
NYS ASSOCIATION OF SERVICE STATIONS & REPAIR SHOPS, INC.

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Did You Know – Hold Open Latches Illegal

The association asked a representative of the NYS Fire Marshal's office whether hold-open latches at gas station self serve pumps were legal or not. We were told that they still were illegal; however draft regulations set to be approved and implemented in August 2015 will change that. If approved, hold-open latches will become legal at that time. Of course, you will need to check with your local fire marshal to find out whether local will still prohibit their use.

OPIS Survey: Gasoline Volumes

See Steep Thanksgiving Week Decline

An exclusive OPIS survey of nearly 5,000 retail stations nationwide reveals that weekly gasoline demand was off sharply for Thanksgiving week.

For the week ending Nov. 29, average gasoline volumes were off by 5.2% compared with the week prior. Of the stations participating, an overwhelming 75% of them reported gasoline volumes lower for the week ending the 29th. Among the stations that reported a decline in gasoline volumes, just over 39% of those retail outlets said volumes were down more than 10%.

Last week, the EIA said gasoline demand was up by 1.8% for the week ending Nov.28.

Both the month-to-month and year-to-year comparisons are also showing a decline in overall volumes. When compared to a month ago, gasoline volumes are off by 5.4% at the almost 5,000 stations, and like the weekly numbers, almost 72% of the stations reported a decline in volumes.

When compared to last year, gasoline volumes were down by 2.9% at the close to 5,000 stations participating in the OPIS survey. A little bit more of an even split was seen between stations seeing an increase in volume and a decrease with 53.5% of the stations in the survey showing a decline in volumes.

Versus a year ago, the EIA said volumes are up by 6.2%. The four-week volume average, according to OPIS data, was down 1.3% last week on a station-by-station basis.

For more information on volume analysis by state, please contact Brian Norris at 301-287-2413.

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Market Sees Sub-\$2/gal Retail Gasoline; Possibility of More Such Numbers

Only 33 days after U.S. average prices for gasoline slumped below \$3/gal, marketers and a great deal of media are on the lookout for street prices of less than \$2/gal.

What's more, a look through current prices in the extensive OPIS wholesale database suggests that \$1.99/gal may indeed be possible, but not necessarily profitable, provided merchants are willing to sell fuel at or near cost.

Essentially, three elements are necessary for a local retailer to price unleaded regular gas at less than \$2 gallon. First, the retailer needs to have access to a wholesale price in the \$1.50s or low \$1.60s. Second, the state and federal taxes need to be under 40cts/gal, and third, the occurrence is generally limited to highly competitive retail MSA's (metropolitan statistical areas).

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Oklahoma City meets all three of these criteria and this afternoon saw at least one retailer in that metropolitan area drop to \$1.999/gal. OPIS data suggests that wholesale gasoline could be procured this morning as low as \$1.6205/gal at Oklahoma City racks, and with 35.40cts/gal in taxes, a sub-\$2/gal cost was possible, albeit with a minuscule profit on cash sales.

Other markets with rack prices for E10 or RFG10 at less than \$1.65/gal documented by OPIS this afternoon included Alabama (Birmingham and Mobile); Arizona (Phoenix and Tucson); Colorado (Denver); Iowa (Council Bluffs and Iowa City); Kansas (Kansas City); Louisiana (Baton Rouge and New Orleans); Mississippi (Collins, Pascagoula and Vicksburg); New Mexico (Albuquerque); North Carolina (Charlotte); South Carolina (Belton and Spartanburg); Tennessee (Memphis and Nashville); Texas (Austin, Beaumont, Corpus Christi, Dallas, Hearne and San Antonio); and Virginia (Richmond).

The aggressive downstream prices underscore just how much pessimism is ingrained in year-end gasoline values. This afternoon saw spot gasoline trade barely above \$1.56/gal at the Gulf Coast, representing a per-barrel value of just \$65.52/bbl. That put the price of bulk gasoline nearly \$2/bbl below WTI crude, or more than \$5/bbl under Light Louisiana Sweet (LLS) crude prices.

--Tom Kloza, tkloza@opisnet.com
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U. S. Department of Labor Inspections

Several businesses in New York State have received notice from the U. S. Department of Labor an inspection of their records is going to be performed. The law and the required document are listed below.

