

AT THE PUMP & DOWN THE AISLE

PROVIDING LIFE'S ESSENTIALS TO WEST VIRGINIA-
FUEL, FOOD & CONVENIENCE

September 2013

Number 629

September is We Card Awareness Month



Providing Life's Essentials to West Virginia - Fuel, Food and Convenience.

Value...

one way we stand out!



Building Brand Value:

- Marathon Brand employs 33 Territory Managers and 5 Program Territory Managers to deliver value to our customers.
- Marathon Petroleum has excellent supply with truck loading racks at our 83 terminals, all operated with the driver in mind.
- Marathon Petroleum has approximately 9,400 miles of pipeline, which ensures stable and flexible supply.
- Marathon Petroleum is the 5th largest refiner in the United States, owning and operating six refineries with a combined capacity of 1,193,000 barrels per day.



For Brand and Wholesale opportunities visit
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Fueling the American Spirit.

From the President ...

It's hard to believe that it is September and the **Make-A-Wish Star Sales Campaign** has come to an end. From all indications from star re-orders, it looks like this year was a very successful campaign! We would like to thank the following retailers who sold stars in their stores during the month of August to raise money for Make-A-Wish:

**One Stop
BFS Foods
Stop In Food Stores
Go-Mart, Inc.
Par Mar Oil Co.
Petersburg Oil Co.**

**Little General Stores
Sledd Co.
DeFazio Oil
TWJ, Inc.
Jamieson Family Markets
R. T. Rogers Oil Company**

Tri-State Petroleum will be selling stars in September.

We are anxious to determine our donation and make our presentation to Make-A-Wish on September 17th. If you have not signed up to sponsor and participate in this event, please do so! Contact Traci Nelson at traci@omegawv.com to sign up or call the Association Office.

OMEGA was a supporting sponsor of this year's **WV Chamber of Commerce Business Summit**, which was recently held at The Greenbrier. We were proud to support our industry and participate in the many informative sessions. Topics of particular interest, were the Governor's Initiative on Education and the CourtWatch Report, which were covered on Page 4 of this newsletter.

September is **We Card Awareness Month**. We worked with the Governor Tomblin, who has signed a proclamation declaring September as We Card Awareness Month in West Virginia. The Governor's proclamation is on Page 9 of this newsletter. We hope retailers will do their part to celebrate this month by making sure your employees are trained and also communicating your support of this initiative to your customers.

As always, this is your Association. Please let us know if there is anything we can do to assist you.

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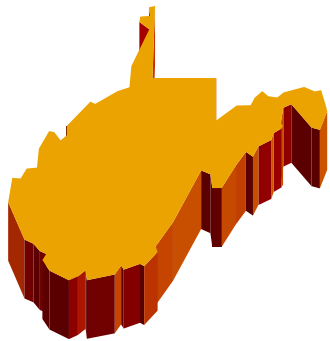
Solutions

Greg Walls

Frito Lay

Allan Williams

BrickStreet Insurance



West Virginia News

Governor Tomblin Speaks to WV Business Summit About Education

At the WV Business Summit, Governor Earl Ray Tomblin spoke a great deal about education. The Governor understands the challenges that West Virginia businesses are experiencing due to insufficient skills in the workforce, particularly in technical occupations.

He revealed a survey that he would like to have employers fill out to help the State Superintendent of Schools, the chancellors of both the college and community college systems, and the Cabinet Secretaries for Commerce and Education of the Art to decide on a strategy to rapidly meet the needs of WV employers. They are asking that we share our current and future workforce issues by explaining specific jobs that we have having difficult filling with qualified employees. The survey can be found at: <http://www.governor.wv.gov/Pages/default.aspx>. Please take the time to fill out this important survey.

Governor Tomblin Announces Toyota Motor Manufacturing of W.Va. to Expand Creating About 80 Jobs

Governor Earl Ray Tomblin joined by Steve Roberts, President of the West Virginia Chamber of Commerce, and Doug Shields, General Manager of Toyota Motor Manufacturing of West Virginia (TMMWV), recently announced the company is investing \$90 million in its Buffalo, W.Va. plant and creating about 80 jobs. Gov. Tomblin issued the following statement regarding the announcement he made during a special visit to the Chamber's 77th Annual Meeting and Business Summit held at The Greenbrier.

