



NEON: NEFI Energy Online News™

December 11, 2009



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HOUSE APPROVES OTC TRADING REFORM IN WALL STREET BILL

The U.S. House of Representatives has approved legislation requiring transparency and regulation of off-exchange trading, known as over-the-counter (OTC) swaps and derivatives trading, as part of a sweeping "Wall Street reform" package (H.R.4173, the *Wall Street Reform and Consumer Protection Act of 2009*). The development is a major victory for NEFI, PMAA and their members and allies.

H.R.4173 was approved today by a vote of 223-202 and now heads to the Senate.

The OTC reform provisions, specifically, would expand the authority of the Securities and Exchange Commission (SEC) and the Commodity Futures Trading Commission (CFTC) over currently opaque and unregulated off-exchange market activity, including OTC and foreign exchanges. It would require that swaps and derivatives deals by financial institutions be transacted out in the open, bringing much needed transparency and oversight to the process, as well as extend speculative limits to these markets. Commercial players who have legitimate risk management (hedging) needs, such as fuel retailers, airlines, and companies who engage in other forms of hedging, such as currency or credit, will be eligible for exemptions from these requirements under certain conditions.

The inclusion of the OTC reform legislation in the broader bill was approved in an amendment by voice vote. NEFI and PMAA joined their allies in the Commodity Markets Oversight Coalition in a letter commending Congress for bringing this legislation to the floor and recommending support for a handful of amendments that would have improved the bill ([click here to read the letter](#)). NEFI also alerted members and asked that they reach out to their Representatives.

Thanks to your support, two amendments were passed to make vital improvements to the bill: an amendment offered by Rep. Peterson (D-MN) which preserves the authority of regulators - not Congress or the Banks - to define what are considered legitimate risk management needs in gaining exemptions from the bill; and an amendment offered by Rep. Lynch (D-MA) that limits the percentage of an exchange that can be owned by financial institutions in order to keep them from "controlling the police station," according to Congressman

mail.

NEFI
Training Center

UPCOMING
COURSES

Training Center Contact:
Andrea Medina
andrea@nefi.com
(617) 923-5019

2009 NEFI Education
Calendar

Basic Oil Burner
Installation
and Service
Technician Course

NEW: 2010 Schedule
for Oilheat,
Air Conditioning
& Gas Heat Training
http://www.nefi.com/training/training_PDFS/NEFI_2010_Oilheat-Air_Conditioning-Gas_Heat_TrainingSchedule.pdf

NEW: Hyde Park, VT
80-Hour
Air Conditioning Course
March 8, 2010 - April
13, 2010
Monday & Wednesday:
6:00 PM - 10:00 PM
Green Mountain
Technology
& Career Center
Route 15 West, Hyde
Park, VT

<http://www.nefi.com/training/basicAC.html>

Refrigerant Training
R-410A Training and
Certification
Next Date TBD

EPA Section 608
Training
and Certification
Next Date TBD

Clear Space Business
Organizing for
Productivity
Webinars 2 -
One Hour
Organizing Webinars
Next Date TBD

Bioheat Technical Session
This seminar will address
technical information
regarding the upcoming
Bioheat® mandates in
Massachusetts. With a
statewide mandate

Lynch.

Again, the Wall Street reform bill, including the futures/swaps trading legislation included therein, now heads to the U.S. Senate, which is currently drafting its own legislation. NEFI and its allies feel that the legislation needs additional strengthening and will work with the Senate in this regard ([see this op-ed piece in Seeking Alpha](#)). It will continue to be an up-hill battle. Wall Street interests, including TARP recipients, have already spent hundreds of millions of dollars lobbying against this legislation.

[CLICK HERE TO WRITE YOUR MEMBERS OF CONGRESS](#)

(Draft Letter Provided)



This Week In Washington

NEWS FROM NEFI - WASHINGTON, DC

Contact: Jim Collura, NEFI VP for Government Affairs (jimcollura@nefi.com)
Congress is currently in session.

PRESIDENT PLANS TARP-FUNDED "CASH FOR CAULKERS" PROGRAM

In a speech this week, President Obama promised to use part of the \$200 billion in excess monies from the TARP bailout funds to fund a new national stimulus program that will include money for a new "cash for caulkers" program, a name reminiscent of the politically controversial "cash for clunkers" program from the last federal stimulus.

The program would require Congressional approval in order to implement and the details of what might shape the legislation are not yet set in stone. However, it appears the program will focus on enhancing and expand existing Section 25C home efficiency tax credits for home efficiency improvements, including weatherization and HVAC systems.