Federal regulations require employers to keep certain records available for inspection and transcription by the Wage and Hour Administrator duly authorized and designated representative. See 29 C.F.R. Part 516. Records located off-site at a central recordkeeping office shall be made available within 72 hours, following notice from the Administrator or a duly authorized and designated representative. See 29 C.F.R. § 516.7. Section 516.2(a) and 516.5(c) of the Code of Federal Regulations indicate the items that you are required to maintain and that may be inspected during the investigation. Failure to comply with these regulations is in itself a violation of the law. The records required are listed below:

1. Records which identify time records of hours worked. These records should
2. include hours worked each workday, total hours worked each workweek, work schedules, sign-in sheets, and any other record maintained by the firm of hours worked by employees;
3. Records which identify employees' payroll records, quarterly records, and any other which contain the employee's rate of pay, weekly hours worked, total weekly gross earnings, deductions, and actual wages;
4. Records which identify all travel logs for employees

5. Records that identify all hours worked at client locations
6. Records which provide list of salaried employees at firm, name, job title, annual salary, description of primary duties; Records which provide copies of 1120s for the corporation for the past 3 years
7. Records that reflect home addresses, telephone numbers, dates of birth, dates of hire, dates of termination, and position/titles held by all employees (current and former);
8. Records which provide any and all cash disbursements relating to payments made to employees; such as cash register;
9. Records which identify all other enterprise establishments with name and address;
10. Records which identify a list of enterprise corporate entities with name and address.
11. Records which identify total number of employees presently employed at each enterprise establishment;
12. Records which identify total number of enterprise employees (presently employed);
13. Records that provide the Federal Tax ID number for all business entities within the enterprise;
14. Records that identify legal name(s) of the firm(s) date and state of incorporation;
15. Records which identify principals' names and home addresses for each entity;
16. Records which identify copies of W-2 forms for all employees for the past two (2) years;
17. Records which identify copies of IRS quarterly 941 returns;
18. Company policy of the Family Medical and Leave Act (FMLA)

Your failure to respond to this notice and/or otherwise provide the records requested may result in additional action. Including the issuance of a subpoena to secure the information relevant to the investigation.

Interest In Alternative Fuel Vehicles Declines With Gas Prices

Consumers are much less likely to consider a non-gasoline powered vehicle as gas prices continue to decline, according to a new consumer survey examining preferences related to alternative vehicles.

Four in five consumers (80%) considering an alternative fuel vehicle say that the primary reason is to save money on fuel. However, as gas prices decline, so does interest in these alternative vehicles. Each 10-cent drop in gas prices corresponds to a 1% decrease in the percentage of consumers considering alternative vehicles: 78% would consider a non-gas powered vehicle if gas were \$5 a gallon, compared to 68% if gas were \$4 and 56% if gas were \$3, according to an alternative fuel vehicles tracking study commissioned by NACS.

Nearly three out of four consumers (72%) considering an alternative vehicle would consider a hybrid, followed by flex fuel vehicles (42%), all electric (34%), and hydrogen fuel cell and diesel fuel (22% each).

Consumer interest in alternative vehicles has fallen sharply since April 2014, when gas prices were 90 cents per gallon more than today. Consumer interest has particularly declined for all-electric vehicles, with only 34% indicating interest, compared to 55% in April. Women are far less likely to consider an all-electric vehicle than men (27% versus 40%), likely because of range-anxiety concerns.

Besides seeking out fuel savings, consumers identified a number of other factors that could incent them to purchase alternative-fuel vehicles: 51% of consumers would consider an alternative vehicle to protect the environment, 45% to reduce American dependence on foreign oil, 42% to reduce their carbon footprint and 41% to increase their driving range.

While the survey results are not encouraging to the alternative fueling industry, there may be some opportunities to expand sales. Older consumers, those over age 50, are most likely to consider an alternative fuel vehicle as a means of reducing American dependence on foreign oil: 59% cited this reason, compared to 35% of those ages 18-34. Meanwhile, younger consumers are more interested in how the vehicles fit their lifestyle: 22% cited that reason, compared to only 8% of those over age 50.

New Jersey Office Of Weights And Measures Bans 19 Motor Oil Products

The New Jersey Office of Weights and Measures issued a statewide ban on 19 motor oil products, bearing the brand names “Auto Club Motor Oil,” “Black Knight Motor Oil,” “Lube State Motor Oil,” “MaxiGuard MG,” “Orbit Motor Oil,” “TruStar Motor Oil,” “U.S. Economy Motor Oil” and “U.S. Spirit Motor Oil.”