"This announcement is a true example of what I spoke about Wednesday—West Virginia's great story of investment and opportunity for our people and you—our businesses. In just two years' time, TMMWV team members will increase production from half-a-million transmissions to 740,000 transmissions each year. It's a huge undertaking, but I know they will rise to the challenge," Gov. Tomblin said. "TMMWV team members' hard work, the quality product they produce, and our state's commitment to creating a business climate that encourages the private sector to create jobs, led to this latest job growth and investment decision. I'm thankful for Toyota's continued faith in our work force."

This investment makes the eighth expansion of the Putnam County facility since it opened back in 1996. TMMWV will increase 6-speed automatic transmission assembly and machining by 20,000 per month by early 2015. Currently 1,300 people are employed at the Buffalo plant.

WV Chamber's CourtWatch Gives Good Grade to WV Supreme Court

The West Virginia Supreme Court received high marks from the West Virginia Chamber of Commerce's CourtWatch panel, which analyzes whether the court's decisions were good for Mountain State businesses or not.

For its fall 2012 term, the state's highest court received five "really good" grades for its decisions, two "really bad" ratings and two neutral. For the spring 2013 term, the panel said 16 decisions were good for business, five were bad and three were neutral.

Blue Ribbon Commission On Highways Update

Over the last few weeks, the Blue Ribbon Commission on Highways held regional meetings in Martinsburg, Logan, Huntington, Princeton, Beckley, Elkins, Fairmont, Parkersburg and Wheeling. Since Jan Vineyard was the committee chairman for Public Outreach, she attended all of these meetings.

The Commission met on Wednesday, September 4th, and started the task of constructing a funding plan for the state's financially strained road, bridge and highway system. The commission members voted to include these items in a final report to the Governor:

Innovative Financing Methods

- Continue aggressive use of public-private partnerships ("P3" or "PPPs") and design-build to construct high priority roads now and finance them over several years
- Continue use and feasibility of tolling and toll roads within the State to address expansion needs and new construction
- Continue aggressive use of Grant Anticipation Revenue Vehicles ("GARVEEs") subject to existing guidelines from the Federal Highway Administration and increase cap to \$500 million
- Provide for the creation of a State Infrastructure Bank to allow West Virginia to join 32 other states and territories that have established revolving funds to offer low-cost loans and other credit assistance to help finance highway projects at the local level
- Place a renewed emphasis on local finance of highway projects through the existing Community Empowerment Transportation Act ("CETA") in W.Va. Code §17-28-1 et seq.) (Which would include county level local option sales tax as an option.)
- Enact enabling legislation to allow West Virginia to participate in the federal Transportation Infrastructure Finance and Innovation Act ("TIFIA")

Funding & Revenue Source

- **Recommend no changes to the existing diesel and motor fuel excise taxes**
- Increase in DMV registration and motor vehicle licensing fees and index for inflation, adjusted bi-annually to the Consumer Price Index, (estimated to generate \$77 million) [see attachment]
- Assess an annual registration fee on "Alternative Fuel Vehicles" (implementing an annual registration fee of \$200 for alternative fuel vehicles would generate approximately \$1 million)
- Dedicate the consumer sales and use tax revenue already collected from purchases associated with cars and trucks (e.g. automobile parts, batteries, brakes, services, etc.) to the State Road Fund (estimated to generate approximately \$25 million)
- Dedicate any revenues gain from future passage of Marketplace Fairness Act, internet sales tax, to Highways.

Future Study Recommended

- Concept and feasibility of Vehicle Miles Traveled ("VMT") tax
- Future of the motor fuel and diesel excise taxes with emphasis on possible repeal of the excise taxes and replacement with a broad-based sales tax on the cost of motor fuel and diesel (e.g. Virginia model)
- Changes to severance taxes in relation to the possible creation of a "Future Fund" and dedication of certain revenue to roads and transportation infrastructure
- Continue relationship with outside consultant(s) on possible updates to the 2005 performance review of the West Virginia Department of Transportation

The commission members will meet again on September 19 to take up another key component of the plan – this one will involve having the state Parkways/Turnpike authority maintain tolls on the W.Va. Turnpike (which are set to expire in 2019) and finance \$1 billion in new bonds. The bond funds will allow the state Division of Highways to fund "expansion" projects across the state. Jason Pizatella, the Chairman of the BRC, said this \$1 billion in construction spending will help create 10,000 new jobs.

State Taking New Home-Rule Applications in 2014

After a successful five-year pilot program in four cities, the West Virginia Municipal Home Rule Program is expanding.

Applications will be accepted between January and June.

Lawmakers have decided to let a total of 20 communities participate in the home rule program. It gives communities more power to identify state rules that restrict their ability to carry out their duties efficiently and to propose effective solutions.

