

2007

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inside

**A Climate for Change:
New York state's recent efforts
to address global warming**



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MESSAGE

By Thomas J. Peters
Executive Vice President/CEO

In this magazine, you will find several articles authored by some of the professionals who provide important services to ESPA members. These companies work very closely with the ESPA office and share a special relationship with the association.

Federated Insurance Companies is the ESPA-endorsed company for property and casualty insurance. Federated provides programs specifically tailored for petroleum marketers at competitive rates. They insure petroleum marketers throughout New York state, and their statewide sales representatives are available to assist marketers with a variety of risk management programs.

Emilio Petroccione is a partner in the law firm of **Colwell, Ferrentino & Petroccione**. The firm provides regulatory counsel for ESPA and assists members in complying with the multitude of state laws and regulations affecting their businesses. They are highly regarded by state legislators and agency officials. The firm also provides representation to individual members on a variety of matters related to energy marketing, environmental compliance, real estate transactions, small business issues and estate planning.

Richard Rutigliano is president of **PriMedia**, the provider for the ESPA Web site and the ESPA MemberLetter. PriMedia offers a comprehensive line of marketing and communications services: newsletters; postcards; direct mail marketing; Web site creation, hosting and maintenance; message-on-hold systems; Internet and print advertising; public relations writing; and consultation, training and more for petroleum marketers.

Tracy Richmond is vice president of **COCARD**, the preferred credit card processing company for ESPA. COCARD's specialty is automating the payment process to help its customers take control of their cash flow. COCARD also provide reduced credit card processing rates for heating oil marketers.

Ed Ludlum is the director of risk management services for **First Cardinal Corporation**, the administrator of the **New York Petroleum Association Compensation Trust (NYPACT)**, which was formed to provide ESPA members with an alternative to traditional workers' compensation coverage. Participating members in NYPACT have realized significant savings on their insurance premiums by leveraging the collective clout of safety-conscious employers in the same industry to lessen costs.

Gerry Brien is senior vice president of **Boston Environmental**, which provides a technology with the capability, along with their proprietary software, to predict when an oil tank will fail prior to its actual failure due to corrosion. This program, and the other consulting services that are included, is called the TankSure® Program.

Thomas J. Burger is president of **License Monitor**, the New City, N.Y.-driver risk management company, founded in 2001. The firm's web-based **DriverManager** software system processes and aggregates driver's license data for both private and public sector clients in real time and delivers it to client desktops.

As an ESPA member, you are part of an association of hundreds of industry colleagues who share your concerns and who are working to create a more prosperous environment for independent petroleum marketers. In addition to having access to these and many other services and resources, your membership in ESPA affords you a strong voice in the state and federal government. ESPA continually identifies and assesses new legisla-

tion that may impact your business and vigorously works to shape favorable governmental policy.

ESPA also pursues key legislation to help marketers better compete and maintain profitability and the viability of their marketplace as a whole. ▲





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Risky Business

When employee behavior leads to workplace accidents

By Edward K. Ludlum, CSP

While reviewing a workplace accident with a safety committee, I will often be told that an accident was caused by a physical condition, like a slippery floor or a broken piece of equipment. But was the cause of the accident really the condition of the floor, or was it something else?

Studies show that approximately 10 percent of accidents in the workplace occur due to unsafe conditions that are beyond the control of the employee; the other 90 percent of accidents occur due to unsafe acts or behavior on the part of the employee. Often, employee behavioral issues play a role in causing an accident. These issues may include low quality of work, poor work ethic, tardiness or lack of interpersonal skills with other employees and customers. These behaviors are often left unaddressed by the employer until it is too late.

I recently investigated a workplace accident that resulted from



Approximately 90 percent of workplace accidents are caused by unsafe acts or behavior on the part of the employee.

a poorly chosen new hire. A business replaced a mechanic who had been with the organization for several years and was a good employee. Unfortunately, his replacement quickly began having a negative effect on the work environment.

After a few months, several co-workers began complaining about the new mechanic, particularly about the quality of his work. The new

mechanic also regularly instigated physical horseplay in the workplace and actively tried to get other employees involved.

One day, the new mechanic got into a wrestling match with a fellow employee and seriously injured the other worker. The employer was now out two employees, one of whom had been an excellent worker for many years.

When I learned about the claim and the mechanic's conduct, a number of issues came to light. It turned out the mechanic had a poor past work history, but nobody had researched it. His poor attendance had delayed repairs on trucks employees needed for deliveries, the quality of his work was sub-par, and he couldn't get along with other employees.

The end result was a seriously injured employee. If management had

addressed the problem early on, the accident might have been prevented. This may seem like an extreme example, but it illustrates how behavior can be the direct cause of an accident.

Sometimes, management may indirectly communicate to employees that unsafe behavior is acceptable. If you walk by an employee who is not following the proper steps for a task and do not address the employee's behavior immediately, you have effectively

and powerfully communicated that it is acceptable to not follow the proper steps in the task, and the employee probably won't bother to perform the task correctly in the future.

When that employee trains a new employee, he or she will likely teach the task incorrectly because he or she thinks it's acceptable. This applies to any task, whether it is the improper use of a tool, ignoring safety rules for personal protective equipment or skipping a pre-trip check on a vehicle. Ultimately, these actions can cause employees to be injured, and they can cost you money.

The fix is relatively straightforward, but it takes some discipline. Make a point to regularly observe employees. When you're walking from point A to point B, look around and see what employees are doing and how they are doing it. If a task is not being performed properly or safely, take action right away.

Ask the employee why the task is being done that way and what the proper steps for the task are. Explain the proper steps and make sure the employee understands them by asking him or her to repeat them. After speaking with the employee, find the supervisor (if there is one) and ask the supervisor the same questions. Then ask the supervisor why he or she allows employees to ignore the steps or procedures, and repeat your expectations.

Over time, you will mold the attitudes of employees and supervisors, resulting in fewer accidents and reduced turnover of employees, which will lower your workers' compensation costs and increase your profit. ▲

Edward K. Ludlum, CSP, is director of risk management services for First Cardinal LLC, which provides workers' compensation coverage to more than 16,000 business owners in New York, Massachusetts, Vermont, New Hampshire, Connecticut, Texas and Illinois. For more information, visit www.firstcardinal.com.

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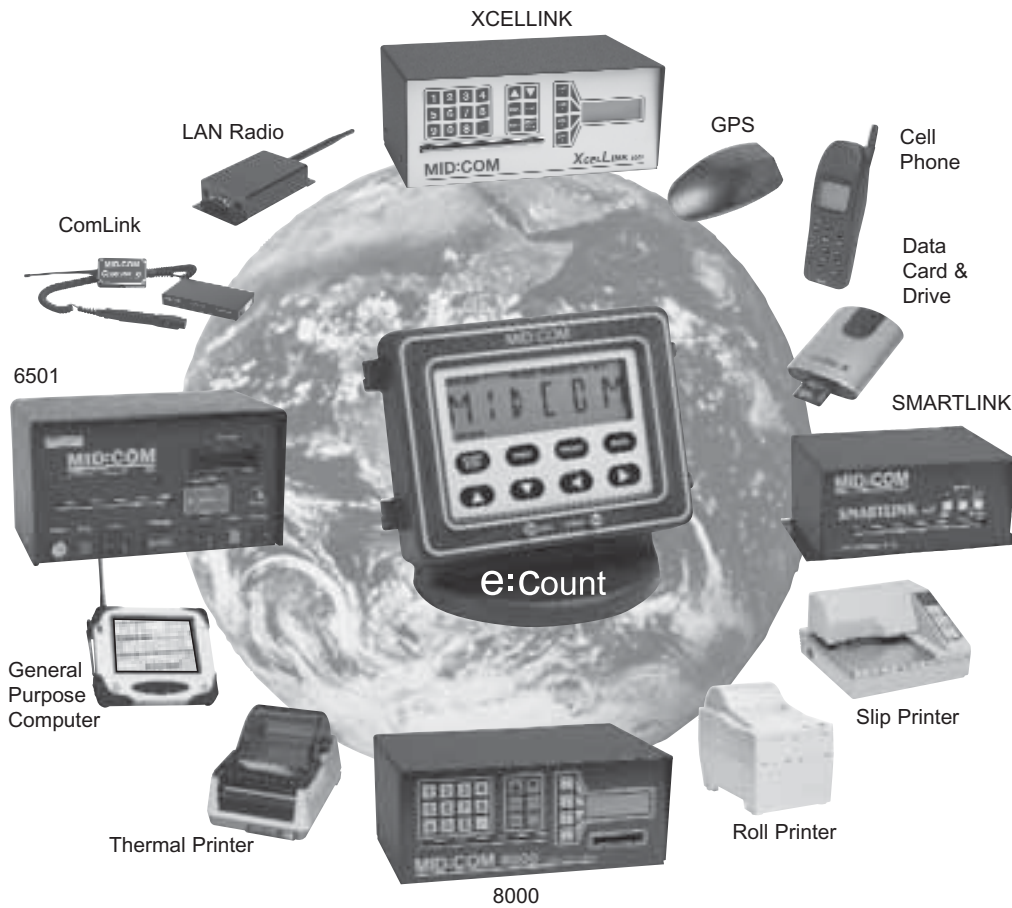