The banned products may no longer be sold in New Jersey, according to a press release. Retail establishments that continue to sell them will be subject to a civil penalty of at least \$100 per package or container of the banned product — a penalty far in excess of the approximately \$3 to \$4 per quart bottle.

The State Office of Weights and Measures took this action after tests by a state-contracted lab revealed that each of the now-banned products failed to conform to the viscosity promised on the product label. For example, motor oils labeled 10W-40 had viscosity measures that were widely and unacceptably at variance with the universally defined characteristics of 10W-40 motor oil. The products therefore allegedly bear misleading labels that do not inform consumers about their appropriateness for specific motor vehicle engines.

The use of a motor oil with viscosity levels that are either too high or too low for a vehicle’s engine specifications may result in the risk of engine failure, excess engine wear and/or decreased fuel efficiency.

“Many of these allegedly mislabeled motor oils are sold at cheap prices, thereby luring those consumers who can least afford the extra maintenance costs or early engine failure that may result from using the wrong type of motor oil,” Acting Attorney General John J. Hoffman said. “We

are rightly removing these potentially harmful products from New Jersey’s marketplace and will penalize retailers who continue to sell them.”

Pursuant to a Stop-Use and Removal Order issued on Friday by State Office of Weights and Measures Acting Superintendent Howard Pine, all New Jersey retail establishments are ordered to immediately remove the 19 banned motor oil products from their store shelves or other product displays.

“The retailers may not have known that these products are mislabeled and potentially damaging when used with the wrong vehicles,” Pine said. “Now that these facts are known, any retailer who fails to remove these products from store shelves will face a penalty far greater than the potential profits to be gained by selling these products.”

The banned products are:

- Auto Club Motor Oil SAE 5W-30
- Auto Club Motor Oil SAE 10W-30
- Auto Club Motor Oil SAE 10W-40
- Auto Club Motor Oil SAE 20W-50
- Black Knight Motor Oil 5-30
- Black Knight Motor Oil 10-40
- LubeState Motor Oil SAE 10W-30
- MaxiGuard MG 10-30
- MaxiGuard MG 10-40
- MaxiGuard MG 20-50
- MaxiGuard MG SAE30
- Orbit Motor Oil 5-20
- Orbit Motor Oil 10-40
- TruStar Motor Oil 10-30
- U.S. Economy Motor Oil 5-30
- U.S. Economy Motor Oil 10-40
- U.S. Economy Motor Oil SAE 10W-40
- U.S. Spirit Motor Oil SAE 10W-30
- U.S. Spirit Motor Oil SAE 10W-40

Automakers Call for More Parts Testing

On Dec. 3, the House Energy and Commerce subcommittee on Commerce, Manufacturing and Trade held a hearing investigating the issue of ruptured airbags from one supplier that have caused several injuries and deaths. Providing testimony at the hearing were executives from Takata, Honda, BMW, Toyota and the acting administrator of the National Highway Transportation Safety Administration (NHTSA).

Similar to a previous hearing held by a Senate subcommittee, legislators in the House were increasingly frustrated by responses from Takata, who refused to comply with a call by NHTSA for a national recall. Takata responded to the NHTSA request with a letter stating, “Under NHTSA statute, only manufacturers of motor vehicles and replacement equipment are required to decide in good faith whether their products contain a safety-related defect and, if so, to conduct a recall.”

Despite Takata’s response, both Honda and Toyota announced they would undertake a third-party cooperative testing program to test the replacement airbags being

provided by Takata. Honda has also reached out to two other parts suppliers in an attempt to speed up the availability of replacement airbag inflator kits.

The Honda and Toyota cooperative parts testing program was encouraged by legislators and Honda later reiterated its support for expanded parts testing industry-wide.

Recent safety issues and lackluster responses by NHTSA were also central themes in the Senate confirmation hearings for the new NHTSA Administrator and Department of Transportation Assistant Secretary for Policy nominees. Dr. Mark Rosekind, being considered for NHTSA Administrator, and Carlos Monje, Jr., for the policy position, both stated that they were extremely concerned by the lack of action from the agency in investigating defects and would seek additional funds to provide better enforcement of current laws. Rosekind said the increase in safety investigations would be his first and top priority if he is confirmed for the administrator position and called for greater transparency from NHTSA and automakers and parts suppliers.