Bridgeport, Charleston, Huntington and Wheeling experimented with the program, and a legislative audit concluded it was beneficial. They increased revenue, streamlined administrative matters and simplified licensing, among other things.

Bridgeport reduced the number of business license classifications from 81 to one and replaced a range of rates with one flat \$15 fee. Now, any city can create a municipal business license for multiple purposes.

State Tax Collections Miss Estimates Again

State tax collections missed estimates by \$14 million in August mainly because of a decrease in personal income tax collections.

State Deputy Revenue Secretary Mark Muchow said personal income tax collections fell short by \$5 million last month. He said the ongoing impact of an alternative fuels vehicle tax credit and stagnant withholding tax revenues are the reasons why.

The Tomblin administration continues to maintain its going to be a tight budget year. Muchow said he sees some revenue growth in the second half of the fiscal year but it will be small, continuing the trend of recent years.

September is National Preparedness Month

Within the past two years, many West Virginia citizens and businesses have been affected by natural disasters, from the historic Mineral earthquake to hurricanes Irene and Sandy, to Tropical Storm Lee to a severe derecho wind storm and also winter storms. Being ready for emergencies is essential, and there is no better time to prepare than September, which is National Preparedness Month.

Advance planning for disasters pays off. Those who have taken some time to get their families, homes and businesses ready for emergencies recover more quickly. Also, it doesn't have to cost a lot or take a lot of time to prepare. Families, individuals and businesses should plan as though they will be without electricity, water service, access to a supermarket or other local services for at least three days. **For more information about the steps you can take be prepared should a disaster occur, visit www.Ready.gov.**

New West Virginia Wage & Labor Law Changes

West Virginia has made numerous minor changes to their Wage Payment and Collection Act notice. Among these was the substantive change of the amount of time and employer has to pay wages and benefits to discharged employees after discharge. A new poster is available for employers to download at <http://www.wvlabor.com/newwebsite/Documents/wageforms/Wage%20Payment%20Collection%20Poster.pdf>.



Federal Issues

Protected Leave Available to Same-Sex Spouses

The U.S. Department of Labor ("DOL") announced that, as of August 9, 2013, it had updated guidance documents to remove references to the Defense of Marriage Act ("DOMA") in order to affirm the availability of spousal leave based on same-sex marriages under the Family and Medical Leave Act ("FMLA").

The DOL's actions are a result of President Obama's directive to the DOL to coordinate with other federal agencies to implement the U.S. Supreme Court's recent decision in *United States v. Windsor*, No. 12-307 (U.S. June 26, 2013).

In an August 9, 2013, memorandum to DOL staff, Labor Secretary Thomas E. Perez stated, "I have directed Agency Heads within the Department to look for every opportunity to ensure that we are implementing this decision in a way that provides the maximum protection for workers and their families." Although Secretary Perez's memorandum does not specifically address benefits to same-sex spouses in states that do not recognize same-sex marriage, other updated guidance documents make clear that the DOL only intends to expand benefits for same-sex married couples residing in the 13 states that recognize same-sex marriage and the District of Columbia.

It should be noted, however, that the limitation in the Fact Sheet (regarding the employee's state of residency) is in contrast to the position taken by U.S. Office of Personnel Management ("OPM"), the agency responsible for administering leave policies and programs for federal employees.

What Employers Should Do Now

Examine your FMLA policies and accompanying documentation (e.g., leave request forms) to ensure same-sex spouses are included, where applicable.

Review procedures surrounding leave requests to ensure compliance with the revised definitions discussed above.

Ensure that managers, human resources personnel, and others who may receive leave requests are aware that FMLA protections may apply to same-sex couples.

Analysts Suggest Natural Gas Future Is 10 Years Out

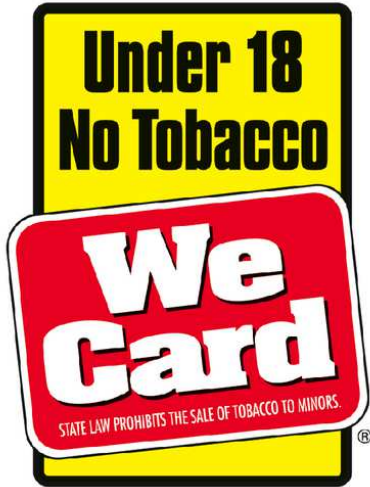
A recent survey of 12 analysts predicts a huge increase in natural gas use for transport over the next several years, growing from the current level of 100 million cubic feet daily to 1.2 billion cubic feet in 2020. That volume level will only amount to 1.7 percent of projected 2020 total U.S. natural gas demand. Lack of infrastructure is still the greatest impediment to greater growth. There are currently 1,300 natural gas filling stations in the U.S. compared with 120,000 gasoline stations.

