," TransCanada's CEO Russ Girling said. President Obama has said that he will not approve the Keystone XL pipeline if building it would generate more greenhouse gas emissions than not constructing it. However, a March 2013 U.S. State Department draft study dispelled environmental critics' claims that the Keystone XL pipeline would increase the production of Canadian oil sands. The study argued that Canadian oil sands would be developed with or without the pipeline.

A decision on the Keystone XL pipeline is expected next year. When the Keystone XL pipeline is operational, it will be a reliable source of crude oil for U.S. refineries to make gasoline and distillates.

PMAA is supporting all efforts to get the Keystone pipeline approved.

EPA OFFERS TWO MILLION FOR DIESEL ENGINE RETROFIT PROGRAM

Recently, EPA announced that it would make available two million in rebates to retrofit older diesel construction engines under "The Diesel Emission Reduction Act," also known as DERA. The retrofit program was enacted as part of the 2005 Energy bill with the goal of one billion dollars over five years for retrofits. Supporters have argued the program will reduce greenhouse emissions and create thousands of jobs. Since 2008, DERA has awarded more than \$500 million to retrofit or replace more than 50,000 vehicles.

EPA will accept applications through January 15, 2014 with rebates issued by February 2014.

ANNOUNCING NEW WPMA MEMBER SERVICE

WPMA has partnered with NPP to provide members discounts on many products and services. NPP negotiates the rates, and makes them available to WPMA members. Membership with NPP is free, and there is no obligation to purchase. Discounts through Verizon, Expedia, Fastenal, Cradlepoint, and more.

Register Now: <https://associations.mynpp.com/myNPP/memberSavings.shtml?guid=RB3WUOFG>

2014 WPMA CONVENTION & CONVENIENCE STORE EXPO LAS VEGAS, NEVADA

Start planning now to attend the 2014 WPMA Convention and Convenience Store Expo. It will be held at the Mirage in Las Vegas, Nevada. Mark your calendars for **February 18-20, 2014**.

WPMA NATIONAL CONVENTION & CONVENIENCE STORE EXPO SPONSORS February 18-20, 2014 • Mirage • Las Vegas, Nevada



MARK YOUR CALENDARS FOR UPCOMING EVENTS IN 2013 AND 2014

December 10, 2013 – WOMA Holiday Party at the Race Track, Emerald Downs, Auburn, Washington

May 8-9, 2014 – NPM&CSA Big Dog event – Red Rock Hotel & Casino Las Vegas, Nevada,

June 3-5, 2014 – MPMCSA Convention – Hilton Garden Inn – Missoula, Montana

June 16-19, 2014 - WOMA Convention – Suncadia Lodge – Cle Elum, Washington

August 6-8, 2014 – IPM&CSA Convention – Coeur d'Alene Resort – Coeur d'Alene, Idaho

August 19-20, 2014 – NMPMA Convention – Marriott Pyramid North – Albuquerque, New Mexico

Petro Pete: ***"Doing nothing is very hard to do. You never know when you're finished."***

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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.



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