NASTF Panel Begins Dialogue On OEM Education Resources

Training resources provided by automakers for their franchise dealer technicians are laid out in a strictly defined and structured learning “roadmap,” says Jill Saunders, a Product Engineer for Toyota Motor Sales, USA and currently responsible for the development and support of the Techstream Diagnostic Scantool for all of North America and the US Territories.

Bill Moss, owner of a four-bay service shop, EuroService Automotive, in Warrenton, VA and currently serving on the Boards of Directors for both NASTF and the Automotive Service Association counters that “independent technicians mostly consume education as a solution-based” event.

“This disconnect is frustrating both the OEMs who are already spending money to comply with laws and agreements and technicians who are unsuccessful in their search of specific training topics,” explains Skip Potter, Executive Director of NASTF and moderator of the panel’s discussion.

Rob Morrell, Director of Training for WORLDPAAC since 2001 and currently serving as the Independent Co-chair for the NASTF Education Committee adds, “Third-party trainers like us can greatly improve the quality and consistency of our training programs if we have access to existing OEM resources.”

Charlie Gorman, one of the founding leaders of NASTF points out that the original intent of EPA service information laws was for OEM education resources to flow through these third-party aftermarket trainers, not necessarily direct-to-tech delivery.

“But very few (OEM) licensing agreements are available to us,” Morrell continues. “They (OEMs) could make money from us.”

Moss acknowledges that it is not the automaker’s responsibility to train the independent technician but, he says, “It’s valuable for us to have access (to OEM education resources) both directly from the OEM website and through our traditional aftermarket trainers.”

Saunders represents one of a growing number of OEMs who view independent service centers outside their franchise system (both aftermarket and other dealer franchises) as an opportunity to supplement the serviceability of their brand as aging vehicles outgrow the warranty period, transfer to second and third owners and move outside the convenient geographic reach of their franchise system. “It’s important for the Toyota brand to work with independents,” she says. Looking ahead towards reducing the frustration shared by OEMs and technicians over aftermarket access to OEM education resources, the panel agreed that NASTF has a role to play. “I think we’ve made a case today that the NASTF Education Committee’s effort to write a best practice document should help,” says Morrell, the Committee’s Independent Co-chair.

Moss adds, “It’s the technician’s responsibility to the customer to be service-ready and that includes an obligation to stay current through continuing education. It’s up to us shop owners to make sure that happens.”

Credit Card Class Action Lawsuit

The questions about the offer to rejoin the settlement with Visa and MasterCard are again being asked. Many businesses received a notice to rejoin the class-action cash settlement, which would conclude the lawsuit that merchants filed against the credit card companies and was settled in 2013. Last year the attorneys representing the merchants agreed to settle the lawsuit. The settlement would produce about \$700 million dollars in fees for the attorneys. Most merchants believe that the amount of money they would be entitled to through the settlement would be a small, especially when compared to the amount of money in credit card fees that they could save in later years, if the suit would be tried in court, and won. Because of that, merchants banded together and notified the Court that they would opt-out of the settlement and reserve their right to file another lawsuit in the future. Some business decided to opt out of the settlement. Those businesses that opted out at that time, a new letter was sent giving them a final chance to reconsider their inclusion in the settlement. A business decision needs to be made on whether to choose to reconsider, and agree to the settlement. Here is some information that will be helpful to make the decision.

It would be helpful to know what you stand to gain if you accept the settlement. Consider this scenario... If you have records available, and you can total up all of the interchange fees that you paid to Visa and MasterCard between January 2004 and November 2012, the settlement would award you approximately 2% of that total. If you have credit card fees of about \$25,000 a year, the interchange portion should be roughly \$20,000/year. Over an 8-year period, this would be \$160,000 in total interchange fees, and

2% of that would be \$3,200. Keep in mind that this is an approximation, to establish some idea in your mind, of what you will forfeit if you choose to opt out of the settlement. Of course, you need to apply the exact numbers from your business during that period of time. You must also understand that if you ACCEPT the settlement, you will NOT be permitted inclusion into a future lawsuit, which I anticipate will be re-filed by merchant groups who still believe that Visa and MasterCard are taking advantage of merchants all across America. You have to evaluate your own personal situation and compare what would be gained NOW, versus what MIGHT be gained later.