Miles Traveled Drops 7% In Last Decade

Forty-six states experienced an average vehicle miles per person decrease over the last 10 years. Eighteen states included double-digit drops while four states actually saw increases. There appears to be no correlation between the impact of the economic recession and vehicle miles traveled. Rather, the evidence suggests a more structural shift in individual driving habits.



Convenience Store News



September Is We Card Awareness Month

As a reminder, We Card's goal is to encourage retailers to train or re-train their employees, order their 2014 We Card materials (calendars and kits) and raise the awareness of FDA regulation, state and local law compliance.

On March, 23, 2010, FDA published its initial Request for Proposals (RFP) to States and U.S. Territories to launch a program to assist with inspections of retail establishments and other enforcement activities to help enforce the Youth Access and Advertising Regulations that took effect on June 22, 2010.

Some West Virginia Facts:

- ◆ Date of initial award: 8/24/11
- ◆ Date of most recent award and amount: 5/30/2013 - \$755,618.
- ◆ Total awarded to date: \$2,254,067

An analysis of FDA Compliance Check Data for West Virginia compared to the National Average:

- ◆ Total Number of Compliance Checks: 1,932 (189,576 Nationwide)
- ◆ Number of "NO Violations": 1,841 (178,759 Nationwide)
- ◆ Number of Warning Letters: 91 (10,056 Nationwide)
- ◆ **Violation Rate: 4.71% (5.71% is National Average)**

FDA is on track toward completing nearly 100,000 compliance checks nationwide for the second year. Combined with state or local inspections, it's critical for retailers to invigorate their responsible retailing efforts.

According to the most recent SYNAR Report, West Virginia's sell rate to minors is 13.4, which is down from last year's 14.3. We are doing a better job, but we can still improve!

It's critical for retailers to renew their responsible retailing efforts. Please visit www.wecard.org to order your compliance materials. We also encourage you to communicate your support for We Card Awareness Month to your customers.

On September 5th, Jan Vineyard met with Steven M. Cook, FDA Program Manager, and Biddy Bostic, Behavioral Health Specialist Senior/Synar Compliance Specialist, with the WV Department of Health and Human Resources, to stress our position and to discuss our efforts to stop sales of tobacco products to minors. We are also hosting a media event next week to get the word out about our zero tolerance stance.

Governor Tomblin signed a proclamation declaring September We Card Awareness Month in West Virginia. Following is the text of this proclamation:

Proclamation by Governor Earl Ray Tomblin

Whereas, West Virginia law prohibits the sale of tobacco and other age-restricted products to persons under the age of 18; and

Whereas, the West Virginia Oil Marketers and Grocers Association and the West Virginia Wholesalers Association will participate in We Card Awareness Month, a retail education and training effort to boost West Virginia retailers' awareness of and participation in responsible retailing efforts to comply with federal, state and local laws and identify, prevent and deny tobacco and other age-restricted product sales to minors;

Whereas, the national non-profit organization, The "We Card" Program, Inc., is designed to provide training and education to the retail community to help retailers comply with age-restricted product laws and serve their communities as responsible retailers; and

Whereas, "We Card" in-store training and education materials, its online training programs and its mystery shopping service "ID Check-Up" are available to all West Virginia retailers through We Card's website - www.wecard.org, and is endorsed by the West Virginia Oil Marketers and Grocers Association and the West Virginia Wholesalers Association; and

Whereas, if we work together, West Virginia will benefit from a responsible retailing community that successfully prevents tobacco and other age-restricted product sales to minors.

Now, Therefore, Be it Resolved that I Earl Ray Tomblin, Governor of the Great State of West Virginia, do hereby proclaim September 2013 as:

"We Card" Awareness Month in the Mountain State and encourage all retailers to participate by letting their customers know that "In West Virginia, we don't sell tobacco and other age-restricted products to kids."

Federal Reserve Appeals Swipe Fee Ruling

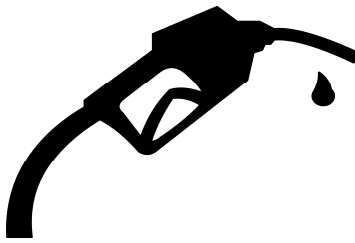
The Fed announced that it is appealing a recent U.S. Federal District Court ruling that said the Fed did not follow the law when it implemented debit swipe fee reforms.

