



### Request to Participate

Flint Hills Resources, LP (“FHR”) would welcome the opportunity to participate as a panelist in the Federal Trade Commission’s Public Workshop Concerning Petroleum Market Manipulation Rulemaking, which is scheduled for November 6, 2008.

As FHR previously noted in its public comments in response to the Advance Notice of Proposed Rulemaking for Prohibitions on Market Manipulation and False Information in Subtitle B of the Energy Independence and Security Act of 2007,<sup>1</sup> FHR is an independent refining and chemicals company. The company produces an array of petroleum products, including gasoline, jet fuel, diesel, and heating oil, among others. FHR distributes refined petroleum products at wholesale to a variety of markets in the United States. FHR’s commercial participation in this industry provides the company with expertise and important insights into the topics that the FTC plans to address at the workshop. Specifically, as an industry participant and entity that will have to comply with a final FTC rule, FHR has analyzed how the proposed rule could affect its business operations. In particular, the company has considered, at length, how it would comply with the draft rule. FHR believes that through its participation in the workshop, it can bring a real world view to the potential effects that the FTC’s proposal may have.

The FTC has indicated that it intends to focus on the following issues:

- The desirability of promulgating a market manipulation rule and the contours of any such rule;
- The appropriateness of crafting a rule based on SEC Rule 10b-5;
- The appropriate level of scienter; and
- Whether a showing of price effects should be required

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<sup>1</sup> Federal Trade Commission, *Prohibitions On Market Manipulation and False Information in Subtitle B of the Energy Independence and Security Act of 2007*, 73 Fed. Reg. 25614 (May 7, 2008) [hereinafter *Advance Notice*].

FHR has discussed these topics in its comments to the *Advanced Notice*, and intends to elaborate on and supplement those comments with additional written comments in response to the FTC's Notice of Proposed Rulemaking in this matter.

We believe FHR would provide a valuable perspective at the workshop and strongly encourage you to include FHR as a participant. If you agree, please contact Mary Anne Mason.

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Respectfully submitted,

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