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Taking Control of Your Cash Flow

It's your money.
Why not keep it?

By Tracy Richmond

When I am talking to fuel dealers, one of the first questions I want them to think about is, "Are you easy to do business with?" What I really mean is how easy is it for your customers to pay you? If you are just staying status quo and offering one method of payment — cash/check — then you are NOT easy to pay. With receivables averaging 37 days in the fuel industry, it's important to focus on getting your money.

When consulting with one of our fuel dealers, I always focus on giving customers multiple payment options. Not every individual will choose the same option. There should be only one goal: to get paid! You should also focus on the payment options that are going to cost you the least amount of money to process.

Choose payment options that will cost you the least amount of money to process.

For example, I work with a rather large dealer in Connecticut who has accepted credit card payments for years. This company was getting ready to implement a large upgrade to its Web site but did not think to add an option for online bill payment. It's a simple step and did not cost the dealer any additional money. In the first month after adding the online payment option, the dealer received over 50 payments from its Web site. Think about it: That's 50 payments that no customer service rep in their office had to touch. This company is also utilizing an automated interface to its software so the payment is posted to the customer's account automatically. Now they are adding the ability to take check payments on their Web site. The sky is the limit.

We are living in an electronic age. There is an entire generation of customers who know how to communicate only through "chatting," "e-mailing" or "texting." These folks, and many others, want an electronic method of bill payment from all of their vendors. Again, there are simple

things you can do **today** to cater to this market: offer multiple payment options, implement an EFT option, accept credit and debit cards, receive payments on your Web site and really push automated recurring billing. The whole focus should be making it easy to pay *you*.

By now, most of you offer some method of a budget program. It does not matter what you call the program; you just need to have one in place. The facts show that customers on a budget plan will stay with you longer, pay you faster and use more fuel. What could be better? You should also encourage your budget customers to pay you either via EFT or credit card. Again, you are making it easy to pay you. You will automatically charge their cards or debit their checking accounts on the designated day of the month. They don't have to think about anything, and you don't have to wait for your money.

It is also important that you familiarize yourself with the fees your company is paying to process electronic transactions. Home heating oil

companies and propane dealers are entitled to pay reduced fees to process transactions from both MasterCard and Visa. This applies only to consumer credit cards and is only for product used to heat the home, but it's a huge difference. This alone could save most dealers thousands of dollars a year in the fees paid to process credit cards. It's your money. Why not keep it?

A few other pointers:

- **When possible, eliminate pre-authorizations on credit cards.** Unless you are doing a lot of COD business, you are not seeing that many declined transactions. Every pre-authorization costs your business money. We consulted with a large dealer that drastically reduced its pre-authorizations and as a result is saving over \$50,000 a year in fees. Now *that* is taking control of your cash flow.
- **Don't accept credit cards for pre-pays.** I know this goes against a lot of what I say about making it easy to pay you, but don't forget that your pre-pay program is discounted already. You are offering your customers a solution they may or may not enroll in. It's easy to make it a cash or check solution only.
- **Encourage debit cards.** You should be paying less to process debit cards than traditional credit cards. It is as easy as putting something in your newsletter and on your Web site that says, "Save a stamp; pay your oil bill with your debit card."

This summer is a great time to begin implementing some of these cash flow solutions so your company will be ready before another winter rolls around. ▲

Tracy Richmond, vice president of COCARD, Inc., Beverly, Mass., can be reached at (866) 849-8800 or via www.cocardprocessing.com. COCARD is the preferred credit card processing company for ESPA.



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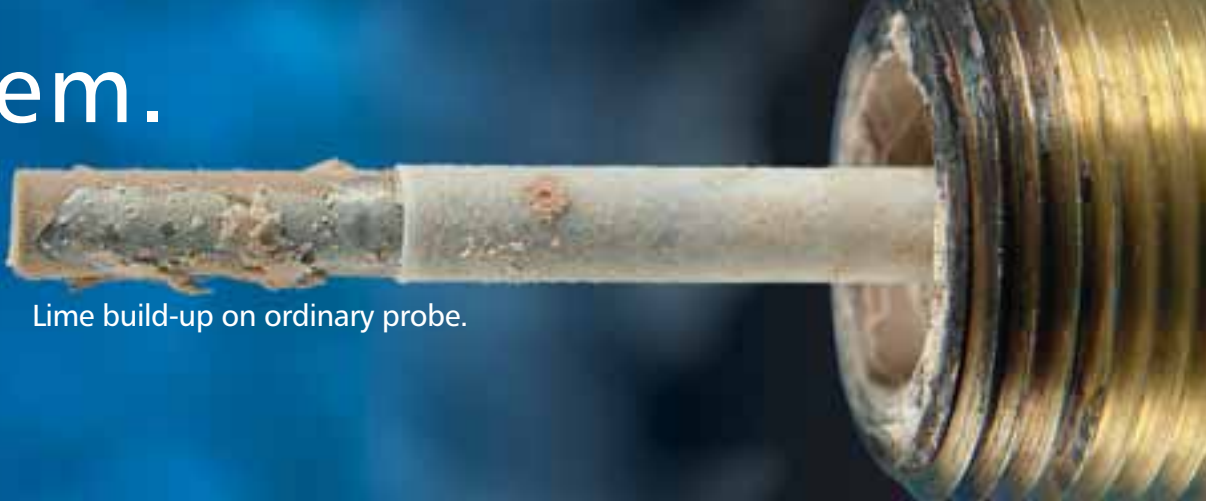
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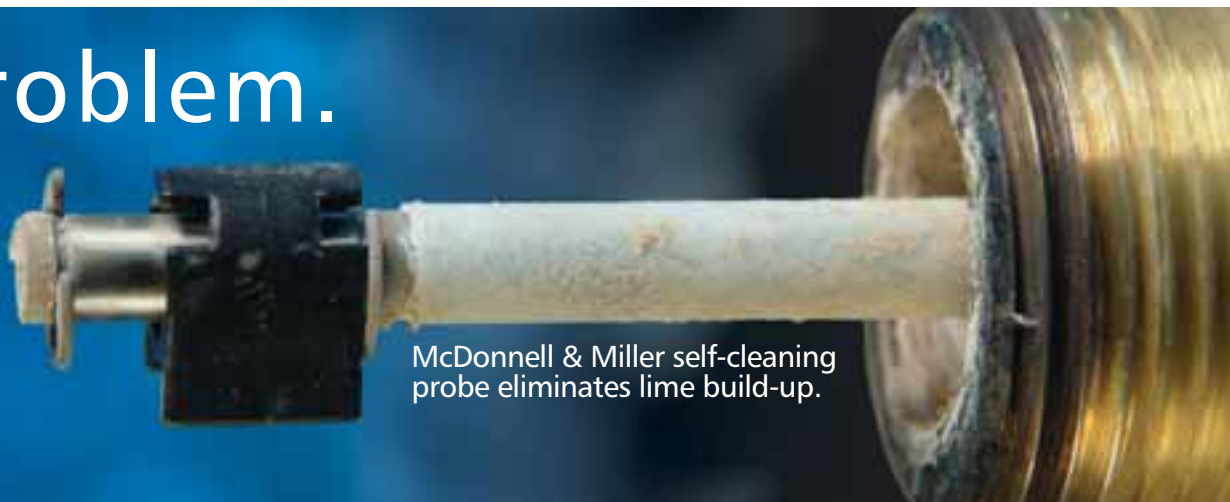
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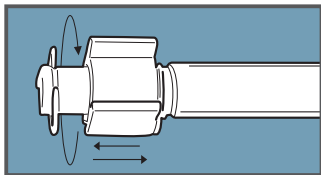


