



# PROPANE EXCHANGE

April 2013 \* West Virginia Propane Gas Association

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*Thanks to Tarantin Industries & Thompson Gas for advertising in this issue.*

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## DATES TO REMEMBER

June 10-12, 2013 Summer Membership Mtg  
Oglebay Resort  
Wheeling, WV

June 18-19, 2013 Propane Days  
Hyatt Capital Hill  
Washington, DC

[Weights & Measures Issues Warnings](#)



**How to Move Customers Beyond Price**

## SPRING MEMBERSHIP MEETING SUCCESS

**How do you move customers beyond price?** Attendees at the Spring Membership Meeting in March learned how to do that effectively. The focus of the meeting was using proven techniques to sell to both residential and commercial customers so that price is not the first thing on a customer's mind.

**Amy Impara-Gregory of Sales Transformation Now, Inc** led the day long session which covered the 6 important steps of the sales process: preparation; approach; needs analysis; gain agreement in principle; gain agreement in price; and account management.



**Participants used** a series of real life role playing exercises to hone their skills and develop new techniques. All left with a series of "Sales Hot Tips" to use back in their businesses.

**Officials with WV Division of Weights & Measures** reminded the propane industry at this meeting about several key points. They include that the sale of propane must be by either net weight or volume (flat rates changes are prohibited); prices must be prominently displayed at the point of sale, and what must be included on all receipts.

**Also reviewed were important considerations** that must be observed when Weights & Measures inspectors visit a propane facility. The complete handout on these items may be found at [www.wvpropanegas.org](http://www.wvpropanegas.org).

To see more pics of the meeting visit <http://bit.ly/14eLmK4> or visit [www.wvpropanegas.org](http://www.wvpropanegas.org)



**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."

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President &  
Chief Executive Officer  
301-432-3880  
rthomp1@thompsongas.com

**G. Jeffrey Kerns**

Executive Vice President &  
Chief Financial Officer  
301-432-3882  
jeff@thompsongas.com

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These  
Developments

## WVPGA to Host Technology & Sales Training Class about Propane Autogas

*The West Virginia Propane Gas Association is partnering with the Propane Education & Research Council and Blue Bird Bus Manufacturing of Western PA/West Virginia for an educational hands on program on selling propane autogas with an emphasis on the school bus market.*

*The sessions will take place June 10-12, 2013 at Oglebay Resort, Wheeling, WV. Details will be posted in May at [www.wvpropanegas.org](http://www.wvpropanegas.org)*

**West Virginia Propane Gas Association**  
107 S. West Street, #825  
Alexandria, VA 22314  
Toll free: 888-441-5454  
Telephone: 703-530-9772  
Fax: 703-530-9653



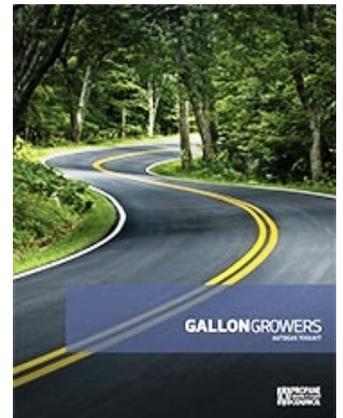
[wvpga@aol.com](mailto:wvpga@aol.com)  
[www.wvpropanegas.org](http://www.wvpropanegas.org)

## Free AutoGas Materials Available

**Marketers seeking to expand** their propane AutoGas business can choose from a variety of new collateral that can be downloaded for free from the Propane MaRC service from the Propane Education & Research Council.

**There are three full-color fact sheets**, each comparing propane autogas with another fuel, including compressed natural gas, gasoline, and diesel. The one-page sheets use photos and infographics to explain propane autogas and its competitive price, lower emissions, affordable fueling infrastructure, and abundance of supply.

**A full-color brochure** is written for fleet managers, and explains the price and emission advantages of propane autogas over conventional fuels. A pocket card has the same theme. Visit the Propane Autogas/Fleets home page of the MaRC



## Mowing Firms Cut Fuel Bills with Propane Study

**Landscape contractors who bought** a propane-fueled mower through a purchase incentive in 2012 reported that propane fuel cost them nearly 39 percent less than gasoline, and 60 percent less compared with diesel, according to a new study from PERC. These professionals were very satisfied with the propane-fueled mowers, with 90 percent saying they were likely to choose a propane mower again, and 100 percent saying they would recommend a propane mower.