Discover Sues Visa Over Antitrust Violations

Discover Financial Services Inc. announced last week that it is suing Visa Inc., alleging that the card company has been using antitrust practices in its debit card business, reports the Chicago Tribune.

Discover, through its Pulse Network LLC unit, alleges that "in order to maintain its monopoly, Visa has undertaken a series of illegal actions that undermine competition — harming rival debit networks, merchants, acquirers, card issuers, and consumers."

Pymts.com reports that one of Discover's accusations is that Visa has pushed signature debit, despite the security advantages of PIN debit. "Visa dominates the provision of signature debit network services, maintaining a market position based on charging higher fees for its services and earning higher profits. Permitting the superior PIN debit to predominate in the marketplace would cost Visa a lot of money. Accordingly, Visa has a long history of making sure that does not happen, including undertaking illegal behavior to fend off competitive threats to its debit network services monopoly."

Discover also says that Visa is offering economic incentives to merchants to choose the Visa network for transactions.

Minimum Wage Movement Spreads

About two years after the first strike for a \$15 minimum wage, fast food workers in 190 cities across the United States held protests yesterday, and even more types of service employees are joining in.

According to a report in Forbes, for the first time, airport workers — including baggage handlers, skycaps, wheelchair attendants and aircraft cleaners — plus retail workers at convenience and dollar stores, are adding their voices to the call for higher pay.

Additionally, home care workers, who began fighting for a \$15-an-hour minimum wage in September, will continue their protest. Cities to see their first fast-food strikes include Jackson, Miss., Knoxville, Tenn., and Buffalo, NY.

Workers in industries beyond fast food have joined the fight because they face the same struggles, say labor representatives, who point out that these low-paying jobs

have been some of the fastest-growing since the Great Recession because they cannot be easily outsourced.

Launched in November 2012, the campaign to raise the minimum wage to \$15 an hour and allow workers to unionize, sometimes called Strike Fast Food or the Fight for \$15, has already experienced significant success. Cities such as Seattle and San Francisco have voted to phase in a \$15/hour minimum wage, and Oakland, California, bumped its minimum wage up to \$12.25 an hour. Portland, Maine, and Louisville are also considering increases, to around \$10 an hour.

This week's strikes come amid a rising tide of calls to raise the minimum wage, including from President Obama, who has called for an increase in the federal minimum wage to \$10.10 an hour.

Gas Tax Increase Gets Mixed Recognition from President Obama and Retiring Congressmen

On Oct. 3, both President Obama and retiring House Transportation and Infrastructure subcommittee chairman Tom Petri, Wis., announced support for raising the federal gas tax to help close the funding gap for transportation programs, but left mixed signals for the public.

During a Business Roundtable meeting with the heads of several large U.S. corporations, President Obama responded to a question regarding whether the gas tax should be increased by saying, "If I were running Congress... I'd potentially take you up on that offer or suggestion... I think I would have — probably already would have done it."

According to a report of the meeting from POLITICO, Obama qualified that with a nod to the political challenges faced by legislators on the issue. "In fairness to members of Congress, votes on gas taxes are really tough," he said. "Gas prices are one of those things that really bug people. When they go up, they're greatly attuned to them. When they go down, they don't go down enough."

In contrast to the president's mixed position, retiring representative and senior transportation lawmaker, Petri, held a press conference urging Congress to increase the gas tax. Petri recently became a co-sponsor of legislation that would increase the tax by 15 cents per gallon over three years. While admitting it is easier to be in support of a gas tax increase when one is leaving Congress, Petri still feels it is the easiest way to provide for transportation and infrastructure funding.

While some members of Congress and much of the business community would like to see action on an increase happen before the end of this Congress, House Speaker John Boehner, R-Ohio, has repeatedly indicated that it is most likely off the table, leaving the difficult issue of funding highway program for the next Congress to decide.

Number of Newly Storm-Proofed Gas Stations Tops 700 in Three Northeastern States

Two years after Superstorm Sandy snarled the U.S. Northeast's fuel supply chain, forcing the closure of

wholesale and retail fuel outlets for days and setting off panic among consumers, the actions of three affected states have toughened the operability of a number of retail fuel stations.

Thanks to grant programs in New York, New Jersey and Maryland, 703 stations are newly equipped to counter power outages with a permanent generator or at least wiring that can accommodate a portable generator, according to administrators of those programs.

Additionally, in the event of an energy emergency, New York has (and New Jersey will soon have) pools of portable generators available to retail fuel stations that are equipped to operate them.

