



Nebraska Petroleum Marketers & Convenience Store Association

OFFICERS

FRED A. BOSSELMAN
Grand Island
*President/
P.M.A.A. Director*

MARK LIPPINCOTT
Blair
President-Elect

MARK WHITEHEAD
Lincoln
First Vice President

TIM KEIGHER
Lincoln
*Secretary / Treasurer
Executive Director*

DIRECTORS

LARRY BLAESI
Omaha

BRIAN COPSEY
Scottsbluff

JOHN DILSAVER
Omaha

CINDY HALLIGAN
North Platte

JOHN HERGERT
Lincoln

JACK HILL
Brule

RICHARD JAMESON
Thedford

ED KRUAUSE
Omaha

GLEN MUEHLHAUSEN
Lincoln

STAN MILLS
Lincoln

TODD SCHIERMEYER
Fairfield

PHIL SMITH
Aurora

JENNIFER WEISS
Fremont

September 15, 2008

Federal Trade Commission
Market Manipulation Rulemaking
P.O. Box 2846
Fairfax, Virginia 22031-0846

Re: Market Manipulation Rulemaking, PO82900

Dear Federal Trade Commission:

I am writing to you today on behalf of the members of the Nebraska Petroleum Marketers and Convenience Store Association (NPCA). NPCA represents over 250 independent petroleum marketers and convenience store operators throughout the state of Nebraska operating more than 1200 retail motor fuel facilities.

This letter is in support of the comments filed by the Illinois Petroleum Marketers & Convenience Store Association (IPMA) on the Federal Trade Commission's (FTC) Notice of Proposed Rulemaking on the Prohibitions on Market Manipulation and False Information in Subtitle B of Title VIII of The Energy Independence and Security Act of 2007, promulgated at 16 CFR Part 317.

While petroleum marketers and convenience store operators in Nebraska are not yet experiencing the same issues with regard to the ability to continue to be the blender of motor fuel containing ethanol blends, we feel that we need to reiterate the points stated by IPMA in their letter. Those being that there needs to remain the choice of a petroleum marketer/retailer to purchase gasoline that does not contain ethanol, so that, the free market remains to allow marketers/retails to purchase ethanol from ethanol producers for blending purposes. This ensures that no one in the supply chain of motor fuel has complete control over the price of any one component of motor fuel blends, which in the end is the best for the consumer in ensuring they have the opportunity to purchase gasoline at the least cost and if they so chose, gasoline that does not contain ethanol. Not allowing a choice of no ethanol blended gasoline in the market place gives a monopolistic advantage to only the very few large players that will remain in the market place to control both gasoline and ethanol prices. This will provide the opportunity for market manipulation which is what The Energy Independence and Security Act of 2007 was intended to prevent. We believe that the Federal Trade Commission's rules should specifically provide that manipulation of non-petroleum based commodities such as ethanol and other oxygenates that directly or indirectly affect the price of gasoline should be subject to FTC oversight under the proposed Rule. We also agree that an oil company's refusal to sell only blended gasoline at the terminal rack should be considered an opportunity for market manipulation and subject to FTC scrutiny.

Thank you for your time and should you wish to discuss this in more detail please feel free to contact me at (402)-474-6691.

Sincerely,

Timothy P. Keigher
Executive Director