

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL TRADE COMMISSION**

Market Manipulation Rulemaking)	
Workshop – Request to Participate)	P082900
)	
)	

**REQUEST OF THE ASSOCIATION OF OIL PIPE LINES
TO PARTICIPATE IN THE MARKET MANIPULATION
RULEMAKING WORKSHOP**

Pursuant to the Notice Announcing Public Workshop (“Notice”) issued by the Federal Trade Commission (“Commission”) on September 10, 2008,¹ the Association of Oil Pipe Lines (“AOPL”) hereby submits this Request to Participate in the Market Manipulation Workshop (“Request”) as a panelist. In support of this Request, AOPL states as follows.

I. CONTACT INFORMATION

In accordance with the Notice, the contact information for this Request is as follows:

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¹ 73 Fed. Reg. 53,394 (Sept. 16, 2008).

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II. REQUEST TO PARTICIPATE

In accordance with the Notice, AOPL states that it has unique expertise in and knowledge of certain of the issues that will be the focus of the workshop.

AOPL is an unincorporated trade association that represents 48 common carrier oil pipeline companies. The membership is predominantly composed of U.S. oil pipeline companies but also includes companies affiliated with Canadian pipelines. These companies transport almost 85% of the crude oil and refined petroleum products shipped through pipelines in the U.S. The members of AOPL are subject to regulation by the Federal Energy Regulatory Commission under the Interstate Commerce Act with respect to their interstate pipeline operations; state public service commissions generally regulate their intrastate operations.

The workshop will focus on, *inter alia*, the scope of regulations proposed by the Commission under Section 811 of the Energy Independence and Security Act of 2007 (“EISA”).² In comments filed by AOPL on the Advance Notice of Proposed Rulemaking (“ANOPR”) issued by the Commission in this proceeding on May 1, 2008,³ AOPL demonstrated expertise in and knowledge of legal and public interest issues related to the

² 42 U.S.C. § 17301.

³ 73 Fed. Reg. 25,614 (May 7, 2008).

scope of the proposed regulations. The legal issues include: (1) whether the Commission is authorized under the Federal Trade Commission Act and the Interstate Commerce Act to regulate oil pipelines under Section 811 of EISA; and (2) whether Congress intended that the Commission regulate oil pipelines under Section 811 of EISA. The public policy issue is whether, in light of the pervasive regulation of oil pipelines by the Federal Energy Regulatory Commission, it is “necessary or appropriate in the public interest or for the protection of United States Citizens” for the Commission to regulate oil pipelines under Section 811 of EISA. As the representative of the oil pipeline industry, AOPL has unique expertise and knowledge to present to the Commission on these important matters.

AOPL will file comments on the Notice of Proposed Rulemaking (“NOPR”) issued by the Commission in this proceeding on August 13, 2008.⁴ These comments will be filed by the October 17, 2008 deadline established by the Commission in this proceeding.

Finally, AOPL states that its participation in the market manipulation workshop as a panelist will promote a balance of interests represented at the workshop. The arguments raised by AOPL in its comments on the ANOPR and to be raised in its comments on the NOPR are unique to crude oil and refined petroleum products pipelines.

⁴ 73 Fed. Reg. 48,317 (Aug. 19, 2008).

III. CONCLUSION

THEREFORE, AOPL asks the Commission to permit AOPL to participate in the market manipulation workshop as a panelist.

Respectfully submitted

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