**The study looked at** companies that participated in 2012 in PERC's Propane Mower Incentive Program offering commercial mowing firms \$1,000 to purchase a qualified propane-fueled mower, and \$500 for purchasing a qualified converted mower. To earn the incentive, the landscaping firms had to purchase and use propane-fueled mowers, gather performance data, and send it to PERC as required under the rules. Of those, 22 firms in 13 states responded to a more detailed study from the research firm Nexight Group.



**Earlier in April**, PERC launched its GallonGrowers Professional Landscape Toolkit to help marketers build their business with landscape contractors.

**This free downloadable guide** includes an overview of the market and its potential for propane sales, along with extensive collateral such as ads, case studies, and handouts that a marketer can use with prospects. The toolkit also offers tips on getting in the door with a client. Visit the Propane MaRC to download the Landscape Contractor Toolkit.

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## NPGA Discusses Various Issues with Feds



*"The agency wants to eliminate the wasted time and funds that are associated with beginning unnecessary rulemakings that are not warranted or may never be completed. "*

### NPGA Discusses Bobtail Requalification With PHMSA Officials

On April 5, 2013, NPGA and other hazmat organization representatives met with Charles Betts, Director, Standards and Rulemaking, Office of Hazardous Materials Safety (OHMS), Pipeline and Hazardous Materials Safety Administration (PHMSA). **Betts explained** that PHMSA currently has 27 rulemakings in various stages of review, which is an extremely large volume for one federal agency, let alone one modal administration within an agency, such as PHMSA.

**He also explained** that they are changing the process by which they decide to undertake a rulemaking. The agency wants to eliminate the wasted time and funds that are associated with beginning unnecessary rulemakings that are not warranted or may never be completed.

**The first step** is to complete a basic review of a petition for rulemaking to make sure there is enough data provided by the petition. The second step is a policy analysis which will include an economic and technical review to determine if a rulemaking is appropriate. In the case that a petition passes both of these tests the agency will prepare a Notice of Proposed Rulemaking.

**This is specifically pertinent** to NPGA because NPGA has a petition for a rulemaking on the requalification of bobtail trucks. NPGA believes the requalification should occur every 10 years, but the current regulation requires requalification every five years.

**NPGA's petition was supported** with the results from a detailed research study performed by Battelle. OHMS stated that they could complete the initial review and have a response to our petition within a month.

### NPGA Urges DOE to Include Full fuel Cycle in Energy Conservation Standards

On March 28, 2013, NPGA filed comments with the Department of Energy (DOE) on the Energy Efficiency Program for Consumer Products: Energy Conservation Standards for Residential Boilers. NPGA urged DOE to include full fuel cycle analysis in the development of new energy efficiency standards for boilers. NPGA also called on DOE to revise the Energy Guide label for boilers to include full fuel cycle energy consumption information.

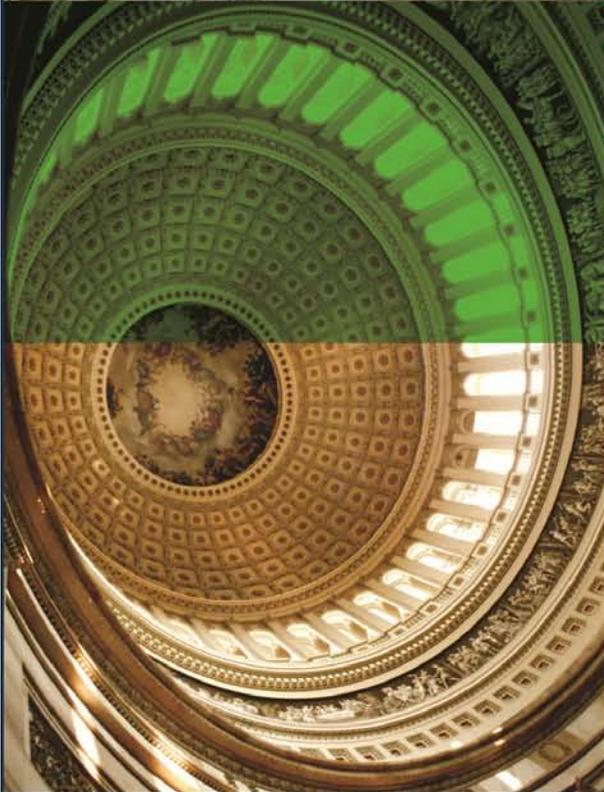
**This comment period follows** the Request for Information (RFI) for the review of the test procedure for boilers which DOE published earlier this year. NPGA also filed comments in the RFI period to support the inclusion of full fuel cycle and the revision of the Energy Guide label.