Mindful of warnings that equipping fuel stations with backup power would do consumers no good during emergencies if deliveries from wholesale distribution points were disrupted, the federal government (along with New York State) has also established new strategic reserves of gasoline.

Those stockpiles are at locations in and around the Northeast fuel market and offer more than 1.1 million bbl, or about 48 million gal, of gasoline for use during energy emergencies. That extra supply is in addition to the existing 1 million bbl of ultra-low-sulfur diesel in the Northeast Home Heating Oil Reserve.

Hess Corp.'s unprecedented online disclosure of gasoline volumes by station (updated in real time) that New York and New Jersey consumers may remember from Sandy's chaotic aftermath is likely a historic one-off event. Marathon Petroleum, having recently completed its takeover of the Hess retail network, told OPIS that it would "share with authorities as appropriate" the "pertinent information about outages throughout our logistics and marketing network." "During emergencies of this nature, our company works very closely with state officials in providing them information to assist emergency responders and customers," spokeswoman Stefanie Griffith said in an e-mail.

Details on storm preparation in New York, New Jersey and Maryland are as follows:

NEW YORK

- 625 of the roughly 1,500 strategically located gas stations required by law to install a transfer switch that is necessary to safely connect a generator have done so.
- 282 still need to install switches.
- About 200 stations that are part of a retail chain also need to install switches.
- NYSERDA has issued contracts for about 80 permanent generators, of which 17 have been installed. Seven stations issued contracts have portable generators.
- Installation of all backup power equipment is seen completed by Aug. 1, 2015.
- NYSERDA's pool of portable generators is ready for use. Asked how many were available, the agency declined to give a number, saying it has the ability to "scale the number of generators based on the nature of the declared energy or fuel supply emergency."

- Between state and federal stockpiling programs, New York has access to three separate reserves: 500,000 bbl (21 million gal) in the part of the federal Department of Energy's strategic gasoline reserve stored near New York Harbor; 71,000 bbl (3 million gal) in the downstate New York strategic reserve stored on Long Island; and 60,000 bbl (2.5 million gal) in the upstate New York strategic reserve stored in six locations.

NEW JERSEY

- As of Dec. 4, under the state's voluntary grant program, 62 stations out of about 150 initial applications that met the preliminary requirements had been approved to move forward with their plans.
- Of the 62, 42 are installing permanent generators and 20 will rely on quick-devices which provide connection points for mobile generators.--The approvals made so far, along with those that will follow, are in addition to the existing similarly-equipped 22 gas stations located on the Garden State Parkway, the New Jersey Turnpike and the Atlantic City Expressway.
- The state is buying 52 portable generators to be used at fuel stations in the event of an energy emergency.
- Like New York, New Jersey would have access to the largest of the Northeast region's strategic stockpiles of gasoline -- the DOE's 500,000-bbl reserve stored near New York Harbor.

MARYLAND

- Under the state's voluntary grant program, 16 stations have been equipped with permanent generators, pre-wired for portable generators or in-place batteries. Another 14 installations are in the process of completion.
- Roughly 600 stations were deemed eligible for the grants.

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New DOE App Shows Stations Sidelined by Energy Emergencies

The U.S. Department of Energy yesterday unveiled a free, mobile app that allows users to find out which gas stations are open or closed during an energy emergency. Called Lantern Live, the app uses crowdsourcing so that users can report, and find out, the operational status of stations in their areas.

Users also can look up power outage maps from local utilities. The app also contains various tips and guides, including suggestions that businesses establish contacts with out-of-region fuel suppliers in the event their local supplier can't fill their needs during an emergency.

"With the launch of this app, the Energy Department is testing the power of crowdsourcing and open data in disaster and recovery," the Department stated.

The app can be useful for gas stations in that it can free operators from answering questions about their station's status and allow the operators of closed stations to focus on

reestablishing their operations, according to Sherri Stone, vice president of the Petroleum Marketers Association of America and a member of the DOE emergency response team. And when a closed station reopens, the app will enable consumers to quickly find that out, she stated.

There are four categories of information in the app: 1) Find Gas Stations; 2) View Power Outage Maps; 3) Alternative Fuel Stations; and 4) Tips and Guides.

An Oil Express review of the app found that under "Find Gas Stations," the app lists gas stations within a 2.5-mile radius. A green dot next to a station's name indicates it is "Open," a yellow dot containing indicates "Uncertain," and a red dot means "Closed." There's a tab associated with each station to get directions.

