



Comments Received by the Department of Consumer Affairs

on

Proposed Rule related to Content and Inspection of Fuel Oil
Printer Tickets

as made available for public inspection

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New York Oil Heating Association, Inc.

Established 1939

Supporters of:
Empire State Energy Association
National Assn for Oilheat Research & Education
National Biodiesel Board
National Oilheat Research Alliance
Petroleum Marketers Association of America



Rocco J. Lacertosa
Chief Executive Officer

Officers:
Ted Kollar, President
Daniel Schildwachter III, VP
John McConville, Secretary-Treasurer
Vincent Allegretti, Immediate Past Pres

Comment: Content and Inspection of Fuel Oil Printer Tickets (DCA Proposed Rules)

Submitted by Rocco Lacertosa, CEO, New York Oil Heating Association

May 14, 2018

The following comments are being submitted on behalf of the New York Oil Heating Association (NYOHA), a 75-year-old trade association whose members, for the most part, are made up of family-owned heating oil distributors and terminal operators located throughout the City of New York.

NYOHA has a shared goal with the DCA in “to pursue meaningful anti-fraud measures that protect consumers and to promote accountability of the fuel oil industry.” We are committed to working with the DCA to ensure accountability and transparency in our industry.

NYOHA has a strong track record of working closely with the City of New York on numerous policy and operational issues, from achieving key environmental goals to enhancing consumer protections. For example, we have supported the use of cleaner burning heating oil blended with biofuels, and the Association has partnered with DCA in support of a tougher truck inspection screening ensuring that delivery trucks are transparent and honest with customers. NYOHA has also partnered with DCA to communicate DCA information to our members and to communicate industry information to DCA.

While we recognize that some changes have been made to these Proposed Rules (since a version of these rules was introduced two years ago), we believe the Proposed Rules will still have unintended consequences and do not recognize the logistical realities of heating oil delivery and the existing ticketing system.

Most heating oil companies have computerized back office systems through which deliveries are scheduled and tickets are generated. Tickets are typically pulled several days in advance in order to keep up with demand during the heating season when demand is high.

All tickets have either a computer generated ticket number or a pre-printed number. Currently a ticket includes the customer name, address and phone number.

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Additionally found on the ticket is the product type, location of the tank, previous delivery date and gallons ordered and other information pertinent to ensure a safe and efficient delivery. Tickets are then sorted by zones and assigned to a driver the morning of the delivery.

In order to provide the last six digits of a printed VIN number on the ticket, a company would need to know which driver and which truck were going to which location well in advance, which is currently not the industry practice. The proposed rule would require all companies involved to create new operating procedures, overhaul fleet management and significantly revamp computer systems.

The DCA rule includes a statement from the Mayor's Office of Operation stating that the proposed rule "minimizes compliance costs for the discrete regulated community;" however, we feel that the financial and logistical burden imposed by requiring companies to upend their operating procedures would be significant.

Managing the process of assigning drivers to vehicles days in advance and aligning those vehicles to the pre-printed tickets well in advance is an unwieldy and cumbersome practice. This process will particularly impact smaller companies who may not have the technology or administrative capacity to institute significant operational of changes.

It is further complicated by the fact that some companies use internal fleets, while others use external fleets.

If the issue is ensuring transparency and accountability, the current ticketing system provides ample information for a client to make a complaint or to track a delivery. For example, upon making a delivery, the driver writes in his name, truck number, date of delivery, gallons delivered, price per gallon and any other information the company may require on the ticket. A copy of the ticket is left with the customer. When deliveries are completed, the drivers return all tickets, manifests and loading tickets or bills of landing to the office for processing.

There are additional variables that could complicate a printed VIN number on the ticket. For example, a truck could break down and that driver's tickets would have to be transferred to another vehicle. Ticket info would not be aligned at that point.

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NYOHA welcomes the opportunity for a conversation with the Department of Consumer Affairs to further explain the delivery and ticketing process and discuss pragmatic and feasible ways that we can work together to ensure transparency in the industry.

Thank you.

Comment submitted via rules.cityofnewyork.us

5/18/2018 6:07 P.M.

Author: Vito Pitta

Comment: Pitta Bishop & Del Giorno LLC represents County Oil Company, Inc and this comment is submitted on its behalf. Section 3-95 of Subchapter E of Chapter 3 of Title 6 of the Rules of the City of New York currently requires that, if a printer ticket does not include the price per gallon, a second printer ticket be mailed or delivered to a purchaser within 24 hours of delivery. The 24 hour requirement is not practical, as it is too short of a timeframe for a small business to prepare and deliver the necessary information to a customer. The deadline should be extended to provide for a reasonable amount of time for the preparation and delivery of a printer ticket. The customer will not be burdened by a short and reasonable extension of this time period, and it will allow the deliverer the necessary time to accurately produce and deliver a printer ticket with the required information.