

2018

# EMPIRE STATE

## ENERGY ASSOCIATION

# OUR TOOLBOX ISSUE



**Make the Most of Your Investment in Key Employees**  
Give your best employees a reason to stay.

**"Google Local Services"**  
**Is It Right for Your Company?**  
Learn how this marketing game changer works.

**The Challenges and Opportunities of Today's Fuels**  
Explore how to properly handle and store today's variety of fuels.



**ALSO INSIDE:** SEXUAL HARASSMENT PREVENTION STRATEGIES

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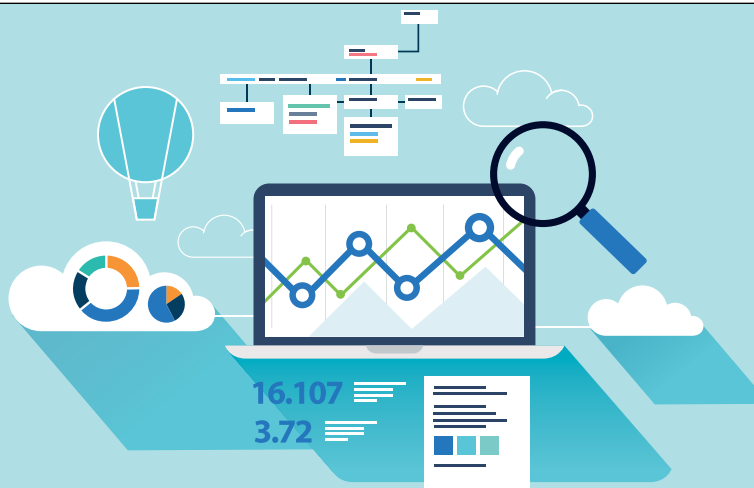
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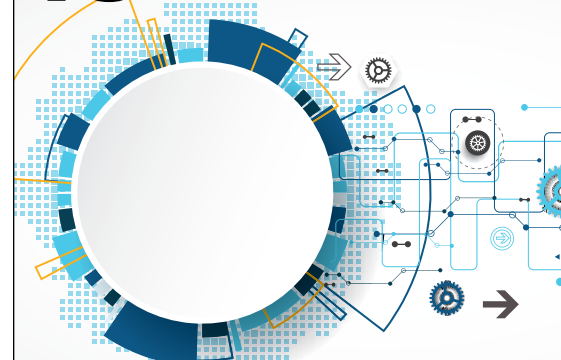
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# Make the Most of Your Investment in Key Employees

By Federated Insurance




**MANY BUSINESS OWNERS** train and mentor employees for the long term, only to have them leave in two or three years. Have you experienced the loss of a promising employee? If so, then you know the costs related to turnover are high and getting higher as jobs become more specialized. Even if you offer the usual employment benefits, and perhaps even a retirement plan, that may not be enough to retain these important employees in today's competitive job market. Younger workers, in particular, don't want to wait until retirement for a bonus – they often think in shorter terms. You also may have certain key employees who you want to let know how special they really are to your operation.

## QUESTIONS TO ASK YOURSELF ABOUT YOUR KEY EMPLOYEES

- Who keeps the business running smoothly when I am here? When I am not here? Do I want them to stay until their retirement? Or until my retirement?
- What is keeping them here? Job satisfaction? Financial security? A relationship with me or other employees? Will they





**> An Employee Private Bonus Plan will give your best employees a reason to stay. It is a carefully thought-out promise to pay a selected key employee specified bonus amounts at specified times for continuing employment with your company.**

VIKTORIA KURPAS/SHUTTERSTOCK.COM

stay because of their current benefits? If not, what will it take to keep them?

- Is there a way, without raising their salaries now, to give them an incentive to stay?
- Can I offer an additional benefit to these specific employees without offering it to all my employees?

### HOW CAN I PROVIDE AN INCENTIVE TO STAY TO MY MOST VALUABLE EMPLOYEES?

An Employee Private Bonus Plan\* will give your best employees a reason to stay. It is a carefully thought-out promise to pay a selected key employee specified bonus amounts at specified times for continuing employment with your company. A sample bonus schedule might include a \$5,000 bonus after five years, \$7,500 after 10 years, and \$10,000 after 15 years. This bonus is generally tax-deductible to the business when paid. With this kind of plan, key employees don't have to wait until retirement to see their reward.

You can design the plan to get a maximum retention value. The agreement states that if your employee is not performing their duties satisfactorily or is no longer employed with you at the time of a scheduled bonus, no payment is made. This type of bonus plan is appreciated by all employees and is especially attractive to younger employees who are just starting their careers.

### HOW DO YOU GET THE MONEY TO PAY BONUSSES?

You finance bonuses with a universal life insurance contract.

- When using life insurance as a funding vehicle, the business is the owner, payer and beneficiary of the policy.
- Cash values are owned and controlled by the business, are shown as an asset on the books, and generally grow tax deferred.
  - Insurance premiums are generally not tax-deductible to the business; however, the bonus is generally tax deductible when paid to the employee, once the employee has fulfilled the required number of years.

### Questions to Ask Yourself About Your Key Employees

- Who keeps the business running smoothly when I am here? When I am not here? Do I want them to stay until their retirement? Or until my retirement?
- What is keeping them here? Job satisfaction? Financial security? A relationship with me or other employees? Will they stay because of their current benefits? If not, what will it take to keep them?
- Is there a way, without raising their salaries now, to give them an incentive to stay?
- Can I offer an additional benefit to these specific employees without offering it to all my employees?