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Oilheat-Realty Partnership Programs

Telling the oilheat story at point of impact



By Richard Rutigliano

As many of you already know, I've worked in the oilheat industry for a very long time. Before I founded PriMedia, I was, for many years, the general manager of a diversified oilheat company in New York City.

One thing I learned as I worked to grow my customer base and strengthen customer retention was *local real estate professionals were key to my success*. By cultivating relationships with real estate pros, I was able to retain a higher percentage of my move-outs. I also was able to grow my customer base by getting referrals on other homes — homes in my area that were being serviced by competing oilheat companies.

If real estate professionals are properly informed, they can play a significant role in preserving oilheat's market share.

Building relationships that work

One of the essential things I learned early on is that real estate professionals are extremely goal-oriented. Those who deal with selling residential properties are focused on effecting as many home transfers as they can, as quickly as possible. Each deal can be complex, and the real estate professional usually must deal with many personal, emotional and technical issues to complete just one sale. Also, there are many adjunct professionals, such as mortgage bankers and closing attorneys, who have a direct impact on the process and outcome of the transaction.

With so much at stake, and with so many things to deal with, it's easy to understand why real estate pros were — and still are — so receptive to a home comfort company that positions itself as a total resource for “helping them sell more homes.”

Everything from tank readings to system start-ups, from transferring service agreements to emergency oil deliveries — you name it, we did it to keep

our realty colleagues free of headaches and full of successful closings. We built relationships of trust: realty pros knew whom to turn to in order to keep a deal moving forward. We knew that by taking care of them, and by helping them when they needed us, we'd have a good shot at sewing up homebuyers after closings. We also achieved a “preferred vendor” status and received hundreds of referrals each and every year just from our realty network.

Applying ideas that work for associations

As said, early on I learned some important lessons about how valuable realty professionals were to my oilheat company's success. And those lessons stayed with me. That's why, many





years ago, when PriMedia first developed its Oilheat-Realty Partnership Program, I felt it was absolutely essential to build a program that helped oilheat marketers kindle and forge just these types of core relationships with realty pros. Rather than “shouting from the mountaintop” about oil-



heat’s many benefits, we structured a program where we could control the amount and quality of the information being disseminated, but with the added impact of immediacy, the immediacy that could be accomplished by getting realty pros and oilheat marketers to meet face-to-face.

Early research done on behalf of the National Oilheat Research Alliance determined most homebuyers naturally show a strong bias toward the home heating fuel with which they’re most familiar before buying a home. Moreover, oil-heated homes are particularly vulnerable to conversion to another fuel type at point of sale if the homebuyer has had a history with a different home heating option.

Real estate pros can be critical

influencers at this key time. Properly informed and armed with useful information, they can play a significant role in preserving oilheat’s market share. If the contrary, they can severely negatively impact our product’s future. And the same holds true with respect to other important industries, such as the home inspection industry.

Of course, effecting positive change in perceptions and awareness throughout an entire industry or set of industries is a daunting task, to say the least. It requires much research and clear strategy formation and execution. It must at all times be tailored to the specific business environment in which it is being implemented. And it is a task that must be engaged, as much of oilheat’s fate hangs in the balance.

Branding and research

All of PriMedia’s Oilheat-Realty Partnership Programs, whether statewide or regional in nature, require much upfront research and planning. In most areas, we focus our efforts on Realtors®, those real estate professionals who belong to the National Association of Realtors® and subscribe

to its strict code of ethics. By and large, Realtors® are the most active realty professionals in a given area and therefore affect the most home sales and influence the most homebuyers. Notwithstanding this, we also employ cost-effective, more broad-based tactics to saturate the realty industry in our prescribed marketing areas to promote a pro-oilheat image to as many realty professionals as possible.

For each Oilheat-Realty Partnership Program, PriMedia develops a unique brand. This brand gives the Oilheat-Realty Partnership a distinguishing identity in each marketplace and comprises its unique name, logo and positioning statement. The brand of the Oilheat-Realty Partnership is then incorporated into all electronic and printed media used to promote the program.

Educating Realtors® about oilheat’s many benefits is a key ingredient of the Partnership Program, and it does this in many ways. Regular realty/home inspector-specific content is developed and disseminated in many formats: newsletters direct-mailed to Realtors® and certified home inspec-



tors; a unique program Web site which is continually updated with new pro-oilheat and event information; ads and features in realty publications; and special brochures dealing with local issues of importance, to name a few.

We develop a comprehensive database for each program and perform detailed and targeted Realtor® research, along with gathering demographic and organizational data that is the basis for all future marketing communications. To help the communications effort, we've developed a proprietary back-end management system that fuses internet marketing processes, telemarketing campaigning, and direct marketing efforts to reach as many Realtors® as possible within each region. Since information is constantly changing, the databases are continually updated to reflect the most current statistics.

Oilheat-realty breakfast events: networking for success

The information-sharing is often capped by our Oilheat-Realty Breakfast Seminars. At carefully chosen venues, we orchestrate a complete event, one that brings together representatives of all of the related industries: Realtors®, home inspectors, oilheat marketers, bankers and attorneys. They are our guests for the morning and are treated to a deluxe networking event with all the amenities at a first-class area hotel or other



appropriate venue. Realtors® and other industry pros enjoy the chance to get out of their offices to network with their peers. They can relax and enjoy breakfast and then engage in our informational seminar.

The presentation covers many critical topics: heating oil storage tanks, supply and pricing dynamics, energy-saving equipment, safety and more. Although it's slated for approximately one hour, the presentation often runs well beyond that, all because of the robust question-and-answer sessions that have developed whenever we've given these seminars.

The presentations are highly interactive as well as informative. At the outset, we routinely ask Realtors® to share their views about oilheat, and we record their feedback. Then we take them through the presentation and revisit their initial responses.

Regrettably, realty professionals have very many misconceptions about oilheat prior to attending the

networking breakfasts. As a result, they are able to do little to answer consumers' questions about our product and can often have a big negative impact for our industry. Consumers with a predisposition to a different fuel type can often receive negative reinforcement from the realty and home inspector industries, driving conversions away from oilheat at this critical point of impact.

That is, until the Oilheat-Realty Partnership Program comes to their area. Once it does, Realtors® have access to a host of benefits, absolutely free. The program serves as a complete resource to help them sell more oil-heated homes. They have unlimited access to timely information on everything from storage tank regulations to market trends. They receive free promotion via our "participating realty professionals" listings on the special Web site created for each program. They receive free informational brochures and have





A Newsletter for Real Estate Professionals and Home Inspectors in the Adirondack, Capital District and Mohawk Valley

Why Understanding Oilheat Is So Important

According to recent statistics reported by Energy Pulse, a global forum for energy professionals, 86% of Americans would choose one home over another based on its energy efficiency. Yet 78% of homeowners said nobody talked to them about energy efficiency during the buying process.



