Comments on:

"Fuel Rating Rule Review"

Matter No. R811005

Submitted by:
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South Bend IN 46614

Introduction:

These comments are in response to the Commission's solicitation for comments on its "Fuel Rating Rule Review." Downstream Alternatives, Inc. has worked in the Alternative Fuels industry for 23 years concentrating primarily on ethanol issues. I had the opportunity to serve on the Commission's Automotive Fuel Rating Task Group (then chaired by Neil Blickman of the Bureau of Consumer Protection). I also submitted comments on the 1993 Rulemaking. At that time, all involved believed we had crafted a rule that adequately encompassed Alternative Fuel ratings. However, since that time the Alternative Fuel landscape has changed, especially with regards to ethanol which is where my comments are focused. The current rule leaves some areas of confusion for certain ethanol blend levels being sold today so the Commission's review is very timely.

Current Blend Levels:

When the existing rule was written it was envisioned that ethanol blends would be either E10 (gasohol) covered by the octane rating rule or E85 containing a minimum of 70% ethanol (to allow for denaturant and volatility adjustments) for use in the Flex Fuel Vehicles (FFV). Of course, at that time there were very few FFV's on the road and only a handful of outlets from which to purchase E85).

Issue 1:

Today, there are approximately 7 million FFV's on the road and approximately 2,000 E85 outlets. But more importantly, some marketers are selling blends like E20, and E30 (20% and 30% ethanol respectively) for use in FFV's. These fuels, which are typically blended on site through a blend pump, are legal fuels for use in FFV's only.

Several organizations are promoting using blender pumps to sell alternate blend levels such as E20, E30, E40. I have attached brochures from one such organization, the American Coalition for Ethanol (ACE), which discusses blender pumps. I have also attached a map and list showing the locations of hundreds of stations utilizing blender pumps. Blender pumps are even a Wikipedia topic.

Issue 2:

Recent fuel surveys, testing, and research has shown that the minimum vapor pressure specified in ASTM D 5798 "Standard Specification for Fuel Ethanol (Ed75-Ed85) for Automotive Spark-Ignition Engines" can not be achieved using gasolines commonly available at the terminal. The Coordinating Research Council (CRC) has done vehicle testing to determine if the minimum vapor pressures could be lowered. (1) This research shows that the currently required minimum vapor pressures are still necessary. As a result, the ASTM E85 Task Force is currently discussing changes in the specification to allow more hydrocarbons to ensure proper vehicle operation. This would, in some cases, result in blends of less than 70 volume % ethanol. So the fuel being sold for use in Flex Fuel Vehicles, in some areas, may be E68 or E65. In fact, in reformulated gasoline (RFG) areas, the only hydrocarbon available to make E85 is often Reformulated Blendstock For Oxygenate Blending (RBOB) or in the case of California, CaRBOB. These base fuels have vapor pressures as low as 5.5 psi and may require addition of as much as 40V% to reach the minimum vapor pressures required for Flex Fuel Vehicles to operate properly.

⁽¹⁾ CRC Report No. 652 - 2008 CRC Cold Start and Warm-up E85 and E15 / E20 Driveability Program - October 2008

Areas Requiring Clarification:

Some marketers are confused about the labeling requirements for blends lower than E75 (70v% ethanol). This results, in part, because of certain wording in the current Fuel Rating Rule.

Specifically 16 CFR Part 306 § 306.0 reads as follows:

- (i) methanol, denatured ethanol, and other alcohols;
- mixtures containing 85 percent or more by volume of methanol, denatured ethanol, and / or other alcohols (or such other percentage, but not less than 70 percent, as determined by the Secretary of the United States Department of Energy, by rule, to provide for requirements relating to cold start, safety or vehicle functions), with gasoline or other fuels;
- (iii) liquefied natural gas;
- (iv) liquefied petroleum gas;
- (v) coal-derived liquid fuels.
- (vi) Automotive fuel rating means:
 - (1) for gasoline, the octane rating; or
 - (2) for an alternative liquid automotive fuel, the commonly used name of the fuel with a disclosure of the amount, expressed as a minimum percentage by volume, of the principal component of the fuel. A disclosure of other components, expressed as a minimum percentage by volume, may be included, if desired.

So, the current rule provides guidance for gasoline, which would include E10 and E85 for blends of 70% or more ethanol, but nothing in between. I do not believe it was the Commission's intent to exclude other blend levels for use in Flex Fuel Vehicles. Other blend levels were not anticipated fifteen years ago when the rule was written.