- Using cash value life insurance as a funding vehicle also provides the business with Key Person coverage in the event of the employee's death. The life insurance proceeds can be used to hire and train a replacement, and to replenish lost profits during the transition period.

A common variation includes offering a percentage of the death benefit to the employee's personal beneficiary through a written Endorsement Split-Dollar Agreement. This provides needed personal, tax-free death benefit coverage to your key employees for pennies on the dollar. For this tax-free death benefit, a small term insurance cost is reported on your employee's W-2 each year.

You may invest countless hours and dollars training and mentoring young employees. Your talented employees will be more likely to stay if you challenge them with responsibility and offer opportunities that may not be available from competing employers. An Employee Private Bonus Plan may help you get the best return for your investment in their future.

*\*All products and services may not be available in all states.*





# “Google Local Services” Is It Right for Your Company?

By Richard Rutigliano, PriMedia

**THE NEW “GOOGLE** Local Services” (formerly “Google Home Services”) advertising program is the search behemoth’s answer to Angie’s List and Home Advisor. These ads put “Google Guaranteed” HVAC, plumbing, electrical and other home repair contractors above any other consumer search results. The program was started in California, and now includes Boston, Philadelphia and New York City. Over the next few years, it

will roll out across the county. As **Google Local expands its coverage map, many energy marketers have been asking for information** about the program and how to get listed.

There are pros and cons to Google Local. We recommend that energy marketers speak to a Google Certified advertising expert to review these and other marketing options in depth before beginning the application process.

## WHAT IS GOOGLE LOCAL?

A previous iteration of the program was known as “Google Home Services.” Google Local will display approved contractors and service providers at the top of the Search Engine Results Pages (SERP), include these companies in Google Assistant (Alexa) responses, and offer consumers a “Google Guarantee” if they are unsatisfied with the company’s services and attempts to resolve any issues.

**> An Employee Private Bonus Plan will give your best employees a reason to stay. It is a carefully thought – The new “Google Guarantee” is one of the biggest game-changers. Google will pay up to \$2,000 if a customer is unhappy with a Local Services project, if the company doesn’t resolve the issue. This offers customers an additional level of protection when working with a company they found on the Internet.**

On mobile phones, **these ads display in a carousel at the top of the screen.** On desktops, the top three companies display first, in hard-to-miss boxes above any other ads or the local map. This **pushes any other companies further down** or on later pages.

Consumers can choose one of the companies displayed, or click through to see more service providers. That page will display the Google Guaranteed Local companies as well as other vendors. Consumers can then click through to a landing page on any specific company, which will list services (by keyword, not descriptions), service areas, and rankings. Company rankings are based on reviews and post-service feedback through Google. The company logo, image and other branding are not included. The phone number will be a Google-generated tracking number. There are no communications available throughout the sales process that do not go through the tracking number or email. Trying to work around these parameters could disqualify a company from participating.

### THE GOOGLE GUARANTEE

The new “Google Guarantee” is one of the biggest game-changers. **Google will pay up to \$2,000 if a customer is unhappy with a Local Services project, if the company doesn’t resolve the issue.** This offers customers an additional level of protection when working with a company they found on the Internet.

Responsible companies make things right with dissatisfied customers. For Google Local companies, not making it right can lead the customer to complain to Google and possibly cost Google \$2,000. Odds are that those companies will find their rankings suffering... which will drop their ad to a lower position in searches...which could cost them more in missed business opportunities than the original service issue.

## Google Local Take-Aways

### PROS:

- Ads display in prime marketing real estate at the top of the screen
- The **Google Guarantee** offers new customers an additional level of security
- Pinkerton **background checks are now provided at no cost**
- **Cost is on a per-lead basis**, not impressions or even click throughs
- Scalable program **starts with an average of 1-2 leads per week**
- Ads are **automatically included in local services on the Google Assistant** at no additional charge
- These leads are self-vetted, as **customers choose to contact you**
- **Leads are managed via a Google App**, desktop platform or email
- Companies not in the program will find their standard search engine advertising, Google My Business/maps listings, and organic results pushed much further down the display

### CONS:

- **Not yet available in New York outside of New York City**
- **All companies** accepted into the program **will have earned the Google Guaranteed badge**
- **Prime differentiator will be price**, as the Guarantee levels the playing field
- **New employees must pass their Pinkerton review** before being out on any Local Services projects
- Click-throughs go to a **Google page on your company** – not your website
- All negotiations must be managed through **Google-generated tracking numbers**
- **“Free” services could be monetized at any time** – such as the Pinkerton review and Google Assistant extension

### BACKGROUND CHECKS

In order to earn the Google Guarantee, the company must first be approved. The approval process starts with a background check performed by Pinkerton Consulting & Investigations, Inc. of the company and any employees who go into the customers’ homes.

At present, the Pinkerton checks are provided at no cost to the service provider.

Company checks include professional license and insurance verifications, as well as civil litigation history (including judgments and liens from federal and state courts). Employee background checks,



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required for any staff member who will be entering homes on projects booked through Google Local, include inquiries about Social Security number validity and criminal history (including cross-checks against national sex offender and terrorist/sanctions registries). HVAC technician (and other positions) worker-level checks may also include licensing requirements.

The company has to recertify every three months that no changes in employees or management have occurred. New employees may not be sent on Google Local projects until they have undergone and passed their own background check.

Of course, reputable companies and their employees should have nothing to hide. The question is whether they want to share it with Google.

### PAYING FOR IT ALL

On Google Local, the company sets a budget based on the average number of leads it wants to get weekly. Billing is per lead,

and can fluctuate based on the job type. Valid leads include a text message, email or voicemail received from a customer; a phone conversation or a returned call wherein your salesperson leaves a message. Certain charges can be disputed if the requested job is not listed in your services or outside your service area.