The benefits of Oilheat in terms of energy conservation.

In addition, 63% of Americans say energy prices have increased enough to make them change their consumption habits. Yet 76% chose something other than their own consumption for rising energy prices.

Of special interest to real estate professionals is the fact that 55% of those surveyed said they were willing to pay more for energy-efficient home features that would help save money on monthly energy bills and potentially increase the resale value of their home. Among those, the average extra amount they said they were willing to add to a home purchase price was \$9,000. The most frequent amounts specified were \$10,000 (15%) and \$20,000 (12%).

What we have here, then, are buyers who are looking for a real estate professional who can tell them about energy-efficient home improvements ... and sellers who are willing to spend thousands of dollars on energy-efficient home improvements to update their homes. This is why it is so important for real estate professionals to understand

• Due to technological advances, many oil-fired appliances have efficiencies above 90%. (See page 4 to learn how Oilheat equipment is more efficient than ever.)

• Local Oilheat dealers can advise homeowners on a variety of low- and no-cost ways to reduce energy consumption by 10 to 50%. One of the simplest is installing a programmable thermostat, which, when used properly can reduce energy bills by \$150 a year, with a return on investment usually within 1 year.

• New advances in fuel technology, including ultra-low sulfur Oilheat and alternative fuels made from renewable resources such as ethanol, make already-efficient heating of even more efficient.

• We at the Oil Heat Institute of Eastern New York — the folks who bring you this newsletter — can't emphasize enough the importance of upgrading as an energy conservation measure. According to the National Oilheat Research Alliance, consumers can cut fuel bills by up to 30% when they have a new energy-efficient boiler or furnace installed in their home. Plus, in terms of home value, a heating system upgrade is one of the best investments they can make!

Buyers and sellers are looking for advice on how to save energy. You can help them find the answers they need.

A Tip for Your Customers

Don't Delay ... Tune-up Today



While your actions may be getting ready to move out and your buyers getting ready to move in, every owner of an Oilheat home should be getting a tune-up or scheduling their heating system tune-up! A heating system should be tuned up annually, during the warmer months before the new heating season arrives.

Some homeowners are wary about receiving a tune-up, but in reality it is the best thing they can do for their heating system, their energy bills, and their future comfort.

• Reduces fuel burning. A tune-up makes sure that the heating system is working efficiently, therefore, providing the same satisfying warmth by burning less fuel — as well as conserving energy and helping the environment.

• Savings off fuel bills. By reducing the amount of fuel the heating system used to heat the home, homeowners will be saving money, too! According to the National Oilheat Research Alliance, a tune-up means up to 5% off annual energy bills.

• Preventive maintenance. When a trained Oilheat technician comes to the home to perform the tune-up, he will be looking for problems that could eventually result in the heating system working inefficiently.

Please remind homeowners to call their local Oilheat dealer for a tune-up today. They'll beat the cold and ensure a "Yes, now, clean Oilheat machine" for the entire heating season.

ready access to more at any time. They are set up with a help-desk hotline for information and special requests to facilitate closings.

My longtime colleague and veteran presenter, David Heiser, puts it this way: "To meet and host a group of professionals who have misconceptions about oilheat, and to see those attitudes change by morning's end, is personally rewarding. As an industry, we can change the *negative* perceptions people have about oilheat to *positive*, and we can undoubtedly help the industry grow."

Why is a high-impact presentation so effective? To fully understand oilheat, you have to understand its properties. You need to dispel myths of oilheat through interaction. It's not enough to just present the properties and benefits of oilheat; you need to *show* them. Showing Realtors® the properties of oilheat allows them to come to their own conclusions, which is much more powerful and has longer-lasting effect. Invariably, by the conclusion of each breakfast event, we've turned the tide. When we revisit the Realtors® initial responses about oilheat and ask for a second wave of feedback, we've usually cleared each and every prior misconception they'd had."

In fact, many Realtors® leave having become ambassadors for our product. And that's a powerful idea.

One of the key reasons for the program's success is the commitment shown by the oilheat industry at these breakfast events. Although our program is completely turn-key and requires no dealer involvement or work before, during or after the event—PriMedia does everything from advertising and recruiting for each event to hosting and post-event follow-up—the Realtors® enjoy networking with oilheat pros who "know their stuff" and can help them on a one-to-one level. To have questions answered (and then have a local dealer as a resource for help with everything from a tank reading to a walk-through heating system start-up) is invaluable. We think we've created a scenario that brings together



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a higher degree of interaction. The program's no-pressure, high-caliber environment lends more credibility to our pro-oilheat message and creates a forum where pros are more receptive to our product.

The program works great for oilheat professionals, too. Oilheat marketers get all the benefits without having to do the heavy lifting by making presentations themselves or doing any public speaking. They start up real-world, working relationships with realty pros who can help their bottom lines right away. And we give oilheat marketers all the follow-up materials they need to cultivate the relationships they've begun.

Our clients—oilheat associations throughout the country, from Massachusetts to Pennsylvania, New York to Michigan, and beyond—rely on the turn-key nature of our program. Whether it's recruitment, breakfast events and trade shows, newsletters, surveys, pre- and post-

all the essential elements for success. Realtors® are more receptive to our pro-oilheat message because they're away from their ringing phones and the dynamics of an internal sales meeting. They also are attracted to the opportunities to network, at the breakfast events, with professionals from other realty firms and related industries. They're able to get many different levels of information and



event marketing communications, managing enrollment in realty associations or creating and placing special feature articles and advertisements in realty publications, PriMedia manages the entire process and tracks all of the results.

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- 801CRD 11.4 to 19.8 GPH
- 1050FFD 15.0 to 25.0 GPH
- 1150FFD 20.0 to 35.0 GPH

At every breakfast event, we see plenty of great networking between the real estate and oilheat industries, and we know we are building lasting, mutually beneficial business relationships that will help strengthen oilheat's presence in the marketplace. In fact, some Realtors® like it so much that they attend more than once, and they often refer colleagues or bring them along the second time. Some large Realtors'® offices ask us to do private events for their agents after they've seen the presentation.

All in all, the Oilheat-Realty Partnership Program is helping to "move the needle" with respect to strengthening oilheat's position with real estate professionals and the homebuyers they influence. In New York, we have programs underway upstate through the Oil Heat Institute of Eastern New York; in New York City and Westchester via the New York Oil Heating Association; and on Long Island through the Oil Heat Institute of Long Island. ▲



If you'd like to know how PriMedia can help you and your association make an important difference in this key area, please call Richard Rutigliano, president of PriMedia, at (800) 796-3342 or send an e-mail

to rrutigliano@primedia-ny.com. PriMedia is a full-service marketing and communications firm in New York specializing in the oilheat industry. For more information, visit www.primedia-ny.com.



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What They're Saying

Realtors® weigh in on the Oilheat-Realty Breakfast Seminars

“Extremely informative about underground oil tanks.”

— Patrick Dalton, Black Horse Realty Group

“This is the best-selling tool available for agents.”

— Amalia Brandt, Black Horse Realty Group

“This information was very informative. Nice presentation!”

— Peggy Van Gorden, Carol Bohn Realty

“I have attended twice. I have oil now. I appraise real estate for a living, and I find the information useful.”

— Jean Pedersen, Bellairs Real Estate

“A worthwhile presentation for Realtors® of all range and experience levels.”

— Ron Bunch, Ron Bunch & Sons Realty Corp.

“Great training/educational program. ‘Knowledge is power.’ The information will be very useful in the field. Thank you.”

