

December 2, 2011

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WP-12-02-11

**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.

**WPMA CONVENTION SMART PHONE APP ADVERTISING OPPORTUNITIES**

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 [jamiiew@wpma.com](mailto:jamiiew@wpma.com).

**BILL WOULD GIVE FERC AUTHORITY TO APPROVE KEYSTONE**

Today, Representative Lee Terry (R-NE) plans to introduce a bill that would give the Federal Energy Regulatory Commission authority to approve the proposed Keystone XL oil pipeline from Canada to Texas. Shifting the Keystone permitting process to FERC, an independent agency, would take it out of the hands of the State Department and the Obama administration.

Furthermore, Terry has been assured by House Speaker John Boehner (R-OH) that the bill will be included in the end-of-the-year payroll tax package that Congress is working to pass.

Under Terry's bill, the state of Nebraska would be given time to complete an environmental review for the relocation of a section of the pipeline route that would be moved about 50 to 60 miles away from the Nebraska Sand Hills. Terry expects the state environmental review of the new compromise route to be completed within six months. Then FERC would be required to take action on the permit. FERC would have 30 days to act on the permit or it would be considered approved. House Republicans will work with Senate Republicans, who have offered a different solution to speed up permit approval. Senators Richard Lugar (R-IN) and John Hoeven (R-ND) introduced the North American Energy Security Act on November 30 to require the President to issue the permit within 60 days of enactment unless he determined it was not in the national interest.

**HOUSE CONSIDERS SEVERAL BILLS TO ROLL BACK REGULATIONS**

This week, several bills aimed at limiting the executive branch's regulations that hinder small business job growth were considered by the House. One bill, passed the House on Thursday by a vote of 263 – 159, is known as the "Regulatory Flexibility Improvements Act of 2011," (H.R. 527) which would give the Small Business Administration (SBA) the authority to oversee federal agency compliance with the Regulatory Flexibility Act of 1980 (RFA). In many cases, federal agencies adopt final rules without thoroughly reviewing whether the rule will unfairly impact small businesses. H.R. 527 would require the SBA to ensure that federal regulations are fair to small businesses when adopting a final rule.

Today, the House will consider H.R. 3010, "the Regulatory Accountability Act," which would amend the Administration Procedure Act (APA) to require federal agencies to consider the potential costs and benefits associated with final rulemakings. H.R. 3010 would require federal agencies to publish an advance notice of proposed rulemaking ANPR for major rules that could cost the economy more than \$100 million. For a federal agency's ANPR that would cost the U.S.

economy \$100 million or more, the agency would be required to submit a written statement identifying the significance of the problem the agency attempts to address with the rule, the legal authority under which the rule may be proposed, and a solicitation for written data and comments from interested stakeholders. H.R. 3010 is expected to pass the House today.

Next week, the House will consider the "Regulations from the Executive in Need of Scrutiny Act of 2011" or REINS Act (H.R. 10). The REINS Act would give Congress 70 legislative days to take an up-or-down vote on any rule that would cost the U.S. economy more than a \$100 million.

President Obama opposes H.R. 527, H.R. 3010, and H.R. 10 and will likely veto these bills if they make it to his desk.

### **CONGRESS PASSED PRO-EMPLOYER LEGISLATION**

On Wednesday, the House of Representatives passed H.R. 3094, the Workplace Democracy and Fairness Act, 235-188. The bill would impose mandatory waiting periods of 14 days before a hearing can occur on a petition by workers to form a union, and at least 35 days before the unionization election at a company can then occur.

The legislation is in response to rules proposed by the National Labor Relations Board (NLRB) in June to dramatically decrease the time employers have to speak with their employees about union representation, potentially shortening the election process to just ten days from the current average of 38 days. On the same day, the NLRB voted 2-1, along party lines, to move forward with the rule.

The rule will be drafted into final form for another vote in 2012 before it goes into effect.