A company representative will also need to manage leads and jobs on the Google Local dashboard. Completed projects will prompt Google to follow up with the customer to generate a review for the company. Responses need to be noted on the Leads platform – regularly declining projects or not responding in a timely manner will affect the company's ranking.

### OTHER OPTIONS

For ESEA members, the first "Con" listed above is the biggest – it isn't available in your area at this time! But, there are many other ways to take advantage of **Google Ads (including search engine optimization and marketing – which also**

**means making sure your website is attractive and device responsive), Google My Business, and display ads.** Digital marketing has many advantages and can be quite cost-effective, provided it's implemented properly. Should you need any assistance whatsoever, please feel free to call us – we're Google Certified partners and we're happy to help!

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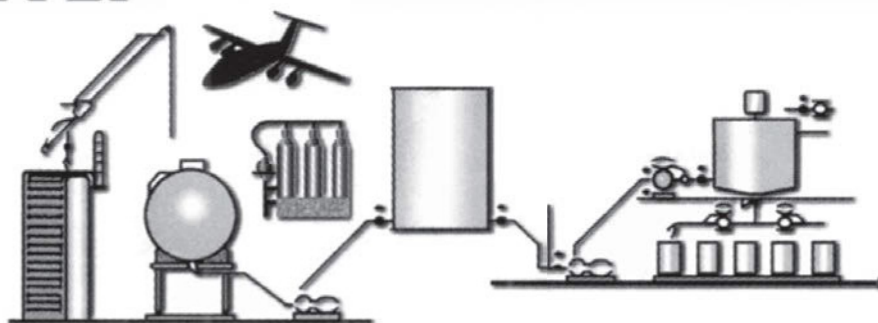
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# SEXUAL HARASSMENT PREVENTION STRATEGIES

By Benjamin Mudrick, Harter Secrest & Emery LLP

**HARVEY WEINSTEIN, MATT LAUER,** Dr. Larry Nassar, former New York Attorney General Eric Schneiderman, and the list goes on. The #MeToo movement has created a national awareness of sexual harassment and misconduct both inside and outside of the workplace. At the same time, New York is imposing new requirements on employers regarding sexual harassment policies.

Under federal and state law, Employers must provide harassment-free work places. Where they fail to do so, they can be held liable for sexual harassment claims (and in some states, like New York, individual employees can sometimes be held personally liable). A 2015 study showed that employment and harassment disputes that went to litigation resulted in defense and settlement costs averaging \$125,000. Even those matters

that resolved internally still had significant costs, averaging 275 days of time, energy and resources to handle. Recent sexual harassment settlements included a \$10 million payment by Ford to Chicago workers and Twenty-First Century Fox has paid out more than \$45 million for claims against Roger Ailes.

But the consequences can go far beyond monetary costs. The emotional and physical impact on victims can be devastating. And employers' failure to prevent harassment can result in poor morale, turnover and reputational harm.

## SEXUAL HARASSMENT DEFINITION

Sexual harassment is described as unwelcome sexual advances, requests for sexual favors, and other verbal or physical

harassment of a sexual nature. Both the victim and the harasser can be either a woman or a man, and the victim and harasser can be the same sex. In addition, harassment does not need to necessarily be of a sexual nature. It can include offensive remarks about a person's sex such as making offensive comments about women or men in general. Sexual harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment. Employers, however, can take steps to help prevent harassment and bolster their defense of any legal claims.

## REVIEW YOUR ANTI-HARASSMENT POLICIES AND COMPLAINT PROCEDURES

To promote a culture of respect and to defend against potential legal claims,



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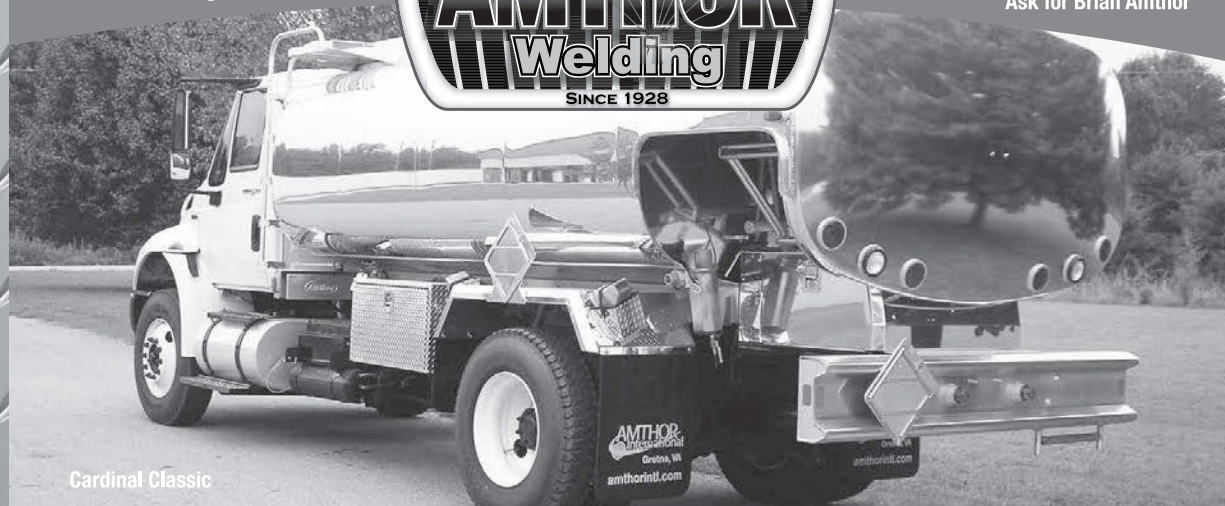
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➤ Although employers must continue to comply with applicable laws, an employer's best defense against sexual harassment claims is to create a culture of collaboration, inclusion, and, most of all, respect.

employers should have strong anti-harassment policies that are distributed and readily available to employees. Policies should contain: a definition of sexual harassment; examples of prohibited conduct; a prohibition against retaliation; multiple avenues to report (managers/supervisors, Human Resources/Employee Relations, hotlines, etc.); an explanation of the investigation process; a commitment to maintain confidentiality to the extent feasible; and a statement that the company will take prompt corrective action when it is found that harassment has occurred.