The Federal Reserve announced that it will appeal a recent ruling by Judge Richard Leon of the U.S. District Court for the District of Columbia that says the Fed's regulation implementing the Durbin Amendment violates the Administrative Procedure Act, which governs the way federal agencies propose and establish regulations.

Federal Reserve attorneys asked Judge Leon to keep the current 21-cent cap in place until an appeals court weighs in. The judge said he was "more inclined to go with his initial order and keep the Federal Reserve rule struck, even if it opens the door for Visa and MasterCard to collect more, as much as 50 cents, on swipe fees." According to Judge Leon in his July 31 ruling, the Fed's final debit fee regulation departed from the language of the law (i.e., the Durbin Amendment) in two key respects:

- ◆ The Fed included costs in its calculation of allowable interchange fees that were not allowed to be included by Congress. The only costs to be included, according to the Court, are the incremental costs incurred by the issuing bank in authorizing, clearing and settling a debit transaction.
- ◆ The Court found that the Fed did not allow for network competition on every debit transaction as required by the law. Instead, the Fed merely required that two debit networks be active on each debit card — even though those networks could be limited to PIN or signature transactions such that the two networks would never compete for any actual debit transaction.

Now that the Fed has opted to appeal the decision, the current rule is likely to remain in place while the appeal is pending. This process could take a year or more to get resolved.



Oil Marketers Update

Senators Call for Investigation of RFS Opposition

Petroleum refiners claim the national renewable fuels standard is broken and cannot be fixed. Senators Grassley (R-IA) and Klobuchar (D-MN) reported they have heard allegations that some refiners have united in an effort to block higher ethanol blends. As a result, the Senators have requested that the Justice Department and FTC investigate. Specifically, they are asking whether alleged efforts to block introduction of renewable fuels required by the RFS violate the Sherman Act and Gasohol Competition Act of 1980.

In an August 2 letter, Grassley and Klobuchar allege that the oil industry is requiring retail stations to stock premium gasoline as part of their franchise agreements in order to block retailers from stocking higher ethanol blends like E15 and E85. The Renewable Fuels Association (RFA) asked the Justice Department, FTC, Energy Department, and Agriculture Department to launch a similar investigation back in March.

API Recommended Practice 1640

The API Recommended Practice 1640, Product Quality in Light Product Storage and Handling Operations, First Edition, has been published. This recommended practice (RP) is intended to provide guidance on the minimum equipment standards and operating procedures for the receipt, storage blending and delivery of non-aviation light products, their blend components, and additives at distribution and intermediate storage terminals, including related operations of pipeline, marine vessel (barge or ship) and road and rail transport.

This publication is available at http://www.api.org/publications-standards-and-statistics/publications-updates/publication-updates/new-marketing-publications/api_rp_1640.

House Members Push Foxx to Finish Study on Restart Changes

A bipartisan group of 51 House members sent a letter to Transportation Secretary Anthony Foxx, criticizing the latest changes to the 34-hour restart provision of the hours-of-service rule for truck drivers and asking for a timeline for the completion of a study of those changes, the lawmakers said Sept. 3.

Four congressmen, led by Rep. Richard Hanna (R-N.Y.), started circulating the letter in late August to gather signatures. They sent the letter Aug. 29, they said.

Congress asked the Federal Motor Carrier Safety Administration last year to complete a field study on the effects of the restart changes by March of this year, a deadline that FMCSA missed. Despite not completing the study, the agency began enforcing the new HOS rule July 1.

"These rules have real-world implications for small businesses, workers and consumers," Hanna said in a Sept. 3 statement. The Department of Transportation "should commit to a timeline for completing the study and submitting its report to Congress so that lawmakers can properly consider the costs and benefits of the rule and whether or not it makes sense moving forward."

Under the new rule, truck drivers can only use the 34-hour restart to reset their weekly driving limits once per week, and it must include two periods from 1 a.m. to 5 a.m.

FMCSA spokesman Duane DeBruyne said the agency completed data collection for the field study in July, and it expects to release a report on the study later this year.