The station's name, address and telephone number are listed, and there's a "Tag Status" button that allows a user to indicate whether a station is actually closed.

In the Oil Express review, the "Alternative Fuel" tab listed the locations of electric fueling stations within a .3-mile radius of our Gaithersburg, Md., office. The app doesn't appear to indicate the operational status of these alternative fuel stations.

Among some of the information in the Tips and Guides section, businesses are advised:--Before buying a generator, ask your utility company and local building department if they have regulations that govern the use of emergency power equipment.

- In fuel supply contracts, arrange priority contacts with fuel suppliers, including an out-of-region supplier, and include language for providing fuel supplies during an emergency. It raises questions businesses should consider: Can fuel suppliers operate without power? Do they have gravity-fed systems? What if the supplier can't access the facility?
- Identify other fuel-related businesses, including state petroleum and dealer associations, which can provide information about suppliers.

The app was built in response to lessons learned from Hurricane Sandy. It's currently available free for Android devices through Google Play, the Department said. It's not yet available for iPhones.

--Vincent Taylor, vtaylor@opisnet.com

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NYS Probing Complaints Of Buffalo-Area Retail Gas Gouging

New York Attorney General Eric Schneiderman's office is looking into complaints of retail gasoline price gouging during last week's historic snow emergency in western New York, a spokesman told OPIS on Monday.

Details on the number of gasoline retailers in the Buffalo area being investigated are unclear, he said, adding that the office was also involved in probing retail gasoline-price-gouging cases during Hurricane Sandy in 2012.

New York State's price gouging law "prohibits merchants from taking unfair advantage of consumers by selling goods or services for an 'unconscionably excessive

price' during an 'abnormal disruption of the market,' which would include Hurricane Sandy," the website of the attorney general's office says. "The price gouging law covers New York State vendors, retailers and suppliers, including but not limited to supermarkets, gas stations, hardware stores, bodegas, delis, and taxi and livery cab drivers."

OPIS notes that the massive snowfall in Buffalo and western New York buried houses and paralyzed all forms of transportation traffic.

Schneiderman's office said today that it has begun taking legal action against businesses that engaged in price gouging in western New York.

The attorney general has already sent a cease-and-desist letter to one business accused of engaging in price gouging, and is investigating several complaints against other businesses suspected of engaging in illegal price increases.

Also, as residents in western New York are beginning to turn toward recovery efforts and face the prospect of flood damage as the record amounts of snow start to melt, Schneiderman offered tips to consumers to help prevent them from being victimized by shady contractors performing home repairs and other work in the storm's aftermath.

"While the response to the tragic storm in Western New York has been overwhelmingly positive, a small handful of shady businesses are looking to use this moment of crisis to make a quick buck," Schneiderman said. "Few things are more reprehensible than exploiting a tragedy to prey on your neighbors. My commitment to the people of Western New York is to fight every day to crack down on scammers and fraudsters trying to take advantage of consumers who have already been victimized by this storm," he said.

An alert issued by Schneiderman's office when the storm began warned businesses to avoid inflating the price of necessary goods and services, such as food, water, gas, generators, batteries and flashlights and encouraged consumers to report suspected cases of price gouging.

The attorney general's office is actively investigating several price gouging complaints and will continue to investigate claims in the storm's aftermath.

Among the complaints received so far are from consumers who said that a store had increased the price of a gallon of milk by 28% -- far more than allowed under the law -- and snow-removal companies suspected of charging at least three times their normal amount to plow driveways.

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Agents Plead Guilty in Fake Tank Insurance Scheme

Two insurance agents have pleaded guilty to producing fake tank insurance certificates and selling them to underground storage tank (UST) owners and operators throughout the state of Michigan, according to the U.S. Attorney's Office for the Western District of Michigan.

Allen Chadderdon, of Williamston, Mich., and Dean Tucker, of Lansing, Mich., admitted to the fake document scheme in a Michigan federal court. The defendants face a maximum of 20 years in prison.

Federal law prohibits altering or fabricating documents with the intent to impede, obstruct, or influence the proper administration of any matter that is within the jurisdiction of a federal agency, authorities said.

Federal and state law require owners and operators of certain USTs to maintain proof they have the finances to clean up contamination if their tank systems leak. Most owners and operators comply with the law by obtaining an annual insurance policy providing up to \$1 million in clean-up costs and damages, the U.S. Attorney's Office said.

