



PROPANE EXCHANGE

December 2012 * West Virginia Propane Gas Association

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In This Issue

WVPGA & NPGA Team Up to Protect Marketers

New Case Study Promotes Propane Energy Pod Model

Propane Fireplaces Warm Rooms, Builds Home Value

Useful Propane News Delivered to Your Smart Phone

Important Propane News

Safe Thoughts for Heating Season

DATES TO REMEMBER

March 19, 2013	Spring Membership Mtg Marriott Hotel Charleston, WV
April 13-15, 2013	NPGA Southeastern Convention World Congress Center Atlanta, GA
June 17-18, 2013	Summer Membership Mtg Wheeling, WV



[WVPGA Membership Pays Off](#)

WVPGA & NPGA Team Up to Protect Marketers

ATTEMPTS TO GET CUSTOMER LISTS ADDRESSED

COUNTY OFFICIAL ASKS FOR INFO

Berkeley County's Director of Homeland Security and Emergency Management contacted several area WVPGA marketers this month requesting information on all commercial customers with a propane tank of 500 gallons or more.

Alarmed about the propriety of this request, marketers contacted WVPGA to find out whether providing this information was required by law. Working with NPGA, it was determined that providing such confidential customer lists was not mandatory.

Notice went out to all state propane marketers about this situation and their rights to not participate. If you did not get a copy, contact the Association Office to have one emailed to you.

WHAT YOUR MEMBERSHIP GETS YOU.

This situation is an excellent example of how your professional state and national associations work together for you. We recognize you have a business to run and do not need to have needless interruptions from government officials.

This month you will be asked to financially support the West Virginia Propane Gas Association and the National Propane Gas Association. Membership dues renewal notices are in the mail.

Please remember that it is only because you make an annual membership investment by paying these dues that you have qualified people on call when this and other situations arise

Thank you for your prompt membership renewal payment!



Keep Up with
These
Developments

New Case Study Promotes Propane Energy Pod Model

The Propane Energy Pod is a model for new-home construction that merges five applications of propane — space heating, water heating, cooking, clothes drying, and fireplaces — into an integrated, whole-home energy package. It's a comprehensive, research-based approach that maximizes efficiency, performance, comfort, and carbon reduction.

This study highlights three homes where building professionals are successfully applying this five-in-one energy package. This case study can be used in presentations, newsletters, websites, as handouts at events and trade shows, or with construction professionals in your area. Visit the PropaneMarc to download a copy.

Propane Fireplaces Warm Rooms, Build Home Value

Fireplaces are becoming less traditional and more contemporary, featuring colored glass, synthetic river rocks, and long, continuous burners, according to Make Your Living Spaces Glow with Modern Fireplaces in the new Propane Energy Update. Manufacturers classify about 20 percent of their fireplace sales as modern or contemporary.

This means marketers have more choices to offer customers that are considering investing in a fireplace for their home. Propane is an excellent fuel for fireplaces, and many models qualify for green building programs. "Propane fireplaces heat a room more evenly and efficiently than a wood-burning fireplace," according to the Update. Propane fireplaces "are virtually maintenance-free ... and don't require electricity."

Read the article at this link: <http://www.buildwithpropane.com/default.aspx?page=modernfireplace>.

Useful Propane News Delivered to Your Smart Phone

The West Virginia Propane Gas Association is making it easier for you to get news about the propane industry. Just sign up to become a follower of WVPGA on Twitter and get up to 1-3 tweets daily.

Or if you would rather read propane news on your schedule rather than having it fill up your email, become a Facebook friend of the West Virginia Propane Gas Association.

Just click on the icons on the left to get connected.

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"For example, PHMSA includes in reports any car accident which includes a propane truck even though the driver of the truck may not have been at fault. NPGA believes that the public perception, in circumstances such as these, is that it is a propane accident."

Growth Will Exceed Consumption

The Energy Information Agency released their Annual Energy Outlook report last week predicting that U.S. energy production will grow faster than consumption through 2040.

The study cites a multitude of factors, including an increase in domestic oil production, a decrease in oil consumption, natural gas becoming a net export more quickly than expected, and renewable fuel use growing much faster than fossil fuel use.

EIA's yearly calculation draws conclusions based on current laws and regulations. By and large, the U.S. is on a trajectory toward greater energy independence over the coming decades.

NPGA Urges Transparency at PHMSA

The Pipeline and Hazardous Materials Safety Administration (PHMSA) is requesting comments on the collection, analysis, reporting and use of data related to accidents and incidents involving the transportation of hazardous materials including propane.

NPGA staff is developing comments. The focus of the comments will be that PHMSA should include in the data set, and anything released based on this data, the actual cause of the accident or incident. For example, PHMSA includes in reports any car accident which includes a propane truck even though the driver of the truck may not have been at fault. NPGA believes that the public perception, in circumstances such as these, is that it is a propane accident. The reality is that not every "incident" is caused by propane and the incident report should ensure it is not reflected as such.

If you have comments or suggestions for this process please contact Robert F. Helminiak, Director, Regulatory Affairs at rhelminiak@npga.org or 202.355.1321.