— Clair Leface, McKnight Realtors

“I’m working more and more with homes over 50 years old that have oilheat. I feel more comfortable with that choice and also in answering the questions of clients.”

— Debra Britt-Busler, RE/MAX Premier

“The presentation was very informative, and I will use your site as a reference. Thanks for breakfast and the opportunity to NETWORK!”

— Karen Wojcik-Hess, Veronica W. Lynch R.E.

“My generally favorable previous opinion of oilheat got a great boost after this very informative presentation.”

— Alexander Krym, Bais Seller R.E.

“Before attending this seminar, I had no concrete understanding of the usefulness and accessibility of heating oil. As a Realtor®, I feel much more confident providing feedback to my customers, knowing that I can provide them with comprehensive, factual information.”

— Peter Beck, Think Associates

“Very informative and interesting presentation. I knew nothing about oilheat before, but now I am interested in converting from natural gas myself and recommending it to my customers.”

— Beverly Beckles, Fillmore R.E.

“As a Realtor® for many years, I know that knowledge is power. When the client is informed, it leads to more referrals, and more referrals means more money.”

— E.V. Fearon, Fearon Realty Corp.



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Conifer's approach is to work with those energy companies that maintain or are willing to adopt "Best Practices". This approach, albeit normal operating procedure for some energy companies is still far from commonplace in the industry.

A new captive management program which provides a long-term risk management solution is the Energi Program. Developed for fuel distribution companies in all 50 states, Energi offers key advantages including coverage, stability and claims management with a focus on risk management and loss prevention.

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The TankSure® Advantage

TankSure® risk reduction nets insurance partner for upstate New York dealers

The Hanover Insurance Group, a leading underwriter of personal property and casualty insurance, is offering discounts through selected agents for homeowners who have had the TankSure® test and inspection. The program is available right now in New Jersey, Maine, New Hampshire and Connecticut, and it became available in upstate New York at the end of August.

This discount program emphasizes the insurance industry's willingness to partner with the oilheat industry in a way that is great for oilheat consumers seeking to reduce risk. "There is also a huge benefit marketing the TankSure® Program. Not only does the customer receive a premier tank warranty, but they also now have an opportunity to receive home owner insurance discounts on their policies. It is great for everyone's customers and a great retention tool for those companies involved in the program," said David A. Tarsa, president of Main Care.

Gerry Brien, TankSure®'s senior vice president, said, "We see the process providing multiple benefits for everybody [who] is involved. The discount program means that, for the first time, the oilheat consumer can actually benefit from having an oil tank. And, the oilheat marketer can benefit by adding more value to their customers, reducing their own risk through the process and using the discounts to attract new customers. This customer acquisition component is working extremely well in markets where the discounts have been available for a few months."

The Hanover launched the discounts in New Hampshire this spring and, through the success of that pilot, moved quickly to launch in other markets. Len Ryer, Hanover's regional vice president in the New England market, commented, "We see benefits in the testing process, the information systems and the marketing component. The program uses established inspection practices, which most underwriters are familiar with in the commercial sector. It makes good sense to use the same philosophy in the residential application. We look forward to participating in the adoption of this practice throughout the industry."



The TankSure® Program offers a fresh and innovative way to bring more value to both oilheat consumers and marketers.

Good business practice, when it comes to risk reduction, usually is developed by creating a teamed approach that benefits the parties involved. A similar example would be residential security systems. The TankSure® Program is a good example of a fresh and innovative way to bring more value to the oilheat consumer, to the oilheat marketer and to The Hanover.

The process also has brought home inspectors and real estate agents into the mix in a very favorable way. Home inspectors are being trained to provide the test during their inspections, which generates a new business lead on each home inspection for a local oilheat marketer offering the TankSure® Program. Additionally, real estate agents see the benefit in the discount and warranty component and are working more closely than ever before to bring these benefits to their clients through oilheat marketers in their service areas. The key benefit to the industry is keeping positive messages flowing about oilheat throughout the real estate transaction. ▲

To learn how you can offer the discounts to your customers, call Gerry Brien at (603) 334-1002 or e-mail him at gerry_brien@bostonenv.com.



Fleet Management 101

Cracking down on unlicensed drivers

By Thomas J. Burger

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“If I spend time thinking about the downside of transporting and delivering heating oil and propane, I would get into some other business,” stated a dealer. The cost of maintaining equipment, investing in safety and meeting the myriad of regulations to minimize risk is enormous. On top of that are the onerous insurance premiums.

Beyond all that, there is exposure that can put a company at risk. It has to do with who gets behind the wheel of the company’s vehicles. Without question, it’s the drivers’ licenses that are the tickets to employment. It’s the drivers’ licenses that are the keys to better lives for their families. *If drivers lose their licenses, they are out of work.*

Because a driver’s license is so essential, some employees continue driving even with a revoked or suspended license. After having their

driver’s license suspended or revoked, many employees go to almost any lengths to keep their employers from finding out. It’s the same story if they have an accident or are convicted of driving while intoxicated.

While some employees try and often succeed in obtaining fake licenses, others apply for licenses under a different name or go to the trouble of getting one from another state. Many employees just continue driving, blithely ignoring the fact that they no longer have a valid driver’s license.

Unfortunately, they get away with it, at least for a time. Since insurance companies check the DMV records but once a year, these drivers have a convenient “grace period” to get away with being out of compliance. If they are fired for not having proper licenses, they often seek out an employer who turns a blind eye to the situation.

Even though the mandatory annu-

al driver’s license records check is a step in the right direction, there are countless news stories every year of improperly licensed individuals operating vehicles.

Who can forget the tragedy in Queens in mid-July 2006 when five mentally ill adults burned to death when the van they were riding in swerved off the road, hit a tree and burst into flames? The vehicle, which was traveling at high speed, was operated by a driver with a suspended license. The fact that he was prohibited from driving didn’t keep him from getting behind the wheel. Is it fair to assume he needed the job? And there are similar stories involving trucks transporting fuel oil and propane

Why does this happen with such frequency? Why are so many people driving even though they are legally prohibited from doing so? More to the point, what can be done to stop it?

For some, particularly the families of those who have been killed or injured by illegal drivers, the solution is stepped-up enforcement, more regulations and tougher controls. Yet, it's only fair to ask whether putting more laws on the books is the solution. New York state, for one, seems to have adequate laws and regulations. One struggles unsuccessfully to believe that additional legislation could possibly improve the situation.

At the same time, pleas for increased enforcement seem equally unrealistic, particularly since it would add additional pressure on already overburdened and underfunded law enforcement organizations. At this point, it may seem that we are left with an unsolvable program, one that we are destined to put up with for the foreseeable future.

Nevertheless, there is an enormous cost of allowing unlicensed individuals to operate vehicles. For example, property and casualty insurance companies and agents know firsthand the exorbitant amounts of money involved — money that, one way or the other, impacts commercial auto insurance rates.

Fortunately, there is an efficient, cost-effective and, most importantly, affordable solution. As every high school student learned, applying Occam's razor helps uncover the best answer; as the 14th century logician indicated, the simplest solutions are preferred, particularly those that are built on existing knowledge.

The good news is that the New York State Department of Motor Vehicles (DMV), as well as similar agencies in other states, is a veritable warehouse of driver's license data that's up-to-date and accurate.

