

Truck stop marketers to launch temperature compensation offensive

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Tired of class action attorneys telling the world that marketers are cheating consumers at the pump, truck stop marketers plan to launch a campaign to tell the media the other side of the story on temperature compensation at retail.

“We want to be in a position to fight back when newspaper articles advocating the use of temperature compensation equipment start appearing,” says an official with the National Assn. of Truck Stop Operators.

The plan is to form a coalition of marketer and other interested groups that would help educate state lawmakers and media about the issue, and how it will affect the consumer’s pocket. A grassroots alerts system would be set up to share urgent information among coalition members, legislative and media kits would be developed, advertising would be placed and White Papers would explore the tax ramifications for state tax and road revenues, sources say.

Prompting the move, at least in part, is the behavior of pump manufacturer Gilbarco. The Greensboro, N.C.-based company caught marketers by surprise when it quietly obtained approval from California regulators for an automatic temperature compensation (ATC) device at retail. Jobbers have since branded the move as an attempt to “sneak in [ATC] by the back door,” as reported OE 01/29.

The latest furor about temperature correction was sparked by the Owner-Operator Independent Drivers Assn., which claims that Big Oil defrauds small truckers and consumers by selling them “hot” fuel. The *Kansas City Star* then took up their cause, claiming in a series of articles that retailers were cheating consumers and states out of millions of dollars by failing to temperature compensate. Attracted by the press, Public Citizen took up the refrain, and a class action law firm associated with the consumer group then started filing lawsuits. So far, 12 federal suits against refiners, marketers and truck stop operators have been filed (OE 02/19).

The National Conference on Weights and Measures is due to take up the ATC issue again in July, considering a proposal that would allow permissive temperature compensation at retail. In effect, that would mean that some retailers would likely start selling temperature adjusted gallons, while others would not.

California has already said it will allow temperature correction at retail, a move that is likely to have a ripple effect. Arizona, for example, has said it would like to introduce ATC at retail.

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