Critically, New York enacted legislation that requires employers to implement sexual harassment prevention policies that: provide examples of prohibited conduct; provide information on state and federal laws concerning sexual harassment and the remedies available to victims; include a standard complaint form; include a procedure for a timely and confidential investigation of complaints that ensures due process for all parties; inform employees of their rights and all available forums for adjudicating complaints administratively and judicially; state that sexual harassment is considered a form of employee misconduct and that sanctions will be enforced against individuals engaging in sexual harassment and against supervisory and managerial personnel who knowingly allow such behavior to continue; and indicate that retaliation is prohibited. New York also recently added protections for non-employees (vendors, contractors, etc.) as New York employers may now be liable if the employer knew, or should have known, about harassment of non-employees and failed to take "immediate and appropriate corrective action." New York is scheduled to provide sexual harassment prevention guidance and a model policy by Oct. 9, 2018.

## CONDUCT HARASSMENT PREVENTION TRAINING

Employers should also consider conducting sexual harassment prevention training designed to set the standard for workplace interactions focused on inclusion and respect. Effective Oct. 9, 2018, New York employers must provide an annual "interactive" training that includes: an explanation of sexual harassment and examples of prohibited conduct; information on state and federal laws concerning sexual harassment and remedies available to victims; a section addressing conduct by supervisors and additional responsibilities for such supervisors; information on employees' rights and all available forums for adjudicating complaints administratively and judicially. New York is scheduled to provide a model sexual harassment prevention training module by Oct. 9, 2018.

## ON THE HORIZON

Numerous states have proposed legislation to address workplace sexual harassment, including Vermont, New Jersey, Virginia, California

## Anti-Harassment Policies and Complaint Procedures

To promote a culture of respect and to defend against potential legal claims, employers should have strong anti-harassment policies that are distributed and readily available to employees. Policies should contain:

1. A definition of sexual harassment
2. Examples of prohibited conduct
3. A prohibition against retaliation
4. Multiple avenues to report (managers/supervisors, Human Resources/Employee Relations, hotlines, etc.)
5. An explanation of the investigation process
6. A commitment to maintain confidentiality to the extent feasible
7. A statement that the company will take prompt corrective action when it is found that harassment has occurred



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and Florida. Proposed legislation includes banning non-disclosure provisions in sexual harassment settlements, prohibiting arbitration of sexual harassment claims, and policy and training requirements. We recommend continued monitoring of legislative developments to ensure compliance in this ever-evolving area.

## FINAL THOUGHTS

Although employers must continue to comply with applicable laws, an employer's best defense against sexual harassment claims is to create a culture of collaboration, inclusion, and, most of all, *respect*. Promoting workplace standards that promote respectful interactions will not only assist with harassment prevention, but also improve employee morale and satisfaction. ➤

*Benjamin Mudrick is a Partner in the Labor and Employment Law Group at Harter Secrest & Emery LLP where he provides real-world, client-focused employment law advice to public and private companies. Harter Secrest & Emery has extensive experience in counseling employers on sexual harassment prevention, regularly reviews anti-harassment policies, and provides sexual harassment prevention training programs for employers. For more information visit [www.hsllaw.com](http://www.hsllaw.com).*

# The Challenges and Opportunities of Today's Fuels

**AKA – This Ain't Your Father's Fuel Oil (Or Fuel Oil Tank!)**

By John Levey,  
Oilheat Associates

**THERE'S NO DOUBT** that today's fuels are different from those that our industry has traditionally delivered to Oilheat customers.

While Biofuels and ultra – low sulfur fuels provide many advantages for Oilheat systems, there are a number of issues that can arise if these fuels are not properly handled and stored.

Over the past few seasons I've gotten involved in several situations in which service technicians came across problems that they, their companies, or both "blamed" on Bioheat and/or ultra-low sulfur heating oil.

In the vast majority of these situations we found that the problem could be traced back to improper blending of the fuels or a lack of comprehensive maintenance of the bulk plant and/or the individual customer's oil storage tank. In virtually every case, we found significant presence of water in the homeowner's oil tank.

Today's fuels may not be as "forgiving" as the standard heating oil we've been delivering for generations but with proper maintenance procedures we can expect them to



> Today's fuels may not be as "forgiving" as the standard heating oil we've been delivering for generations but with proper maintenance procedures we can expect them to perform better than the fuels we had back in the "old days."

## Extend Component Life and Reduce Service Cost

There are a number of suppliers who provide packages that can help to extend component life and reduce service cost. These packages typically include:

- **Stabilizers** – as fuel ages in a customer's tank it oxidizes and creates sludge and polymers. The rate of oxidation is accelerated by temperature, acids, water and exposure to copper. Stabilizers help prevent oxidation.
- **Corrosion inhibitors** – help prevent corrosion of the metal components of the fuel system.
- **Dispersants** – help reduce sediment and water.
- **Metal deactivators** – help reduce the negative effects of exposure to yellow metals (copper, brass).



perform better than the fuels we had back in the "old days."