### **HOUSE OVERSIGHT COMMITTEE HEARING ON HOS RULE**

Just as the Federal Motor Carrier Safety Administration (FMCSA) is expected to release its Hours of Service (HOS) Rule later this month, the House Oversight Committee held a hearing on Wednesday on the rule. Witnesses were Nagle Companies CEO Ed Nagle III; Glen Keysaw of Associated Food Stores; American Bakers Association CEO Robb MacKie; Badcock & More's Frank Miller; Edgeworth Economics' Jesse David; Henry Jasny of Advocates for Highway and Auto Safety; and FMCSA Administrator Anne S. Ferro.

PMAA member Paul James testified this summer before the House Small Business Committee on the harm the HOS rule would cause the petroleum industry. Petroleum marketers have adjusted to new HOS regulations adopted in 2008. Now the Department of Transportation (DOT) wants to change them again in ways that will hinder our industry including: lowering the maximum time on-duty within the driving window from 14 hours per day to 13 hours per day; for the driving window, the standard driving window would remain at 14 consecutive hours and 16 hours no more than twice per week with release from duty required at the end of the driving window regardless of length; and requiring a minimum 30-minute break after a maximum of seven hours driving or working in order for a driver to continue driving. FMCSA estimated it would cost the industry \$900 million to comply with the new HOS rule.

Representatives Jackie Speier (D-CA) and Dennis Kucinich (D-OH) held a press conference before the hearing "to demand that safety and jobs be top priorities and not the agenda of special trucking interests."

The rule is under review at Office of Management and Budget (OMB) and could be released before the Christmas break.

### **U.S.DOT ISSUES FINAL RULE TO RESTRICT THE USE OF HAND HELD PHONES BY CDL DRIVERS**

The U.S. DOT's Federal Motor Carrier Safety Administration (FMCSA) and the Pipeline and Hazardous Material Safety Administration (PHMSA) are amending the Federal Motor Carrier Safety Regulations (FMCSRs) and the Hazardous Materials Regulations (HMR) to restrict the use of hand-held mobile telephones by drivers of commercial motor vehicles (CMVs). The new rule implementing the changes was announced on November 23, 2011 and is intended to reduce the prevalence of distracted driving related crashes, fatalities, and injuries involving drivers of CMV. The agencies adopted several of PMAA's recommended provisions in the final rule including the continued use of hands-free telephone devices, and push to talk equipment both of which the agencies considered banning in the proposed rule. The agencies also adopted another PMMA recommendation that limits the restriction against the use of hand-held telephones only when the vehicle is being "driven" and not when stopped and idling including when waiting at traffic lights or stop signs or when operated on private property.

The new rule imposes tough sanctions on any violation of the hand-held phone restriction. Violation may result in a civil penalty imposed on drivers in an amount up to \$2,750. A civil penalty may be imposed on employers, who fail to require their drivers to comply with FMCSRs, in an amount up to \$11,000. Moreover, a driver who commits two serious traffic violations in a three-year period while operating a CMV must be disqualified from operating a CMV that requires a CDL for at least 60 days. A driver who commits three or more serious traffic violations in a three-year period while operating a CMV must be disqualified from operating a CMV that requires a CDL for at least 120 days. The compliance date for the rule is January 3, 2012

## **MAKE YOUR ROOM RESERVATION FOR THE WPMA CONVENTION NOW WHILE THERE IS STILL AVAILABILITY**

Now is the time to make your room reservations at the Mirage hotel for the 2012 WPMA National Convention and Convenience Store Expo. The rooms are filling up fast because of high demand. The early bird room rate of \$145 has been extended through January 18, 2012 and is available for all WPMA dates except Tuesday, February 21<sup>st</sup> and Wednesday, February 22<sup>nd</sup>. The regular WPMA group rate of \$175 will be effective on those dates.

## **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](mailto: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](mailto:jamiew@wpma.com).

## **WPMA MEMBER SERVICES**



## **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

**August 27-29, 2012** – NMPMA Convention and Trade Show – Embassy Suites – Albuquerque, New Mexico

**Petro Pete: "We never really grow up. We only learn how to act in public."**

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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](mailto:janr@wpma.com). Thanks.



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: (\_\_\_\_) \_\_\_\_\_

E-mail: \_\_\_\_\_

**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.): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. Approximate market/retail value of item: \_\_\_\_\_

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.***