Attempted Bulk Storage Facility Break-ins in VA & TN

NPGA members in Virginia and Tennessee have reported attempted forced entry into their bulk storage facilities in early December

In Virginia, the perpetrators repeatedly rammed a SUV into the perimeter entrance gate in an attempt to gain entry. Investigation by law enforcement revealed that at least two similar incidents occurred during the same time period in Tennessee. These incidents were verified by surveillance video; had the video not been available the damage likely would have been dismissed as a non-reported accident.

Everyone is reminded to be alert for unusual or suspicious activities and promptly report these to law enforcement. Members should review site security and emergency plans, and assure all employees are aware of your current procedures.

Safe Thoughts for Heating Season



It goes without saying that the heating season is now getting into full swing. This is the time when propane marketers depend on to make or break their business. Last year was unusually warm and as a result it was a bad year for marketers. Lets hope this year is better for business, i.e., colder.

This time of year we need to keep attention on being safe.

A significant number of accidents that result in serious injury and property damage that put propane marketers at risk come from a small group of problems. If we understand those problems it is my belief that we can take proactive steps to avoid accidents before they happen.

For the twenty-five years that I have represented propane companies a constant is that many accidents are tied to out-of-gas situations and interruptions of service. There are great programs to deal with these situations by PERC as well as various state propane associations and propane companies. These programs include the need for a leak check at minimum. Some companies do more than this.

I want to focus on the documentation aspect of the process as it means a great deal in the event of a claim following one of these events.

When you encounter an OOG or interruption of service you should already have in place a policy of how that is dealt with. Often a serviceman is contacted to come out and implement the company policy when a delivery driver encounters one of these situations. In some companies delivery drivers do perform leak checks on site and if company preset safety criteria are satisfied he will fill the tank and then continue on his route.

In all of these situations it is imperative that the leak test and other service work you company policy may or may not require is documented and time/date noted. I recommend that you employ a way to communicate the work done immediately after it is completed in the field. Don't wait to get back to the shop and file the paperwork. Don't wait for the delivery driver to finish his route and drop off the paperwork at the end of the day.

"If we understand those problems it is my belief that we can take proactive steps to avoid accidents before they happen."

"For as long as I have been fortunate enough to defend the industry in litigation I have seen how critical documentation can be in defense of these cases"



Safe Thoughts continued

If you can communicate this work from the field in real time, send an e-mail. I understand there are software forms that can be completed on the computer and forwarded to the company when the work is done and before the employee leaves the customer property.

If you don't have this type of technology a simple phone call to the office confirming that you completed the leak test, etcetera along with the date, time and other pertinent details can go a long way in establishing when and what was done.

In this day of digital technology I also recommend that a photo be taken of the actual leak test and whatever other work your company policy requires in these situations. These photos are worth a thousand words. They clearly show that the work was actually done. To make the photos truly valuable I recommend you take orientation photos of the house and the tank identification numbers so that it can be matched up later in the event a problem arises following one of these situations.

We will always have accidents. For as long as I have been fortunate enough to defend the industry in litigation I have seen how critical documentation can be in defense of these cases. New technologies can be added to improve our ability to document what we have done. These new forms of documentation are readily available and very powerful when confirming what we have done.

Success to you!

John V. McCoy is recognized as one of the country's top trial lawyers in the field of catastrophic fire and explosion cases. Especially those involving flammable gases such as propane and natural gas. He has handled trials and appeals of these matters in over 38 states and serves as National Trial Counsel for several companies. A frequent lecturer and author at national conferences on litigation issues, John is a founding member and Past President of the Propane Gas Defense Association and has lent his time and expertise to numerous trade and industry associations in the field of litigation. He has been chairperson of the DRI Fire and Casualty Committee and has been on the Attorney Advisory Committee to the International Association of Arson Investigators. John has been named a "Wisconsin Super Lawyer" by Law & Politics Media Inc. every year since its inception in 2005 and has been independently profiled for his contributions in the current edition of Marquis' Who's Who in American Law. John was also recognized as having one of the "Top 10 Defense Verdicts of 2004" in a nationwide survey conducted by the National Law Journal. He has been recognized in 2008 as a Leader in the Law by The Wisconsin Law Journal. He is also the author of the "Legal Brief" column in LPGas Magazine and his articles appear in many state propane association newsletters. He also serves as outside legal counsel to PERC on drafting training manuals for the propane industry. *[e-mail: jmccoy@mh-law.us]*



Ralph Rooney
Suburban Gas Inc.
Past NPGA President

"We were confident that ThompsonGas would be able to provide a level of service and attention to detail commensurate with ours, and at the same time because of their size and corporate culture, would provide our employees and customers the security of a promising future, stability of supply, a broad mix of propane equipment, and a "down home" place to work and do business ... It provided us tremendous peace of mind."

THOMPSON
GAS

**TODAY IS A GREAT DAY TO
CONTINUE YOUR HERITAGE.**

We're family, and since 1946, we have understood the importance of great customers and great employees. When the time is right to consider selling your business, you owe it to yourself, your customers, and your employees to call for a confidential meeting.

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