The program will likely come before Congress early next year. NEFI and other industry stakeholders are collaborating on a message regarding the proposal and are following this issue closely.

INDUSTRY AIDS EFFORTS TO RENEW BIODIESEL CREDITS FOR 1 YEAR

The federal \$1 per gallon biodiesel blenders' tax credit so vital to the U.S. biodiesel industry, including the growing Bioheat® market for bio-blended heating oil, expires on December 31, 2009. At stake is future investment in the biodiesel industry, including the over 170 biodiesel plants (and the 39 planned biodiesel plants) around the country, and the industry's Sept. 15th "Baltimore Resolution" in support of a new, national heating oil specification that includes a bio-blend.

On Wednesday, December 9, 2009 the U.S. House of Representatives passed a one-year extension to the biodiesel tax credit this week as part of larger "tax extenders" package that will keep this and other vital tax breaks alive for another year. Given health insurance reform and other political stalemates in the Senate, it is unclear when that chamber will be able to follow suit.

A one-year extension would give time for Congress to draft a longer-term extension for the tax credit, which is desperately needed in order to encourage

scheduled to commence in July of 2010.
Next Date TBD

MA Oilburner Code 527
CMR
4.00 Training
Next Date TBD

Hazmat Training Course for Oilheat and Propane
February 10, 2010 (6:00-10 PM)
<http://www.nefi.com/training/hazmat.html>

ON-LINE VIDEO TRAINING
ONE LOW FEE FOR 21 ESSENTIAL SKILL SETS FOR CUSTOMER SERVICE
Enroll your individuals online and gain access to 21 professional video instructions and guidance for customer service!
[CLICK HERE FOR INFO](#)

Insurance Rights Review
NEW ONE-HOUR WEBINAR:
Next Date TBD
This webinar will provide an overview of your rights as an insured and how to respond when your insurance coverage for a liability lawsuit is disputed or denied by your Insurance Company's Reservation of Rights letter ("ROR") or Denial of Coverage letter ("DOC")



[News From Your State Association](#)

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greater investments in, and the long-term viability of, biodiesel.

The National Biodiesel Board (NBB) and the New England Fuel Institute (NEFI) drafted a letter in support of the 1 year renewal that could be modified for sending to U.S. Senators by state associations. Massachusetts ([click here](#)) and New York ([click here](#) and [here](#)) have already done so. Connecticut (ICPA) had already engaged their members. Other state associations will also be contributing to the effort in the coming weeks. We will keep you updated.

[SEND A LETTER TO YOUR SENATOR IN SUPPORT OF THE FEDERAL BIODIESEL TAX CREDIT: CLICK HERE](#)

(Draft Letter Provided)

BLUEPRINT FOR NEW SENATE CAP-AND-TRADE BILL REVEALED

A "tri-partisan" alliance of three U.S. Senators, including Kerry (D-MA), Graham (R-SC) and Lieberman (I-CT) this week unveiled a "framework" for a new cap-and-trade proposal in the U.S. Senate. The five-page letter outlining the proposal was sent to President Obama on December 10th, however actual legislative language has not yet been made public.

The original cap-and-trade legislation introduced by Senators Kerry and Boxer, which was based on a measure passed by the U.S. House of Representatives this past summer, will not be able to secure the 60-votes needed. The "tri-partisan" effort is intended to build a compromise plan that would be able to attract enough votes to pass, as well as send a signal to global climate negotiators in Copenhagen that the U.S. is serious about mitigating the affects of global warming.

The broadly-worded proposal, much like the existing legislation, calls for a 17 percent reduction of greenhouse gas emissions from 2005 levels by 2020 and 80 percent by 2050 by implementing a cap-and-trade system and using the revenue to invest in clean energy, carbon capture and sequestration, and research and development. However, the Senators also promised the bill (which will likely be revealed next year) will also attempt to attract votes with expanded off-shore drilling and assistance to the nuclear power industry.

Bipartisan Alternative introduced by Cantwell and Collins

The announcement comes as the Senate debate grows increasingly complex. Also formally revealed this week is alternative and bi-partisan legislation ([click here](#)) introduced by Senators Cantwell (D-WA) and Collins (R-ME) that would accomplish similar carbon reductions but without creating a new carbon trading market that could be open to the same fraud, manipulation and speculation as has been experienced in the European markets.

The proposal would also avoid the "free handouts" to big industries and utilities in the form of carbon credits, offsets and allowances as is offered by a cap-and-trade style system. It would "recycle" the revenues back to the consumer in the form of a flat monthly check. Cantwell's office estimates that amount to equal \$1,100 per year and up to about \$21,000 per year from 2012 through 2030. Support for the alternative is growing among Senators that fear cap-and-trade is just another "sandbox" for Wall Street, including Sens. Dorgan (D-ND) and Webb (D-VA).