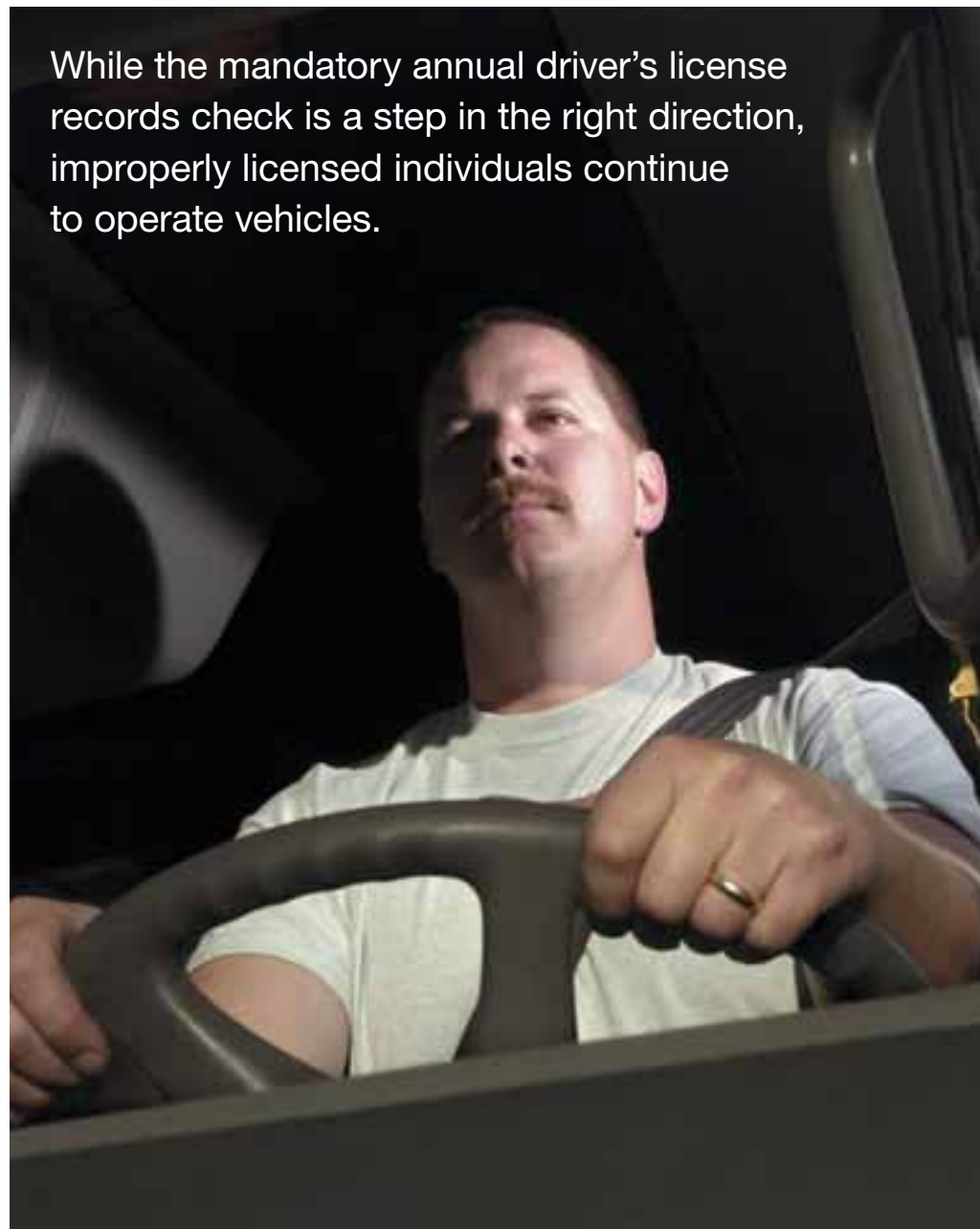
Information on accidents, convictions, expirations, pending suspensions, pending revocations, suspensions and revocations is available from the DMV, as every insurance agent knows. Names and addresses are kept current, as are driver's license class

changes. Commercial Driver's License changes — including two critical endorsements, S19-A for school bus drivers and HAZMAT for transporting hazardous materials — are there, too. This is a gigantic undertaking, and the New York State DMV does its job well, as do its counterparts in other states.

With the burgeoning number of drivers and the amount of data involved, the issue isn't current and accurate data availability; the problem is ease of accessibility. As anyone who "pulls DMV reports" once a year to

comply with state statutes know so well, it is a tedious, time-consuming task. The irony is that the mandated once-a-year check is woefully inadequate in the current driving environment, even though the updated data is available 24 hours a day, seven days a week, from the DMV.

While an annual driver license check provides a brief, momentary snapshot, what about the other 364 days a year? What is needed is a system that's more akin to a streaming video, one that is constantly updated and properly organized for ease of use. If we expect



While the mandatory annual driver's license records check is a step in the right direction, improperly licensed individuals continue to operate vehicles.

businesses to be held accountable for making certain any employee who gets behind the wheel *at any time* has a valid driver's license, then continual monitoring is a necessity.

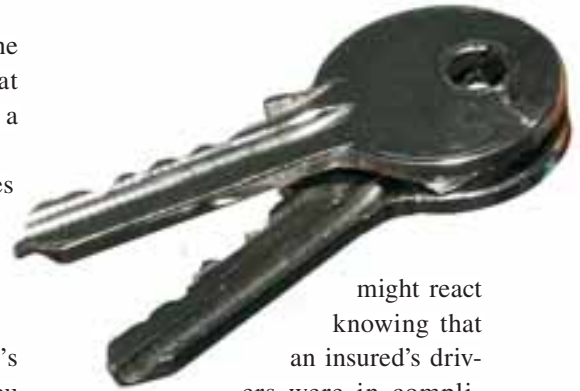
It's also possible. Here are two examples of how seriously some New York state businesses take checking MVRs:

- Drivers are not allowed to pick up keys to a vehicle until the check has been made.

- If a driver is on the road and the company receives an alert that the driver is out of compliance, a replacement driver is dispatched.

A growing number of companies are recognizing that the exposure is simply too great to permit anyone to take the wheel who is not properly licensed.

There's another side of driver's license monitoring issue: How do you think insurance company underwriters



might react knowing that an insured's drivers were in compliance at all times? Would they see this as an effective risk-reduction measure? The answer is obvious, one that might well be reflected in lowering the cost of insurance.

"Cracking down" on improperly licensed drivers doesn't work. Unfortunately, finding these drivers seems to occur when there has been an accident or deaths on the highway. If "cracking down" were the solution, then drivers with a string of DWIs, suspensions and revocations wouldn't still be on the road.

Passing more laws and hiring more police officers isn't the answer, particularly at a time when reducing costs is the order of the day for both business and governmental organizations. The answer is easy: providing user-friendly, 24-hour-a-day, seven-day-a-week access to *existing* DMV data. This is not simply a good solution, but it may be the best one available because it's simple, efficient, flexible and cost-effective. ▲

Thomas J. Burger is president of License Monitor, the New City, N.Y.-based driver risk management company, founded in 2001. The firm's web-based DriverManager™ software system processes and aggregates driver's license data for both private and public sector clients in real time and delivers it to client desktops. Burger serves as the company's top sales executive. He holds a Bachelor's of Arts in economics and graduated with honors from the University of Dayton. For more information, contact Burger at (800) 303-8063 or visit www.licensemonitor.com.

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A Climate for Change

New York state's recent efforts to address global warming

By Emilio A.F. Petroccione

A recent *Newsweek* magazine story discussed the ongoing dissension by a small group of scientists challenging the validity and extent of global warming and the greenhouse gas effect. For New York politicians and policymakers, further debate is unnecessary. Since the beginning of 2007, there has been an unprecedented wave of policies, plans, bills and laws designed to ameliorate greenhouse gas emissions and stem global climate change. While policies and programs intending to reduce emission production existed prior to 2007¹, the recent efforts to curtail global warming demonstrate a new sense of urgency by New York government officials.

This article will identify some of the new global warming initiatives either implemented or proposed since the beginning of the year.