The current review provides an excellent opportunity for the Commission to broaden the rule to cover the various blends currently, or soon to be marketed. It should be recognized that E85 is the widely recognized trade name for ethanol blends containing 85v% to 75v% denatured ethanol and is typically labeled "E85 – contains a minimum 70% ethanol". However, blends that contain from 11v% to 69v% are also legal for use in

Flex Fuel Vehicles and should, therefore, fall under the Alternative Fuel category.

Clearly, these fuels cannot be called E85 because that would mislead the consumer.

Downstream Alternatives would suggest the following: Fuels labeled as E85 should contain a minimum 70v% ethanol. Allowing for test variations and co-mingling issues, 68v% could also be considered. For fuels containing 11v% or more denatured ethanol, but less than 70v%, the Commission should adopt a similar approach to that for labeling biodiesel. That is, a blend containing 30% denatured ethanol would be E30, 40% denatured ethanol, E40 etc. This would enable marketers the ability to properly identify the fuel while providing consumers guidance on the approximate ethanol level of the blend.

Further, it should not be necessary to disclose the minimum ethanol content on these lower ratio blends. However, the rule should require that any level posted contain at least 93v% of the amount posted (e.g. $E40 ext{ v } 93v\% = 37.2\%$ minimum ethanol content). This would allow for denaturant variations and minor naturally incurring ingredients of fuel ethanol and the fact that blender pumps utilize mixtures of E10 and E85 (which itself can vary in ethanol content) to produce these alternate blend levels.

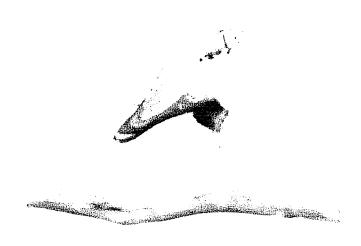
Downstream Alternatives appreciates the opportunity to submit these comments and hope they are of assistance in the Commission's review of the Fuel Rating Rule.



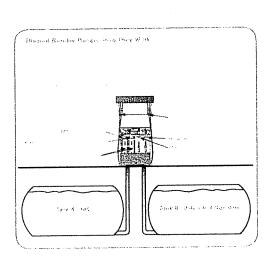
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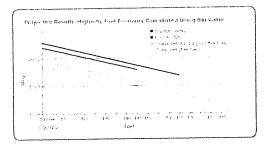
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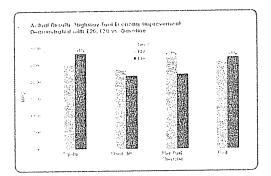


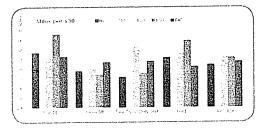
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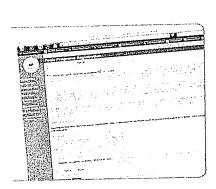
(V) Fuel Taxes

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(V) Inventory Reconciliation

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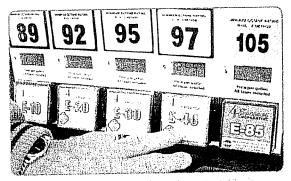
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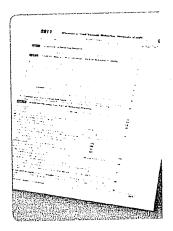
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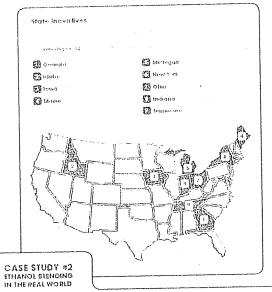


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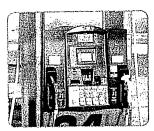
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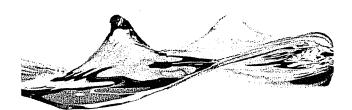


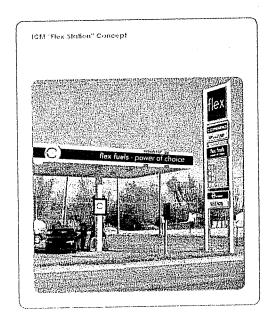
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What Government Officials are Saying:

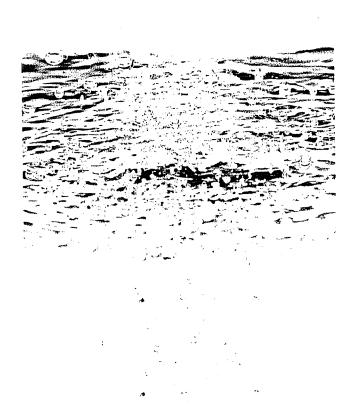
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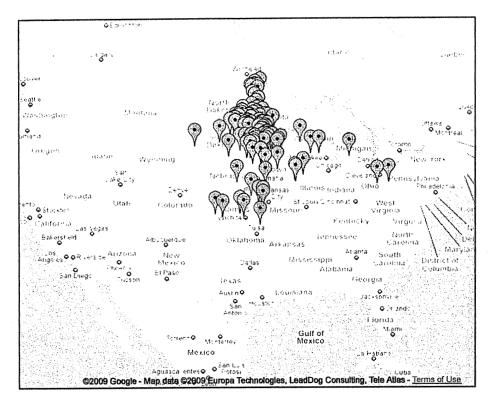
What Consumer & Environmental Groups are Saying:

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Ethanol Blender Pump Locations

Looking for ethanol? This map shows gas stations in the U.S. that have ethanol blender pumps, which offer a variety of mid-range ethanol blends like E20, E30, and E40 in addition to the more common E10 and E85. The pumps draw different percentages of ethanol and gasoline from underground tanks and mix them together to form these intermediate fuel blends for use in Flexible Fuel Vehicles (FFVs). With more and more stations choosing to go the blender pump route, new locations are being added every day. If you know of a blender pump that is not listed on the map, please send an email to Cbeck@ethanol.org. For more information about ethanol, mid-range blends, or blender pumps, visit www.ethanol.org.

6,375 views - Public

Created on Jun 24, 2008 - Updated Mar 20

By cbeck

7 ratings - 2 comments



Watertown, SD

Sioux Valley Co-op 220 10th Street Northwest (Watertown, SD 57201)

Watertown, SD

Sioux Valley Co-Op South Hwy 81 1016 5th Street Southeast (Watertown, SD 57201)

Webster, SD

Cenex Convenience Store 11 West US Highway 12 (Webster, SD 57274)

Belgrade, MN

Belgrade Co-Op 213 Wells Street (Belgrade, MN 56132)

Benson, MN

Cenex-Glacial Plains Co-Op 1020 Atlantic Avenue (Benson, MN 56215)

- Britton, SD
 - 4 Seasons Co-Op 604 Vander Horck Avenue (Britton, SD 57430)
- Clark. SD

Clark Community Oil Company 100 North Cloud Street (Clark,SD 57225)

Clear Lake, SD

Deuel County Cenex 222 3rd Avenue South (Clear Lake, SD 57226)

Cottonwood, MN

Cenex E85 147 Barstad Road North (Cottonwood, MN 56229)

Detroit Lakes. MN

Cenex 911 Highway 34 East (Detroit Lakes, MN 56501)

Graceville, MN

Country Corner Cenex 922 Highway 75 Graceville, MN 56240)

Granite Falls, MN

Tri-County Cenex 1297 Granite Street (Granite Falls, MN 56241)

Marshall. MN

Cenex Ampride West 401 Country Club Drive (Marshall, MN 56258)

Morris, MN

Morris Co-Op 1000 Atlantic Avenue (Morris, MN 56267)

Ortonville, MN

Cenex 849 Highway 75 (Ortonville, MN 56278)

Thief River Falls, MN

Petro Pumper 17107 US Highway 59 Northeast (Thief River Falls, MN 56701)

Wabasso, MN

Meadowland C-Store Cenex Highway 68 East (Wabasso, MN 56293)

Windom, MN

Country Pride Services 251 1st Avenue South (Windom, MN 56101)

Grygla, MN

Cenex 106 East State Street (Grygla, MN 56727)

Faulkton, SD

Cenex 817 Main Street (Faulkton, SD 57438)

- Danube, MN
 - 212 1-Stop Shop 101 East Highway 212 Box 308(Danube, MN 56230)
- Redfield, SD

Appel Oil Company 833 West 3rd Street (Redfield, SD 57469)

Redfield, SD

Appel Oil Company Service Center 126 West 7th Avenue (Redfield, SD 57469)

Bryant, SD

Farmers Union Co-Op Oil Company 6th Avenue West (Bryant, SD 57221)

Mitchell, SD

Sinclar 1905 North Main Street (Mitchell, SD 57301)

Wilmot, SD

Border States Cooperative 13660 Highway 123 (Wilmot, SD 57279)

Rapid City, SD

Canyon Lake Gas and Auto Care 3928 Canyon Lake Drive (Rapid City, SD 57702)

Fisher, MN

Fisher C-Store 305 North 4th Street (Fisher, MN 56723)

Paynesville, MN

Paynesville Cenex 419 East Hoffman (Paynesville, MN 56362)

Lawrence, KS

Zarco 66 900 Iowa Street (Lawrence, KS 66044)