By "not as forgiving" I'm referring to the situation we've had with water in tanks for as long as I've been in the industry. While water in tank bottoms has always been a problem, our newer fuels are more "hygroscopic", meaning that they tend to hold more water in suspension (without separating) than traditional fuels.

While ASTM specs limit the water content of fuel oil to 500 ppm we rarely (NEVER?) saw levels that high with higher sulfur fuels. In a perfect world we'd have no water in the fuel because when the water eventually falls out it accumulates on the tank bottom. The fact that our newer fuels hold more water means that they also shed more water during storage. When a water bottom is present in a tank, microbes flourish and cause a number of problems including the formation of sludge, premature tank failure and oil filter leakage (also referred to as MIC – microbially induced corrosion).

Higher sulfur fuels were a natural inhibitor of microbes. With the sulfur removed, the inhibitor goes away and the fuel carries more water as it travels along its path to the homeowner's oil tank. When the water eventually falls out and accumulates in the tank bottom it forms a perfect environment for the microbes to thrive and create havoc in the fuel distribution system.

Since today's fuels are less guarded against microbes and have a higher affinity for water,

we need to be more vigilant in guarding customer's tanks against the damage that might occur because of water accumulations.

Above ground tanks with top draw configurations or side draw-offs require even more vigilance. Since side-tapped tanks were installed with a slope away from the draw-off they can accumulate a significant amount of water. Top-draw tanks typically have the oil lines terminate a few inches off the bottom of the tank – both of these situations can lead to significant accumulations in a short period of time.

Regardless of whether a tank is top-draw, side draw or bottom draw – it should be checked for water on a regular basis. A properly installed bottom draw tank, with the required ¼" minimum pitch toward the bottom opening, will normally pass any water accumulations out to the oil filter. In these situations any water accumulations can typically be drained from the filter location.

Side draw tanks and top-draw tanks should be "stuck" for water during tune-ups whenever possible because water can accumulate without reaching the level where it would show up in the filter. While buried tanks do not accumulate as much water as above ground tanks, it is also beneficial to check them for the presence of water annually.

Some tank manufacturer's recommend installing a bottom drain for those tanks with the oil supply line drawn from a top opening. It's important to follow the manufacturer's instructions and maintenance guidelines.

The National Oilheat Research Alliance (NORA) publishes recommended tank inspection procedures for three levels of inspection. NORA's guidelines are a valuable resource that can help technicians inspect tanks.

In addition to keeping water out of tanks I recommend that oil companies consider an additive package to treat today's fuel.

There are a number of suppliers who provide packages that can help to extend component life and reduce service cost. These packages typically include:

- Stabilizers – as fuel ages in a customer's tank it oxidizes and creates sludge and polymers. The rate of oxidation is accelerated by temperature, acids, water and exposure to copper. Stabilizers help prevent oxidation.
- Corrosion inhibitors – help prevent corrosion of the metal components of the fuel system.
- Dispersants – help reduce sediment and water.
- Metal deactivators – help reduce the negative effects of exposure to yellow metals (copper, brass).

Properly installing and maintaining oil tanks, along with a consistent year round additive program can help to eliminate problems before they start.

Our fuels will continue to evolve and improve. Our policies and procedures regarding the handling of those fuels, and fuel system maintenance, must evolve and improve right along with them.

# Are K-Factor Deliveries Your Biggest Impediment to Profit Growth?

By Philip J. Baratz, Angus Energy

**WHAT DO THE** following items all have in common?

- On-Board Computers
- Route optimization Software
- Back-Office Systems
- Company Websites
- Email
- Voicemail

What is most common is that they are all core technologies that are embedded in almost every distribution company, and that most companies couldn't compete or survive without them. The other common theme is that they weren't around when your grandfathers started the company.

However important and obvious the value of these necessities – and other “basic technologies” – the truth is that each was purchased for the company with a degree of insecurity as to the understanding of the technology, the need, process changes required, the potential impact to the company's operations, and whether it was worth the cost. More simply put; the uncertainty about new

technology's impact, combined with the out of pocket costs delayed implementation of these items for weeks, months and often times for years.

People rationalize consciously and sub-consciously. When you are not certain as to the benefits of something, AND you know that you need to write out a check, it's pretty easy to dismiss the “thing” on the basis of not seeing the benefits. Not surprisingly, as prices come down, people somehow become smarter and more understanding very quickly!

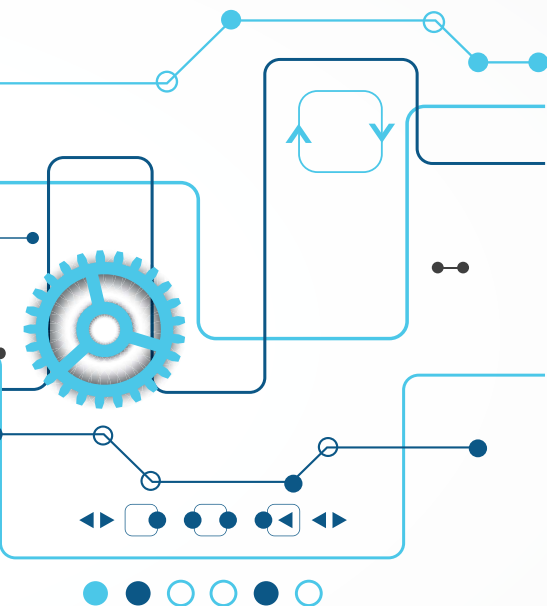
My suggestion is to separate out the “understanding” from the “cost.” If someone understands the benefits of certain types of technology, the only logical obstacle should be the cost (ROI).