Global warming and its predicted effect

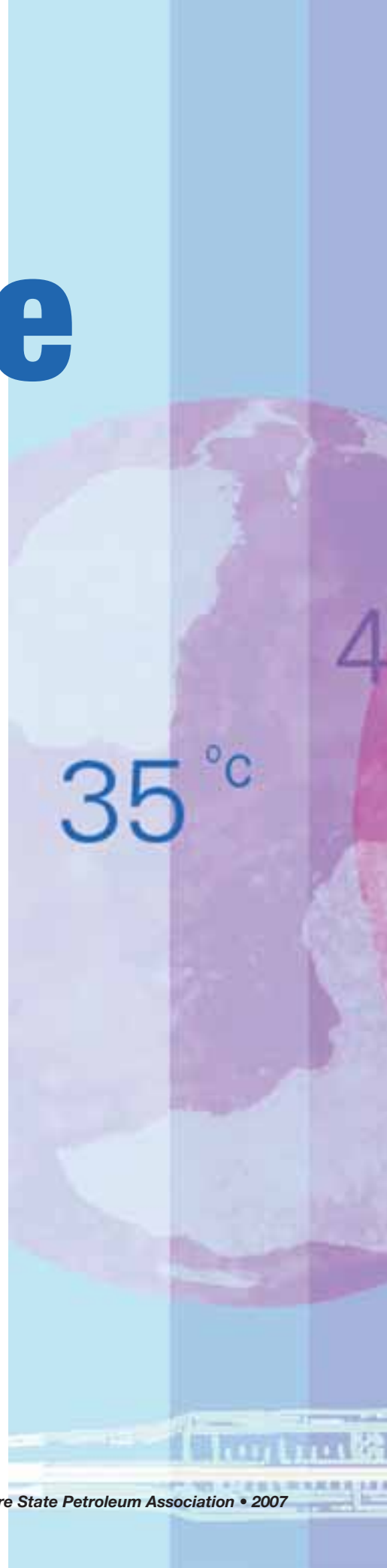
Most scientists have believed for a while that the global climate is becoming warmer as a result of man-made greenhouse gases. As most everyone

knows by now, the term “greenhouse gases” refers to gases that prevent the earth’s heat, created naturally by the sun, from escaping the atmosphere. These gases are the target of most of the initiatives described below.

An often-referenced greenhouse gas is carbon dioxide, which not only naturally occurs in the atmosphere, but is a byproduct of fossil fuel combustion. Power plants, motor vehicles, manufacturing facilities and heating systems that burn fossil fuels emit various levels of CO₂. Other greenhouse gases are methane (which results from coal and natural gas production, landfill emissions and agricultural sources) and nitrous oxide and fluorinated gases, which are produced during certain manufacturing processes. Mitigating the production of these greenhouse gases is the primary response of most government approaches dealing with global warming.

Efforts to combat global warming have intensified because the predicted impacts of climate change are severe. Extreme weather events, changes in agricultural growing patterns and

¹ Examples of prior state activities include the use of alternate fueled fleet vehicles, adoption of a state standard requiring renewable energy to constitute 25% of electric generation by 2013, advocating for increased energy efficiencies, and participation in the Regional Greenhouse Gas Initiative (RGGI) to reduce carbon dioxide emissions.



Efforts to combat global warming at the state level have intensified because the predicted impacts of climate change are severe.



seasons, sea level elevation, coastal erosion and the reduction of ice and snow cover are among the possible results of increased global temperatures. If such events occur, they could devastate the environmental and economic viability of the state.

Initiatives by New York's governor

In his first "State of the State" message, Gov. Eliot Spitzer announced in general terms that he would implement aggressive energy conservation strategies. To reduce emissions, he advocated clean electric generation through the enactment of a new Article X power plant siting law and the expansion of climate change initiatives. With regard to this latter proposal, Gov. Spitzer began by establishing a "Climate Change Office" in the Department of Environmental Conservation

(DEC) as part of his 2007-08 executive budget. The Climate Change Office is responsible for overseeing the implementation of the Regional Greenhouse Gas Initiative, a multi-state effort to reduce carbon dioxide emissions from power plants.

In April of 2007, Gov. Spitzer set forth his initial energy policy for the state's future. Referred to as the "15 by 15" plan, it specifically addresses rising energy costs and rising global temperatures by setting a goal to reduce the state's current electric energy 15 percent by the year 2015. The plan also includes efforts to:

- increase energy efficiency across all energy sectors, including buildings and appliances;
- create 800 megawatts of new, clean power to New York by 2008;
- enact a new Article X electric power plant siting law to speed the construction of clean energy plants;

- encouraging long-term contracts between power plants and energy providers to increase investments in new plant construction; and
- encourage the investment in a new generation of renewable energy sources.

With regard to climate change, the "15 by 15" plan is intended to reduce annual carbon dioxide reduction by about 12.8 million tons, the equivalent of removing 2.5 million cars from the road annually. In addition, the plan calls for an increase in the amount of energy production from renewables to remove even more emissions from the atmosphere.

In concert with the new "15 by 15" plan, Gov. Spitzer and Lt. Gov., David A. Paterson announced the establishment of a Renewable Energy Task Force (RETF), to be chaired by the lieutenant governor, who explained the reason for its formation: "...we



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are facing the most challenging environmental crisis of our time as we struggle to deal with climate change and curb our greenhouse gas emissions. Renewable energy development will not only lead us toward energy independence, but it will protect our planet and provide healthier environments for our children and families to live.”

The RETF consists of representatives from state agencies such as the DEC, the New York Research and Development Authority, the Long Island Power Authority, the New York Power Authority and representatives from the alternative fuel industry, environmental and agricultural organizations, academia, local government and other sectors. The RETF intends to promote energy efficiency and conservation throughout the state, identify areas for research and development, review state policies and regulations

affecting development of renewable energy, and develop incentives to attract clean energy to economically depressed regions of the state.

At the writing of this article, the RETF is in its initial stages and has not yet issued any recommendations.

Legislative initiatives

The increase in the number of bills introduced in the New York

Legislature concerning climate change has been dramatic. Already in the current 2007 legislative session, there are more than one dozen bills addressing climate change, greenhouse gases and global warming. An example is a bill recently signed by Gov. Spitzer that requires new motor vehicles to display a “vehicle global warming index label” commencing with the vehicle model year 2010.

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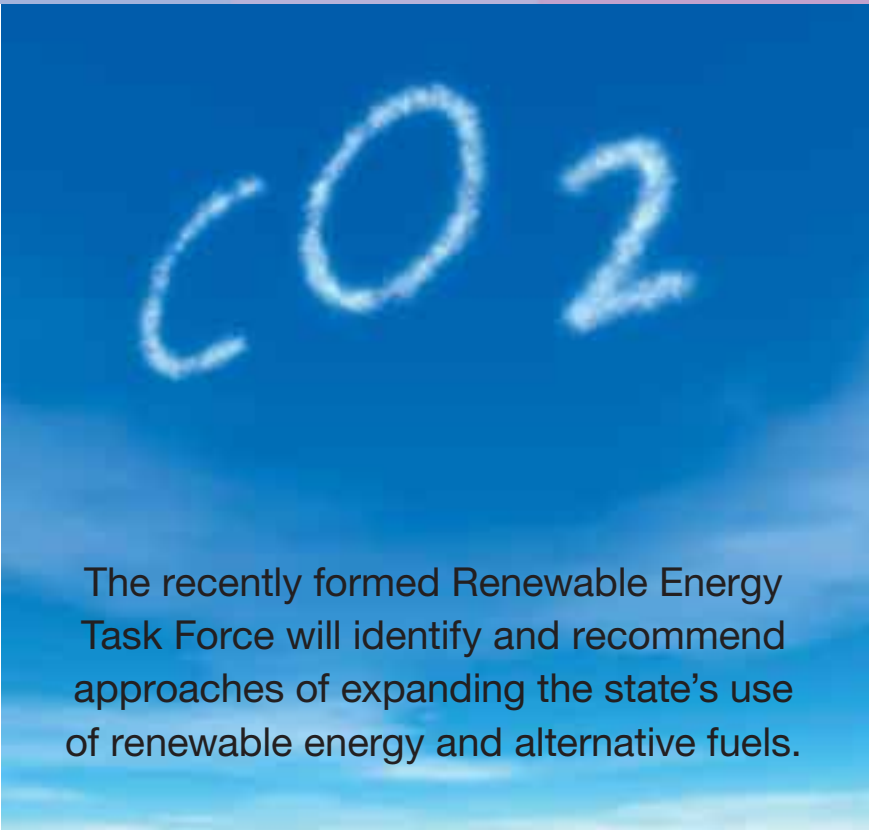
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The label would supplement the current vehicle fuel efficiency information and disclose the vehicle's carbon emissions. It is believed that providing consumers with emissions information will promote the manufacture and purchase of vehicles with low carbon emissions.