**This is in keeping** with NPGA's dedication to moving the country forward to adopt the more complete energy and environmental impact analysis that is provided by full fuel cycle. For further information, please contact Robert F. Helminiak, Director, Regulatory Affairs at rhelminiak@npga.org or (202) 355-1321.

June 17-19, 2013 | Washington, DC

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# Propane Days



Join us and be  
the voice of the  
propane industry  
on Capitol Hill.

**NPGA**  
NATIONAL PROPANE GAS ASSOCIATION

[www.PropaneDays.com](http://www.PropaneDays.com)

## Inspection Responsibilities When Making a Delivery



*"The essence of these various Code provisions is that the driver's responsibility for inspection when making a delivery is limited to making sure the propane container, its foundation and its attached appurtenances are safe for continued use. The driver must also stay in full attendance and control of safety shutoff devices before, during and after the transfer of fuel operations."*

**In the past several years** of defending propane marketers a recurring issue of contention is the duty of a delivery driver to inspect the premises when making a delivery to a customer account.

**As the reader might guess** the plaintiff's bar wants to describe the duty of inspection by a bobtail delivery driver to be all encompassing. They want to argue that the driver has an obligation to inspect any lines and appurtenances associated with the gas system that are possibly visible to be sure they are maintained safely and installed in compliance with the relevant Code.

**Typically the relevant Code would be NFPA 58** for the tank up to the inlet of the second stage regulator. NFPA 54 would apply for that part of the system that is down stream of the second stage regulator.

**The starting point of the analysis** is to determine what edition of NFPA 54 and 58 has been adopted in your state. The requirements under these Codes vary from edition to edition. Many states now use a variation of these Codes that may apply such as the International Fuel Gas Code.

You may also find that the International Building Code and other similar Codes may apply to the work you do in your state. The duties of the delivery driver are also subject to DOT rules and regulations found at 49 CFR, Section 177, et. seq.

**The essence of these various Code provisions** is that the driver's responsibility for inspection when making a delivery is limited to making sure the propane container, its foundation and its attached appurtenances are safe for continued use. The driver must also stay in full attendance and control of safety shutoff devices before, during and after the transfer of fuel operations.

**If the driver determines** that the propane container does not comply with the requirements of NFPA 58, the driver must determine if the issue is significant enough to decline to fill the tank. If the Code violation does not create a significant safety the driver should notify his supervisor of the problem and he in turn will notify the customer of the safety issue and the recommended remediation of the problem.

*Continued on next page*

## Inspection Responsibilities When Making a Delivery continued

*"Your delivery driver needs a clear understanding of what his duties are when filling tanks at customer locations."*

**It is often suggested** that the delivery driver must visually inspect the entire visible area from tank to home to be sure the system is safe and Code compliant. This is not a Code requirement. It is not now a part of CETP training. This is not a duty imposed on delivery drivers. There is a practical reason for this limited inspection duty.

**A delivery driver** is not necessarily trained to the same level of a serviceman. His duties are limited to making sure the tank and its appurtenances are safe for filling. A delivery driver typically is on a schedule to make deliveries so all customers have their needed supply of fuel. If a customer needs more in depth service they can contact the office and arrange for a detailed inspection of their gas system.

**Certainly the customer** can make a request with the delivery driver for a more detailed inspection of their gas system. This type of request is not uncommon. How this is managed has been a problem in many cases. My recommendation is that the delivery driver call into the home office and relay the customer request before he/she leaves the customer's property. Don't wait until you get back to the office, you might forget and you might not remember the request accurately. Don't tell the customer to call, they may forget.

**What can happen** when a customer makes a service request to a delivery driver and he/she does not immediately communicate that to the home office is that an accident happens in the interim. Then the customer and the delivery driver are at odds as to what was requested and who had responsibility for asking the home office to send out a service person. The safe bet is to call it in while still at the customer location. The call should be recorded and time/date stamped.

**Does your company policy** ask your delivery drivers to inspect more than the tank, its foundation and its appurtenances are safe for continued use? If so, rethink this requirement. It is more than what is required by DOT, NFPA 54 and 58. Your delivery driver needs a clear understanding of what his duties are when filling tanks at customer locations. The requirements outlined in the various Codes referenced and discussed in this article should be the extent of those duties.

*This article was written by John V. McCoy who is recognized as one of the country's top trial lawyers in the field of catastrophic fire and explosion cases. He also serves as outside legal counsel to PERC on drafting training manuals for the propane industry. John spoke at WVPGA's Legal Symposium in 2011. He may be contacted via e-mail: [jmcoy@MMLlaw.com](mailto:jmcoy@MMLlaw.com)*