## DELIVERIES ARE ABSOLUTELY UNPREDICTABLE

Whether we understand why or not, the correlation between the HDD's and the gallons consumed – commonly known as the K-Factor – simply does not correlate

enough to allow dealers to maximize delivery efficiency. To be clear, the mathematical formulas that make up a K-Factor are correct. However, the implicit assumption that each home consumes fuel at the same rate per Heating Degree Day (HDD) ignores customer's awareness of the cost of fuel, visitors to the home, travel of the homeowners, wind, humidity, etc. In other words, it ignores the real world items that do impact the consumption.

It is clear that you will consume more fuel in a colder winter than a normal winter – all else being equal. It also makes sense that a normal January should require more fuel than a normal October – all else being equal. However, the numbers do not lie, and they show us that consumption EVEN IN THE SAME HOUSE IN THE SAME WINTER is not formulaic. Weather and consumption are not linear, and we see that every time there is a run out or a very small delivery for a K-factor customer. On average are you doing “okay”... perhaps. However, if your sense of “okay” is



## > The cost factor of tank monitors still needs to be considered.

However, the impact – larger and more predictable deliveries, smoother operational logistics, lowering staffing constraints, fewer runouts, improved customer engagement – is undeniable.

delivering only 55 percent of a tanks' capacity (150 gallons into a 275 gallon tank), then you are either comfortable with not optimizing your deliveries, or the deliveries simply cannot be optimized using the current delivery forecasting tools.

## K-FACTORS DO TELL A STORY

They let you know how much was consumed between deliveries. That time span might be 25 days during the winter, and might be 150 days from the summer to the fall. In either case, it is not tracking consumption as it happens, but using it to report what has happened in the past – usually about six times per year. The math, as mentioned earlier, works – mathematically. However, it is

not capable of accurately predicting forward consumption in a way that you can use to increase your profits.

## HOW DO WE KNOW THIS?

We know this because if you look at individual deliveries, not average deliveries, we see numbers that are all over the map. Yes, they will concentrate between 150 and 170 gallons, but there will also be a number of deliveries above 200 gallons, a bunch closer to 100 gallons, and of course the dreaded run-outs. The "standard deviation" – most easily explained as what would be deemed "normal" mathematically – was about 16 percent for the delivery to delivery period this winter in tracking over 160,000 daily reads from tank monitors. If you are averaging 170 gallons, it would mean that a range from around 140 to 200 would be deemed to be normal. That being the case – and it IS the case – it is understandable that if a 200 gallon delivery were to be considered a normal delivery, you likely wouldn't want to raise your target, lest you see more runouts. It also should be noted that a quarter of deliveries were outside of the "normal" range, meaning that there was

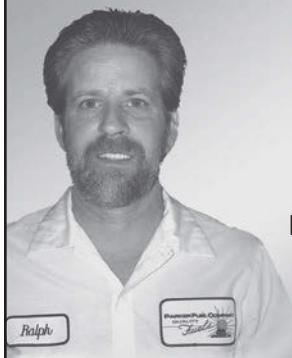
a reasonable likelihood that even with a target of 170 gallons, that you might still have a good number of 200-plus gallon deliveries.

That is the reality of the dealer who is using K-Factor forecasts to make deliveries: Low targeted delivery sizes, wide variances in the actual individual deliveries, and a few run outs – which just rationalize the small targeted delivery size. It's a cycle that you really can't break out of. Yes, we are all aware that "K's" need to be adjusted and accounts need to be looked at. On the other side, it can take about two winters before finding a "good K-Factor" for a new customer, delaying optimization even more.

The upshot is that K-Factor forecasting causes you to target small deliveries so that you can manage your run-outs. It does a good job, but so would deliveries to every customer every week – hardly a run-out to be seen there! K-Factor forecasting, if the only tool available, does a competent job of helping you avoid run-outs, but when your single biggest operational expense is the cost to deliver fuel, isn't it time to embrace the technology that is now available?

*Continued on page 26*

## "Our no-heat calls were cut in half... nothing works like this stuff does!"



*Ralph Adams  
Parker Fuel Co., Ellicott City, MD*

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> System inspections can help your company increase sales, your efficiency and manage risk.

– Gary Missigman,  
The Powderhorn Agency, Inc.



# Risk Transfer

## Management Inspection Apps

By Gary Missigman, The Powderhorn Agency, Inc.

**IN 2017 VERMONT** passed a state law mandating inspections of aboveground residential oil tanks every three years. They are one of many states increasing their attention to aboveground residential oil tanks; a trend which many in the industry expect to continue. This brings our industry to ask: What problems and challenges do these increased regulations present for the fuel oil dealers?

In today's ever litigious society, dealers are increasingly at risk of being pointed to as the "responsible party" when a customer's aboveground or underground oil tank has a release. As if by magic, a dealer in many cases is expected to know that a fuel tank has a release. In many cases a dealer recommends that a homeowner consider replacing their tank BEFORE it is an emergency, however getting a homeowner to see the importance of investing money in a new tank can be a significant challenge. Over and over again we see cases of not only homeowner's, but homeowner insurance companies looking to the dealer to cover costs associated with a leaking oil tank. With this in mind, it is more crucial than ever that fuel dealers have clean documentation of inspections performed on their customers oil tanks.