Also of note, the cap-and-trade bill is nearly 1,500-pages long. The simpler Cantwell-Collins alternative was fit in a bill about 40-pages long.

NEFI is currently reviewing these developments in the Senate and will stay engaged as the debate continues. Legislation is not likely to move until next year, but the industry is communicating its concerns to Senators nonetheless.

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[SEND A LETTER TO YOUR SENATOR ON CAP-AND-TRADE: CLICK HERE](#)

(Draft Letter Provided)

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Regulatory Developments

NEWS FROM NEFI — WASHINGTON, D.C.

Contact: Mark S. Morgan, Esq., NEFI Regulatory Counsel (mark@nefi.com)

U.S. DOT ANNOUNCES 2010 RANDOM DRUG AND ALCOHOL TESTING RATES

The U.S. DOT Office of Drug and Alcohol Policy and Compliance this week issued the 2010 minimum rates for random drug and alcohol testing applicable to CDL/HAZMAT drivers. The U.S. DOT drug and alcohol testing requirements under 49 CFR 382 applies to interstate and intrastate drivers who hold a commercial driver's license (CDL) as well as those with a hazardous materials endorsement and performing safety sensitive functions.

The 2010 random drug and alcohol testing rates determine the percentage of all applicable employees who must undergo testing in order for employers to comply with U.S. DOT drug and alcohol program requirements. The 2010 random drug and alcohol rates are:

RANDOM DRUG TESTING RATE
50%

RANDOM ALCOHOL TESTING RATE
10%

Example: If an employer has 20 employees subject to DOT drug and alcohol testing, under the 2010 random testing rates 10 must be selected randomly during 2010 for drug testing and 2 must be selected randomly for alcohol testing.

The Random Testing Rates are Effective January 1, 2010

Random Testing is unannounced testing based on a random selection of drivers. The selection must be made by a scientifically valid method and all drivers covered by this rule must have an equal chance of being tested. The names of drivers who are selected for testing must be kept confidential until such time that the carrier notifies the driver to take the test. Once the driver is notified, he/she must immediately proceed to the testing facility and undergo testing. Every driver's name that is selected for testing must be returned to the selection pool so that all drivers have an equal chance of being selected at any time.

Random alcohol testing is also required by the DOT. However, random alcohol tests can only be administered just prior to a driver performing a safety-sensitive function, while performing a safety-sensitive function, or just after performing a safety-sensitive function.

Random controlled substances tests can be conducted at any time the driver is notified. A driver who is selected and refuses to submit to a test must follow the requirements of 49 CFR Part 40, Subpart O.

For more information go to: <http://www.dot.gov/ost/dapc/employer.html>

TO VIEW THE LATEST NEFI BULLETINS ON FEDERAL REGULATIONS,
VISIT WWW.NEFIACTIONCENTER.COM

[Or contact Dave Rocco for assistance, Dave@nefi.com or 617-923-5022](#)



Legislative & Regulatory Action Center

THIS MONTH'S CONTRIBUTIONS TO THE NEFI ACTION CENTER FUND

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For technical and formatting reasons, we are unable to list the hundreds of NEFI members that have contributed to our NEFI Action Center Fund. Please note that we value all of the contributions! Below is only a list of the recent contributions, received this month.

To see a current list of our donors and to make a donation, [click here](#).

THANKS TO OUR NOVEMBER/DECEMBER DONORS:

\$10,000

Sprague Energy Corp. - Portsmouth, NH

\$5,000

Noonan Energy Corp. - Springfield, MA

\$3,500 And Up...

MacLellan Oil Co. - Tewksbury, MA

\$1,000 And Up...

Orange Oil Co. Inc. - Orange, MA

Wilcox Fuel Inc. - Westbrook, CT

Wolfeboro Oil Co. Inc. - Wolfeboro, NH

\$600 And Up...

Ives Bros./ DBA A Plus Oil - Willimantic, CT

LS Fuel - Libertytown, MD

McCarthy Heating Oil Service - Quaker Hill, CT

Mello Fuel Co. - Jamaica Plain, MA

\$300 And Up...

Goulart Oil Inc. - Dighton, MA

Swezey Fuel Co. - Patchogue, NY

Wagner Bros. Inc. - Boylston, MA

\$100 And Up...

Bousquet Oil - Woonsocket, RI



NEFI News Briefs

NEWS FROM NEFI HEADQUARTERS — BOSTON, MA

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NEFI Education - Bob Messia and Andrea Medina will be attending the Boston Career Fair on January 11, 2010 at the Colonnade Hotel in Boston.