The FBI and the EPA disrupted the scam through an undercover investigation in the Lansing, Mich., area. The fake document scheme, which occurred from 2011 to 2013, primarily involved gas stations with USTs that were either uninsurable because of their age or condition or were too expensive to insure because of their age. Instead of replacing these tanks, the gas station operators bought fake insurance certificates created by the two agents to make it appear that the tanks were in compliance with the law. But the tanks were uninsured.

The EPA and the state of Michigan identified the gas station operators who bought the phony certificates and shut down their stations until they could demonstrate compliance with the law, authorities said. At presstime, it was uncertain if the gas station operators would face charges in the scam.

"Residents of more than 30 different cities -- including Battle Creek, Lansing, Ann Arbor, and Detroit -- were exposed to the risk of leaking underground storage tanks where no insurance was available to pay for clean-up costs or injuries," U.S. Attorney Patrick Miles Jr. said. "This investigation and criminal case helps ensure that owners and operators of USTs comply with the law and those who knowingly help others evade the law will be brought to justice."

--Donna Harris, dharris@opisnet.com
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EPA Delays 2014 Renewable Fuel Standard

A year of delaying the final decision on the 2014 Renewable Fuel Standard came to an end last week. The U.S. Environmental Agency issued a notice that it will not be finalizing 2014 applicable percentage standards under the RFS program before the end of 2014.

Following the announcement the American Fuel & Petrochemical Manufacturers filed a notice of intent to sue the EPA for failure to issue the 2014 standards.

"EPA's failure to comply with RFS deadlines has caused additional harm to obligated parties, including AFPM members. We urge EPA to take prompt action to promulgate the 2014 standards," said AFPM President Charles T. Drevna. "The fact that EPA proposed the 2014 standards over a year ago, and now 2014 is almost over, is another reason why Congress needs to step in and repeal or significantly reform this badly broken program."

Bob Dinneen, president and CEO of the Renewable Fuels Association, said that EPA's announcement further perpetuates the uncertainty that has plagued the evolution of biofuels production.

"[T]he administration has taken a major step by walking away from a proposed rule that was wrong on the law, wrong on the market impacts, wrong for innovation, and wrong for consumers. ...Refiners will continue to resist the competition from biofuels. The RFS must be allowed to be the market forcing mechanism it was designed to be. In the end, the verdict on today's announcement can only be made after a decision on a path forward for biofuels is identified."

American Petroleum Institute President and CEO Jack Gerard said the administration's decision "to punt" on this year's standards demonstrates that the Renewable Fuel Standard must be repealed.

"The rule is already a year overdue and the administration has no intention of finalizing this year's requirements before the year ends," Gerard said. "It is unacceptable to expect refiners to provide the fuels Americans need with so much regulatory uncertainty. ...The only real solution is for Congress to scrap the program and let consumers, not the federal government, choose the best fuel to put in their tanks. Failure to repeal could put millions of motorists at risk of higher fuel costs, damaged engines, and costly repairs."

DMV Record Retrieval

DMV record retrieval is available to association members and affiliates at a cost of \$12 per record. Additionally, you may order DMV certified paper abstracts of driver's license, vehicle registration, and vehicle title records for an additional fee of \$2 per abstract. Please call 518-452-4367.

Attention Inspection Stations

The association has received a flurry of requests for legal representation for violations of the DMV commissioner regulations known as "clean scanning." that is when a vehicle other than the one to be inspected is substitute for the OBD-II part of the test. We have no defense for these violations. DMV has the ability to trace the OBD-II inspection to the vehicle used for the inspection.

If you cannot pass a vehicle for any reason, get help. That help could come from DMV. This violation almost always results in revocation..

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With a Financial history like this you have lots of reasons to smile.

Dividend History

20%	2012-2013
20%	2011-2012
35%	2010-2011
35%	2009-2010
35%	2008-2009
35%	2007-2008
30%	2006-2007
30%	2005-2006
25%	2004-2005
22.5%	2003-2004
17.5%	2002-2003
10%	2001-2002
15%	2000-2001

Discount History

20%	2014
25%	2013
25%	2012
25%	2011
20%	2010
20%	2009
20%	2008
25%	2007
25%	2006
25%	2005
20%	2004
20%	2003
20%	2002

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