EPA Intensifies Focus on Biofuels Blenders

The RINAlliance reports EPA contractors have been sending out notices to various blenders indicating that blenders will be shut out of the Renewable Fuels Standard (RFS) program and no longer able to accept and trade renewable fuel identification numbers (RINs). The letters focus on companies that have not been completing quarterly RIN reports or annual attestations (audits). Because all RINs are passed through EPA's Moderated Transaction System (EMTS), EPA has the ability to shut out blenders very quickly and with little effort. The freezing of blender or wholesaler EMTS account is having a severe impact on businesses as the RIN has become an integral part of managing biofuels.

RIN Fraud

RINAlliance reports U.S. EPA – Criminal Investigation Division has opened three new cases of potential RIN fraud. The potential fraud involves RIN transactions in 2010 – 2011. Because the RINs in question have already expired under the RFS program, we are unsure how EPA will resolve issues of selling non-compliant RINs. Historically, issues of fraudulent RINs became the burden of the Obligated Party (refiner, refined fuel importer, reformulator) that inadvertently used fraudulent RINs to meet their annual mandate volume obligations. The perpetrators of the RIN fraud are currently serving out sentences of incarceration.



Highlights

- ◆ Crude oil prices increased during the first three weeks of July 2013 as world oil markets tightened in the face of seasonal increases in world consumption, unexpected supply disruptions, and heightened uncertainty over the security of supply with the renewed unrest in Egypt. The U.S. Energy Information Administration (EIA) expects that the Brent crude oil spot price, which averaged \$108 per barrel over the first half of 2013, will average \$104 per barrel over the second half of 2013, and \$100 per barrel in 2014.
- ◆ The discount of West Texas Intermediate (WTI) crude oil to Brent crude oil, which averaged \$18 per barrel in 2012 and increased to a monthly average of \$21 per barrel in February 2013, closed below \$1.50 per barrel on July 19, 2013, and averaged \$3 per barrel for the month. The strong demand for light, sweet crude oil in the Midwest and new pipeline capacity to deliver production from the West Texas Permian Basin directly to the Gulf Coast contributed to the price of WTI rising relative to Brent crude oil. EIA expects the WTI discount to widen to \$6 per barrel by the end of 2013 as crude oil production in Alberta, Canada, recovers following the heavy June flooding and as midcontinent production continues to grow.
- ◆ Rising crude oil prices and seasonal demand increases contributed to U.S. regular gasoline retail prices increasing from an average of \$3.50 per gallon on July 1, 2013, to \$3.63 per gallon on August 5. EIA expects the regular gasoline retail price to average \$3.59 per gallon in the third quarter of 2013, and the annual average price to decline from an average of \$3.63 per gallon in 2012 to \$3.52 per gallon in 2013 and to \$3.37 per gallon in 2014.
- ◆ U.S. crude oil production increased to an average of 7.5 million barrels per day (bbl/d) in July 2013, the highest monthly level of production since 1991. EIA forecasts U.S. total crude oil production will average 7.4 million bbl/d in 2013 and 8.2 million bbl/d in 2014, both about 0.1 million bbl/d higher than forecast in last month's STEO.

Global Crude Oil Prices

After declining to a 2013 year-to-date low of \$97 per barrel on April 17, Brent crude oil spot prices increased to an average of \$108 per barrel in July. EIA projects the Brent crude oil spot price will fall from an average of \$112 per barrel in 2012 to annual averages of \$106 per barrel and \$100 per barrel in 2013 and 2014, respectively, reflecting the increasing supply of liquid fuels from non-OPEC countries.