Outside Sales Representative - The ideal candidate will be able to display competencies of prospecting, relationship building, product knowledge, providing

propane system design and estimation, and closing the sale. For further information or to submit a résumé, contact Jeremy Twomey (jtwwomey@palmergasco.com) at Palmer Gas, Atkinson, NH.

EDUCATORS FOR NEW SEMINAR OFFERINGS: The New England Fuel Institute (nefi.com) seeks contract educators with training content ready for presentation to fuel marketers and the HVAC sector. We are looking for fuel-related and general business curriculum for integration into our on-going technical and non-technical offerings. Our Education & Training offerings are offered in traditional classroom and laboratory formats as well as Webinar and Webcast formats. Interested parties are urged to contact Shane Sweet, CEO, New England Fuel Institute (nefi.com), at shane@nefi.com or 617-923-5011 or mail Attn: Shane Sweet, CEO, New England Fuel Institute, PO Box 9137 Watertown, MA. 02471-9137.

2009 NEFI EXPO EXHIBITORS - TIME TO RESERVE SPACE FOR 2011! Our 2009 EXPO drew over 10,000 attendees, our largest show ever--with a 25% increase in booths! The 34th North American Heating and Energy Exposition will be held at the Hynes Convention Center on June 7 - 8, 2011. **YOU CAN NOW RESERVE SPACE WITH A DEPOSIT OF \$300 PER BOOTH (PER 10' x 10' SPACE).** We can now confirm same space at the Hynes, 1st floor, so exhibitors get first crack on their old spaces. Online booth reservation is available at www.nefiexpo.com. Call Tracy at 617-923-5015 or email tracy@nefi.com for more information.

2010 VISIONS CONFERENCE - Visions will be held at Logan Airport Hilton on Tuesday, September 21 and Wednesday, September 22, 2010. Additional association meetings may be held on Monday, September 20. More info to follow...Stay tuned!

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NEFI Benefits Spotlight

GROUP RATED LIFE INSURANCE/ACCIDENTAL DEATH & DISMEMBERMENT & SHORT TERM DISABILITY OFFER

Life/Accidental Death & Dismemberment -

- All Employees that work 30 hours or more per week are eligible for Life/AD&D coverage
- Employee benefit amounts are based on employee salary
- \$150,000 of Guaranteed issue is provided to all employees for Life/AD&D coverage
- Benefit amounts reduce by 35% at age 70, and reduce to 50% at age 75
- Benefits Terminate at retirement
- A retiree benefit of \$10,000 is available to all Owners, Proprietors and Partners; the employer must request that this benefit be added to their policy

Short Term Disability Coverage -

- All Employees that work 30 hours or more per week are eligible for Short Term

Disability coverage

- Employee benefit amounts are based on employee salary
- The plan design is a benefit of 60% of employee Basic Weekly Earnings, to a weekly maximum benefit of \$750

Please contact Donna Carcerano, Benefits Administrator at New England Fuel Institute for more details (617) 923-5020 Direct Line or (617) 924-1000 ext. 220 donna@nefi.com.

Drug/Alcohol Testing & Employee Assistance Program New Enrollment:

Ranco Enterprises Inc.
100 Hicks Avenue
Medford, MA 02155

**Welcome New Members****Allegheny Valve & Coupling, Inc.**

Mr. Ray Heelan
PO Box 708
Warren, PA 16365
P: 814-723-8150
F: 814-723-8400
E: rheelan@alleghencycoupling.com
W: www.alleghencycoupling.com
Allegheny provides Tank Fittings and are Tank Mfgs with repair shops.

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**Events Calendar**

December 17: Oil Heat Council of New Hampshire's Membership Meeting, Red Blazer Restaurant, Concord, NH. Phone: 603-895-3808 www.nhoilheat.com

February 10, 2010: National Fuel Funds Network's LIHEAP Action Day, in Washington, DC. www.nationalfuel Funds.org · [Register online now](#)

May 10, 2010: Independent Connecticut Petroleum Association's Annual Golf Tournament. Phone: 866-521-ICPA www.icpa.org

May 23-26, 2010: NAOHSM's 57th Annual Convention & Trade Show, Providence, Rhode Island. Phone 888-552-0900 www.naohsm.org

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National Oilheat Research Alliance

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Energy Information Administration