Many companies have an in-house tank inspection form that can be utilized at the time of an annual tune-up. For those who do not, NORA provides suggested "best practices" for tank inspections which may be utilized. Usually the inspection consists of a written form which is completed by a technician which then needs to be brought back to the office, hopefully scanned into an electronic file but often simply put in a paper filing drawer. While this provides documentation that an inspection is done, is it efficient? Does it best protect the dealer? How can it be done more efficiently?

The industry is switching from paper forms, which often have a technician's handwriting that is difficult to read and may (or may not) actually make it back into the customer's file at the office. Instead many are opting to increase their technician's efficiency and sales by utilizing electronic devices in the field, either by way of a tablet or smart phones.

Companies like "The Powderhorn Agency, Inc." are working with some dealer's to create custom apps which transform a company's paper forms into easy-to-use electronic forms for technicians to fill out on site. These forms then create PDFs which can be

instantly attached to the customer's account on the backend system. As a way of risk management, many dealers are opting to have a customer signature area on the form where the customer signs off acknowledging the discussion and any suggestions that the technician made. This is crucial for dealers to mitigate their risk by having clear documentation of suggestions made. Most important is the inspection is of the entire tank, not just a small area, including the fill pipe, vent and lines. Additionally a photograph can be taken and attached to the form for further documentation.

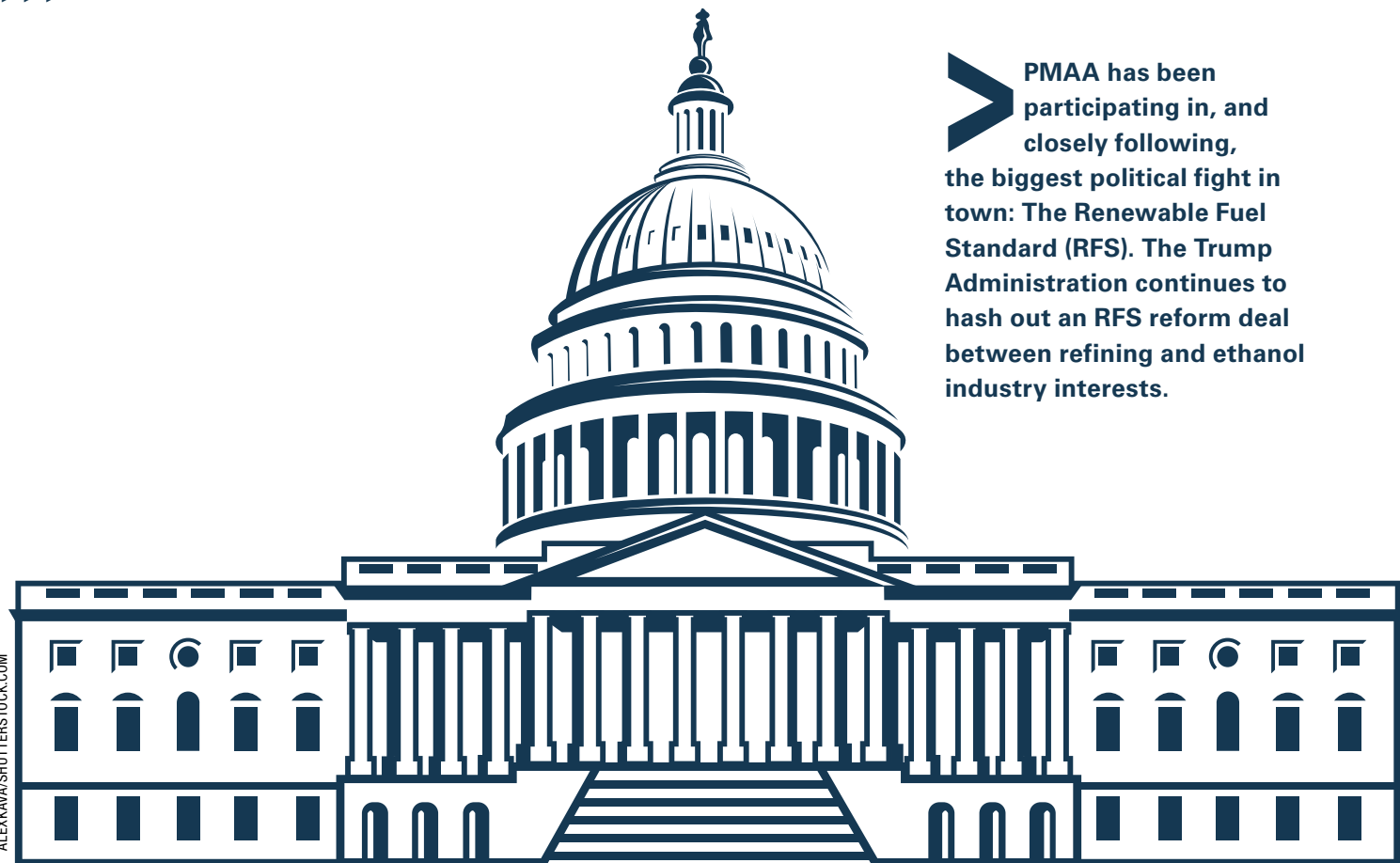
Well documented inspections, however, are only a part of risk transfer. Another way dealers are using these inspections to mitigate risk is to encourage customers with tanks in safe conditions to enroll in a tank protection program. Tank protection programs such as "ProGuard" provide homeowner's not only with cleanup protection in the event of an oil release, but also with Pro-Active Tank Replacement protection so that tanks in dangerous conditions can be replaced BEFORE they have a release.