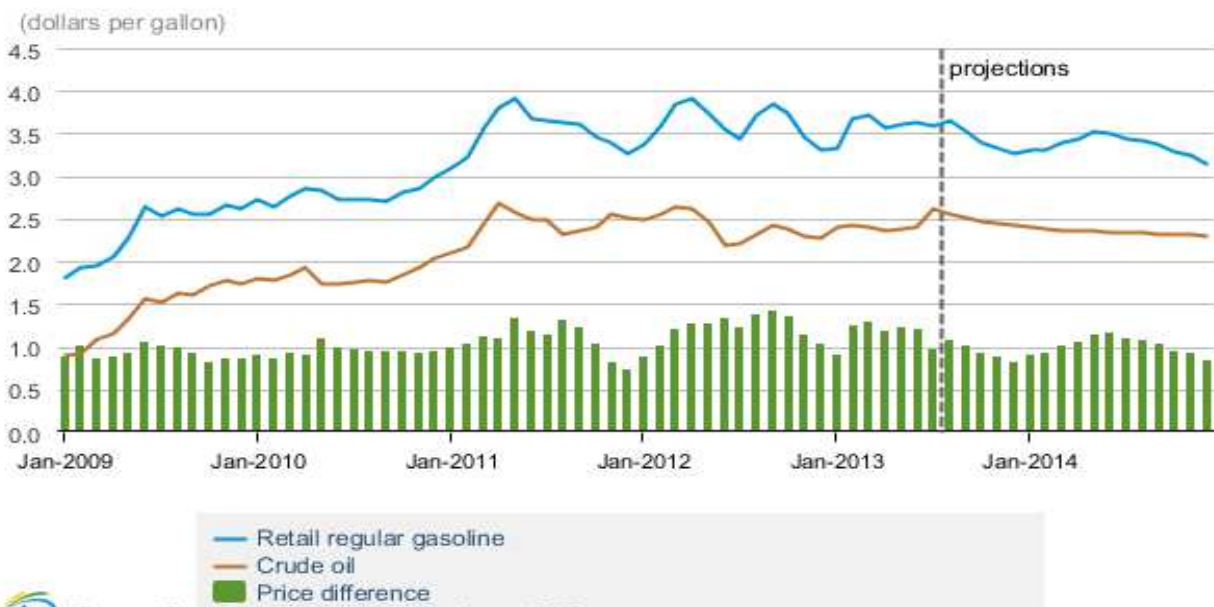
The price discount of spot WTI crude oil to Brent, which averaged \$18 per barrel in 2012 and increased to a monthly average of \$21 per barrel in February, narrowed to an average of \$3 per barrel in July. The strong demand for light, sweet crude oil in the Midwest and new pipeline capacity delivering production from the West Texas Permian Basin directly to the Gulf Coast contributed to a draw on crude oil stocks in the Midwest and the strengthening of the price of WTI relative to Brent crude oil. EIA expects the WTI discount to begin widening again, to \$6 per barrel by the end of 2013, as crude oil production in Alberta, Canada, recovers following heavy June flooding, and midcontinent crude oil production growth outpaces increases in capacity to transport crude oil from the region to refining centers on the Gulf and East Coasts. After averaging \$94 per barrel in 2012 and increasing to \$105 per barrel in July 2013, the forecast WTI crude oil spot price averages \$97 per barrel in 2013 and \$93 per barrel in 2014. By 2014, several pipeline projects from the midcontinent to the Gulf Coast refining centers are expected to come on line, reducing the cost of transporting crude oil to refiners, which is reflected in a narrowing in the WTI price discount to Brent next year.

U.S. Petroleum Product Prices

EIA expects that regular-grade gasoline retail prices, which averaged \$3.59 per gallon during the first half of 2013, will average \$3.59 per gallon and \$3.33 per gallon during the third and fourth quarters of 2013, respectively. Led by falling crude oil prices, the projected U.S. average regular gasoline retail price falls from \$3.63 per gallon in 2012 to an average \$3.52 per gallon in 2013 and \$3.37 per gallon in 2014. Diesel fuel prices, which averaged \$3.97 per gallon in 2012, are projected to average \$3.92 per gallon in 2013 and \$3.76 per gallon in 2014.

The current values of futures and options contracts suggest that gasoline prices could differ significantly from this forecast. For example, there is a 4-percent probability that the New York Harbor reformulated gasoline blendstock for oxygenate blending (RBOB) futures price will exceed \$3.35 per gallon (consistent with a U.S. average regular gasoline retail price above \$4.00 per gallon) in November 2013.

U.S. Gasoline and Crude Oil Prices



Source: Short-Term Energy Outlook, August 2013

Crude oil price is composite refiner acquisition cost. Retail prices include state and federal taxes.



Grocery Highlights

SNAP Final Rule

The Food and Nutrition Service (FNS) issued a final rule on August 21 to amend SNAP regulations which: allow State agencies to deny a request for a replacement card if the requests for replacement cards are excessive, changes the EBT card replacement timeframes, and amends the regulations to define the term "trafficking". This final rule is effective November 19, 2013. FNS also issued an interim final rule (with a request for additional comment) that requires State agencies to monitor EBT card replacement requests and send notices to those clients who have requested four cards within a 12-month period. The interim final rule is effective December 19, 2013.

SNAP Trafficking

Recently, the USDA released a new report on SNAP trafficking which indicates that the vast majority of SNAP trafficking occurs in smaller-sized stores that typically stock fewer healthy foods. In response, to the report findings, USDA will begin gathering public input on establishing stricter "depth of stock" requirements for SNAP retailers in order to discourage bad actors from entering and abusing the program. NGA will continue to work with the USDA on this initiative ensuring the independent grocers' voice is heard.