Official Energy Statistics from the U.S. Government

Distillate Stocks (Million Barrels)			
	11/27/09	12/04/09	12/05/08
U.S.	165.7	167.3	130.6
East Coast (PADD I)	75.4	76.6	52.5
New England (PADD IA)	14.3	14.1	9.7
Central Atlantic (PADD IB)	46.1	46.9	30.5
Lower Atlantic (PADD IC)	15.0	15.6	12.3
Midwest (PADD II)	29.0	29.7	26.5
Gulf Coast (PADD III)	46.3	45.6	33.9
Rocky Mountain (PADD IV)	3.3	3.3	3.2
West Coast (PADD V)	11.7	12.1	14.4
15 ppm Sulfur & Under Stocks			
	11/27/09	12/04/09	12/05/08
U.S.	94.7	96.2	69.6
East Coast (PADD I)	24.3	25.7	15.1
New England (PADD IA)	2.8	2.8	2.1
Central Atlantic (PADD IB)	12.2	13.1	7.4
Lower Atlantic (PADD IC)	9.3	9.9	5.5
Midwest (PADD II)	24.7	25.3	20.3
Gulf Coast (PADD III)	33.1	32.2	20.9
Rocky Mountain (PADD IV)	3.0	2.9	2.7
West Coast (PADD V)	9.7	10.0	10.6
Greater Than 15 ppm to 500 ppm Sulfur Stocks			
	11/27/09	12/04/09	12/05/08
U.S.	19.7	20.6	19.7
East Coast (PADD I)	8.1	8.9	7.0
New England (PADD IA)	0.3	0.3	1.0
Central Atlantic (PADD IB)	4.4	5.2	3.1
Lower Atlantic (PADD IC)	3.4	3.4	2.9
Midwest (PADD II)	2.6	2.5	3.5
Gulf Coast (PADD III)	7.7	7.8	6.9
Rocky Mountain (PADD IV)	0.2	0.2	0.4
West Coast (PADD V)	1.1	1.1	1.9
Greater Than 500 ppm Sulfur Stocks			
	11/27/09	12/04/09	12/05/08
U.S.	51.3	50.6	41.3
East Coast (PADD I)	43.0	41.9	30.4
New England (PADD IA)	11.2	11.0	6.6
Central Atlantic (PADD IB)	29.4	28.6	20.0
Lower Atlantic (PADD IC)	2.4	2.3	3.8
Midwest (PADD II)	1.8	1.9	2.7
Gulf Coast (PADD III)	5.5	5.7	6.2
Rocky Mountain (PADD IV)	0.1	0.1	0.1
West Coast (PADD V)	0.9	1.0	1.9

Crude Oil Stocks (Million Barrels)			
	11/27/09	12/04/09	12/05/08
U.S.	339.9	336.1	320.8
East Coast (PADD I)	12.9	12.3	13.9
Midwest (PADD II)	84.7	87.4	71.1
Cushing, Oklahoma	30.9	33.4	22.8
Gulf Coast (PADD III)	171.5	164.8	168.5
Rocky Mountain (PADD IV)	16.0	15.7	14.3
West Coast (PADD V)	54.8	55.8	53.0
Gasoline Stocks (Millions of Barrels)			
	11/27/09	12/04/09	12/05/08
U.S.	214.1	216.3	202.7
East Coast (PADD I)	56.2	57.9	55.5
Midwest (PADD II)	50.3	51.8	47.3
Gulf Coast (PADD III)	71.3	70.3	64.4
Rocky Mountain (PADD IV)	6.6	6.7	7.1
West Coast (PADD V)	29.7	29.8	28.4
Propane Stocks (Millions of Barrels)			
	11/27/09	12/04/09	12/05/08
U.S.	62.711	61.422	61.144
East Coast (PADD I)	5.421	5.480	3.566
New England (PADD IA)	0.607	0.811	0.248
Central Atlantic (PADD IB)	2.817	2.736	1.672
Lower Atlantic (PADD IC)	1.997	1.933	1.646
Midwest (PADD II)	24.325	23.520	21.345
Gulf Coast (PADD III)	30.693	30.284	33.458
Rocky Mtn & West Coast (PADD IV & V)	2.272	2.138	2.775
Nonfuel Use	2.113	2.167	3.786

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STATE NEWS

News From Your State Association



[ICPA Newsletter E-Marketer Report](#)

[ICPA Technical Education Center Newsletter](#)

[OPM Furnace Upgrade/Replacement Program Update](#)

[ICPA Technical Education Center Website](#)



[Maine Energy Marketers Association](#)



Oil Heat Council
of New Hampshire

[OHC-NH Website](#)



[OHI-RI Website](#)



[Vermont Fuel Education Center](#)
Read more at www.vermontfuel.com



[Massachusetts Oil Heat Council](#)

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