A sample of other bills currently before the legislature include:

- the establishment of an inter-agency "New York State Climate Change Task Force";
- the establishment of a New York State Greenhouse Gas Management Research and Development Program;
- a bill directing the DEC commissioner to establish rules to reduce significantly high levels of global warming emissions;
- legislation creating a climate change solutions program;



The recently formed Renewable Energy Task Force will identify and recommend approaches of expanding the state's use of renewable energy and alternative fuels.

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- a bill directing DEC to establish a method for individuals and businesses to calculate their own greenhouse gas emissions;
- legislation requiring state agencies to report on greenhouse gas emissions resulting from their own operations; and
- a bill that would regulate the CO₂ emissions of electric generating facilities.

In addition, there are numerous other bills that are related to climate change. One bill that has passed both houses establishes within the DEC the “New York State Sea Level Rise Task Force.” This task force would evaluate ways of protecting existing coastal ecosystems and ways of increasing coastal community resilience in the event of sea level rise due to global climate changes. In addition, there are several competing bills establishing a new Article X elec-

tric power plant siting law along with legislation that would re-create the New York State Energy Office and the planning process for publishing a state energy plan.

The most significant legislation to heating oil marketers this year concerning greenhouse gas reduction actually began in the prior session. In the 2006 legislative session, as part of the gasoline sales tax cap bill, the Bioheat Residential Home Heating Tax Credit became law for one year, expiring on June 30, 2007. Also enacted and expiring on the same date was a personal income tax credit for the installation of high-efficiency “energy star” labeled heating system products. In the last days of the 2007 regular legislative session, reauthorizations of the bioheat and energy star tax credits were passed. A number of environmental, health and industry groups urged the Governor to approve

the legislation. The Governor, though calling the bill commendable, vetoed the legislation stating that the fiscal implications of the tax credits should be considered within the state’s budget process.

In all, the number of legislative bills introduced this year that directly or indirectly address global warming and greenhouse gas reduction is unprecedented.

New York City

On April 22, 2007 (Earth Day), Mayor Michael R. Bloomberg proposed a plan to establish New York City as the “first environmentally sustainable 21st century city.” The New York City plan, called PlaNYC, is designed to reduce New York City’s carbon dioxide emissions by 30 percent by the year 2030 and includes over 127 different initiatives. Among the plan’s proposals is a contentious

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provision known as "congestion pricing," whereby the city would charge fees for cars and commercial vehicles that enter Manhattan. During a special session of the state Legislature in July 2007, a compromise "congestion pricing" bill was passed; this bill designated a commission to study the issue and compose an implementation plan that must be approved by the legislature and governor.

While congestion pricing would affect marketers who deliver product to Manhattan, other initiatives were announced that would more broadly apply to marketers serving the city. The plan requires that biodiesel be introduced into the city's truck fleet, that the use of biofuels in the city be promoted and that heating oil sold in the city have a maximum sulfur content of 500 ppm.

On the legislative side, the New York City Council is considering

proposed legislation requiring all heating oil used in any city-owned building be a 5-percent biofuel blend (B5) and contain no more than 500 ppm sulfur content by July 1, 2008. By July 1, 2010, the biofuel blend must be at 10 percent with sulfur content at 500 ppm, and by July 1, 2012, the requirement is a B20 blend with sulfur at 15 ppm.

The same legislation mandates that by September 1, 2009, any person delivering heating oil to any building within the city must ensure that the fuel is a B5 blend with 500 ppm sulfur content. The levels go to B10 and 500 ppm on September 1, 2011, and then to B20 and 15 ppm sulfur content on September 1, 2013.

Finally, the city council bill also calls for the creation of a clean heating oil study and clean heating oil promotional strategies. The legislation is expected to be acted on this fall.

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Conclusion

As state and local officials act to address the causes and the possible consequences of global warming, there is no doubt ESPA's members will be directly affected by their efforts. The list of initiatives to deal with greenhouse gas emissions and global warming has grown considerable in a year, and more proposals will undoubtedly be added. ESPA has long advocated programs, policies, research and development designed to increase the energy efficiency and the quality of the petroleum products to minimizing environmental impacts. That is why ESPA has embraced, among other initiatives, the use of biofuels and bioheat and the promotion of heating oil with lower sulfur content as steps toward achieving a better fuel product. The coming months will determine whether these efforts could be used to achieve some of the stated goals of the state and city proposals described above. ▲

Emilio A.F. Petroccione is a partner in the law firm of Colwell, Ferrentino & Petroccione, LLP in Albany, N.Y. He concentrates his practice in regulatory and legislative law, including environmental, energy and business law. He is regulatory and legislative counsel to the Empire State Petroleum Association, Inc.

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Does your valuation method lock in fair market value?

COMMON VALUATION METHODS FOR BUY/SELL AGREEMENTS

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The book value (also known as net worth or owner's equity) is simply the total assets minus the total liabilities as shown on your financial statement. This method is sometimes referred to as the “liquidation” method. *This method may understate the true value of your business, as it does not account for goodwill, profitability or accelerated depreciation.*

Fair Market Value of ABC Inc. = \$1.4 Million

Book Value = \$450,000

Loss in Value = \$950,000

Option #2: Agreed Value Method

Here, owners periodically meet and set the value of the business. This new value is then amended in the buy/sell agreement. *If you chose this type, how long has it been since you agreed on a new value and changed your agreement?*

Fair Market Value of ABC Inc. = \$1,400,000

Agreed Value in 2001 = \$800,000

Loss in Value = \$600,000



Option #3: Fair Market Value Method

This method takes into account all factors, such as the current value of assets, liabilities, goodwill and profitability to determine the value an owner **wants** to pass on to heirs. *This method ensures all interested parties receive the full value they deserve.*

Fair Market Value of ABC Inc. = \$1,400,000

Loss in Value = \$0

Make sure your valuation method locks in the fair market value of your business. Take advantage of Federated's Agreement EvaluatorSM to receive an informal review on the strengths and weaknesses of your valuation formula, along with the other terms of your buy/sell agreement. ▲

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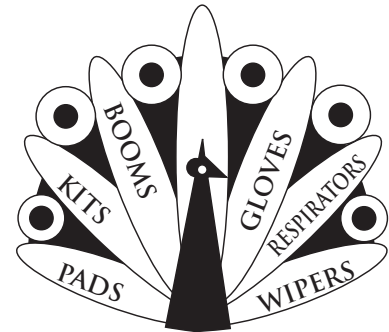
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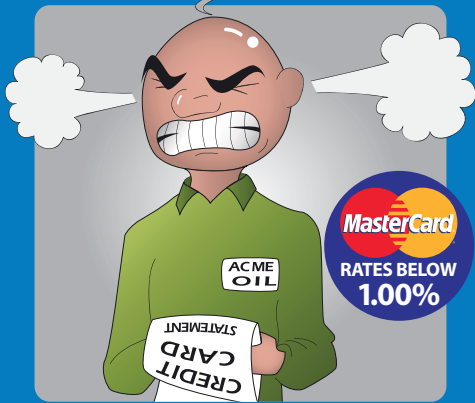
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