Electronic inspection forms are not only a good risk management tool for dealers; they can be an integral sales lead tool. Imagine your technician goes to a customer's home and completes their annual tune-up. During that tune-up he sees that the hot water heater should be replaced or the heating system should be updated for efficiency. He makes the suggestion to the homeowner – but the lead doesn't stop there! Instead, using the app, the lead is automatically sent to the appropriate sales personnel to follow-up and work to get the sale!

As the heating industry moves forward at an incredible pace, don't underestimate the importance of utilizing technology to mitigate and transfer risk, increase sales and increase efficiency. <

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*Gary Missigman has over 35 years of experience in the insurance industry and is the owner of The Powderhorn Agency, Inc. Gary has developed numerous environmental programs for residential customers, including ProGuard, the leading residential oil storage tank program since 2001. The ProGuard Program is proud to be endorsed by the Empire State Energy Association, New England Fuel Institute and New York Oil Heat Association. Learn more at [www.PowderhornAgency.com](http://www.PowderhornAgency.com).*



> PMAA has been participating in, and closely following, the biggest political fight in town: The Renewable Fuel Standard (RFS). The Trump Administration continues to hash out an RFS reform deal between refining and ethanol industry interests.

# BUSY TIMES ON CAPITOL HILL

By Rob Underwood, PMAA

**PMAA HAS BEEN** hard at work defending marketers' business interests on the legislative and regulatory front in 2018. Since passing the first comprehensive tax bill in nearly three decades in December, Congress has also stayed busy, beginning the year by passing a tax extenders package in a spending bill that funded the government through Sept. 30. PMAA was successful in lobbying Congress to ensure that a renewal of the 9 cents per barrel Oil Spill Liability Tax (OSLT) that had expired at the end of 2017 was not applied retroactively. This was welcome news for marketers because suppliers who

continued to charge the tax, even when it had expired, indicated they would reimburse jobbers because the tax was not applied retroactively. PMAA was also successful in lobbying Congress to include a retroactive extension of the \$1-per-gallon biodiesel blender's tax credit for 2017 in the tax extenders package.

PMAA has been participating in, and closely following, the biggest political fight in town: The Renewable Fuel Standard (RFS). The Trump Administration continues to hash out an RFS reform deal between refining and ethanol industry interests as it recently used its waiver authority under the RFS to

exempt several small refiners from their renewable volume obligations (RVOs), which has dampened ethanol renewable identification numbers (RINs) values. According to the ethanol industry, this has effectively reduced the corn ethanol mandate from 15 billion to 13.8 billion gallons. Reports have recently surfaced that President Trump has agreed to allow the sale of E15 year-round in exchange for allowing biofuel exports to qualify for RINs generation. The ethanol industry has already pushed back against any effort to cap RIN values and/or allow ethanol exports to qualify for RINs generation since any

reduction in RINs will likely hurt E15 sales. In other words, for E15 to become a viable “new fuel” in the marketplace, the ethanol industry needs the 15-billion-gallon ethanol mandate to stay intact, which maintains RIN values. It is unlikely that the Trump Administration will issue a cap on the price of RINs given that the current refinery exemptions and the possibility that biofuel exports could fulfill RIN obligations will likely do the same thing by reducing the value of RINs.

Furthermore, the upcoming CAFE standards will likely drive auto manufacturers to make more fuel-efficient vehicles. One means that has gained traction to achieving this is through new high compression engines. These high compression engines will require the introduction of a 95-Research Octane Number (RON) which is similar to a 91-92 minimum octane rating. Transitioning to a high-octane baseline fuel would likely take nearly 20 years to happen and come with potentially significant costs. Refiners, the ethanol industry and auto manufacturers have argued that transitioning to 95-RON fuel would lower emissions and help meet the new CAFE standards but differ on how to achieve them. PMAA is concerned that implementing a higher-octane fuel may be used as an excuse to mandate E15 or higher ethanol blends that would place small business petroleum marketers in a precarious situation because of the potential economic impacts, including the costs associated with existing UST system incompatibility.

PMAA has also been meeting with lawmakers regarding reauthorization of the National Oilheat Research Alliance (NORA). PMAA played a critical role in reauthorizing NORA in 2014. NORA expires in February 2019, so it has been a top priority for PMAA to move NORA reauthorization legislation forward within the next few months.

Finally, PMAA has been urging Congress to correct a drafting error in the new tax law that would affect bonus depreciation benefits. The new tax law that passed in December contains a provision in Section 168 that provides retailers with the benefit of 100 percent bonus depreciation for qualified improvement property acquired and placed into service after Sept. 27, 2017. However, an error occurred when the final text was drafted that makes retailers ineligible for this benefit. PMAA has been working with a coalition of associations that has been urging Congress to

fix the drafting error as quickly as possible because, if they don’t, retailers will not only be ineligible for the 100 percent bonus depreciation benefit, but they will also no longer be eligible for any bonus depreciation.

Members of the Empire State Energy Association (ESEA) represented the industry before the New York delegation during PMAA’s Day on the Hill on May 17 and discussed these issues, among others. PMAA

would like to thank ESEA for its continued support!!

Sincerely,



Rob Underwood  
PMAA President

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*Continued from page 19*

It might have taken you a few years to understand and to buy on-board computers. It might have taken your father a few years to move from manila file folders to a back office system. Both cost a bunch of money and that cost made the "need" seem to be less of a need. For all you know, your great-great-grandfather had a hard time buying a clock when his sundial was "okay."

The cost factor of tank monitors still needs to be considered. However, the impact – larger and more predictable deliveries, smoother operational logistics, lowering staffing constraints, fewer runouts, improved customer engagement – is undeniable. All this comes with costs that are far lower than when you first looked at them 10 years ago. In the future, all customers will have remote monitors – just like every other delayed technology that you now embrace





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