Food Safety Modernization Act

On August 14, a federal judge for the U.S. District Court for the Northern District of California was unsympathetic to demands by the FDA for more time to implement already overdue FSMA. The Court issued an order extending the deadline for publication of the FDA's proposed rule regarding sanitary transportation of food under the FSMA and ruled that the FDA must publish all proposed rules required by FSMA by November 30, 2013, with the comment periods to close no later than March 31, 2014. This action does not affect any other aspects of the court's previous ruling.

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If So, Call 304.343.5500



Make-A-Wish Charity Golf Outing

We would like to thank the following companies who have signed up to sponsor our Make-A-Wish Charity Golf Outing, which will be held September 18th at Stonewall Resort:

Underwriter

ExxonMobil Fuels Marketing

Platinum

**Little General Store Inc.
Marathon Petroleum Company
Par Mar Oil Company
Sledd Co.**

Gold

BP

**BrickStreet Insurance
Bruceton Petroleum/BFS Foods
Frito Lay
One Stop
Tri-State Petroleum Corp.**

Silver

**Anheuser-Busch
Bandy's Inc.
Bolger Brothers, Inc.
Broughton Foods Company
Liberty USA Inc.
Lykins Transportation
Pepsi Beverages Company
Proud Eagle, Inc.
Red Bull Energy Drink
Reynolds American
Sammie Huff Contractors
TWJ, Inc.
U. S. Foods LLC**

Bronze

**DeFazio Oil Company
Eagle Transport Corporation
Enviroprobe Integrated Solutions, Inc.
Federated Insurance
Guttman Oil Company
Pullin Fowler Flanagan Brown & Poe
R. M. Roach & Sons
R. T. Rogers Oil Company**

Supporter

**Dawson-Thompson Oil Co.
Gorman Sheatsley & Company, LC
H. C. Lewis Oil Company
J. T. Davenport & Sons
Woodford Oil Company**





Miscellaneous



On October 16th, we will be hosting a **BrickStreet Safety Seminar** in **Charleston** at the **BrickStreet Office** located at 400 Quarrier Street. The seminar will be held from **9:00 a.m. to 12:00 p.m.** The seminar is free to members and you may attend even if you are not part of the BrickStreet Discount Program. We encourage you to attend along with your key personnel. Information on this event will be distributed soon.

UST Re-Certification Training

We will be hosting a UST Re-Certification Training Seminar October 22 - 24, 2013 at the Charleston Civic Center in Charleston, WV. Information was mailed on this seminar last week. If you have an A & B License and need to recertify, please sign up soon. Note that this is now a three-day seminar. A class will be on October 22nd, OSHA Refresher (required) will be on October 23rd and B class will be on October 24th.

Membership Directory

We are preparing to publish our new Membership Directory. If you would be interested in advertising in this publication, there is ad space still available. We also encourage you to take advantage of placing your logo with your entry in the directory for \$100. If you are interested, please contact Traci Nelson in the Association Office at traci@omegawv.com.

New Members

Welcome to the following new members:

Glessner Enterprises, Inc.

2084 National Road
Wheeling, WV 26003
Phone: (304)243-9071
gary@glessnercpa.com

Contact: Gary Glessner, President

ADD Systems

6 Laurel Drive
Flanders, NJ 07836
Phone: 973-584-3205

Contact: Jack Kelly, Kelly@addsys.com

Calendar of Events

Make-A-Wish Charity Golf Outing and Awards Banquet
Sept. 17 - 18
Stonewall Resort
Roanoke, WV

NACS Show
October 12 - 15
Georgia World Congress Center
Atlanta, GA

BrickStreet Safety Seminar
October 16
BrickStreet Office
400 Quarrier Street
Charleston, WV

UST Re-Certification Training Seminar
October 22 - 25
Charleston Civic Center
Charleston, WV

2014 Trade Expo & Golf Outing
May 13 - 15, 2014
Waterfront Place Hotel

At The Pump & Down the Aisle
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FAX: 304.343.5810

SUMMONS

State

County

Employee,

Plaintiff,

vs.

Your Company,

Defendant.

CALL
LAWYER!!!

THIS SUMMONS IS DIRECTED TO THE BUSINESS OWNER.

1. YOU ARE BEING SUED. The Plaintiff has started a lawsuit against you. The Complaint against you is attached to this summons. Do not throw these papers away. You must respond to this lawsuit even though it is on this summons.

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