Watertown, SD

Sioux Valley Co-Op 1601 9th Avenue Southeast East Highway 212 (Watertown, SD 57201)

Hayti, SD

Hamlin County Farmers Co-Op 101 Redbird Avenue (Hayti, SD 57241)

Hazel, SD

Farmers Union Co-Op Oil Company 10 East William Street (Hazel, SD 57242)

Ferney, SD

Farmers Union Co-Op 101 South 1st Avenue (Ferney, SD 57439)

Milbank, SD

Berens Warehouse and Groceries 1506 Morningside Drive (Milbank, SD 57252)

Luverne, MN

BP Amoco 1000 South Kniss Avenue (Luverne, MN 56156)

Luverne, MN

Farmer's Co-Op Cenex 616 Kniss Avenue (Luverne, MN 56156)

Watertown, SD

Stone's Truck Stop 3800 9th Avenue Southeast (Watertown, SD 57201)

Beresford, SD

Jet Truck/Travel Plaza 1501 West Cedar Street(Beresford, SD 57004)

Viborg, SD

Pump n Stuff 200 South Main Street (Viborg, SD 57070)

Milbank, SD

Food n Fuel 103 West 4th Avenue (Milbank, SD 57252)

North Sioux City, SD

Goode to Go 1301 River Drive (North Sioux City, SD 57049)

Burke, SD

Pump n Stuff 1124 Washington Street (Burke, SD 57523)

Groton, SD

Fuel Stop 105 East Highway 12 (Groton, SD 57445)

Langford, SD

Damar C Store 12307 Highway 27 (Langford, SD 57454)

Irene, SD

Pump n Stuff 221 East Main Street (Irene, SD 57037)

Garden City, KS

Garden City Cooperative 109 North 6th Street (Garden City, KS 67846)

Colwich, KS

ICM 104 West Chicago (Colwich, KS 67030)

Donnelly, MN

Donnelly Co-Op 412 Atlantic Avenue (Donnelly, MN 56235)

Heron Lake, MN

P-J's Mini-Mart 8911st Avenue (Heron Lake, MN 56137)

Galva, IA

Galva-Holstein AG LLC 1583 Market Avenue (Galva, IA51020)

Wahpeton, ND

Cenex Convenience Store Junction 210 Bypass Road(Wahpeton, ND 58074)

Alexandria, MN

Cenex Convenience Store 1705 Broadway (Alexandria, MN 56308)

Forman, ND

Farmers Union Oil Company 9137 Highway 32 (Forman, ND 58032)

Hixton, WI

Cenex Convenience Store 141 Interstate Road (Hixton, WI 54635)

Hector, MN

South Central Grain and Energy Cenex 260 Main Street South (Hector, MN 55342)

Morgan, MN

Cenex-Harvest Land Co-Op 710 Front Street (Morgan, MN 56283)

McIntosh, MN

Red Lake Country Co-Op 400 State Street Northwest (McIntosh, MN 56556)

Oklee, MN

Cenex Convenience Store 302 Governor Street (Oklee, MN 56742)

Salem, SD

Central Farmers Co-Op 131 North Nebraska Avenue (Salem, SD 57078)

Slayton, MN

Cenex Prairie Pride 3020 20th Street (Slayton, MN 56172)

Winnebago, MN

Corn Plus 711 6th Avenue Southeast (Winnebago, MN 56098)

Walnut Grove, MN

Hoyt Oil Company 241 6th Street (Walnut Grove, MN 56180)

Glenville, MN

Glenville Short Stop 611 Highway 65 South (Glenville, MN 56036)

Forest City. IA

Farmers Co-Op PO Box 390 (Forest City, IA 50436)

Holstein, IA

Galva-Holstein Ag 308 North Main Street (Holstein, IA 51025)

Red Lake Falls, MN

Eagle Square 405 Bridge Street NE (Red Lake Falls, MN 56750)

Baltic, SD

Midway Service 25402 475th Avenue (Baltic, SD 57003)

Rock Rapids, IA

Popkes Car Care 800 1st Avenue West (Rock Rapids, IA 51246)

Mt. Pleasant, IA

Unity Bio Fuels 2120 East Washington (Mount Pleasant, IA 56241)

Olds, IA

Unity Bio Fuels 302 East School Avenue (Olds, IA 52647)

Castlewood, SD

Castlewood Community Oil 104 Main Street East (Castlewood, SD 57223)

Estelline, SD

Estelline Community Oil 201 4th Avenue North (Estelline, SD 57234)

Britton, SD

Holland Brothers Oil 822 Vander Horck Street (Britton, SD 57430)

Pierre, SD

Triple M Truck Stop 29265 East Highway 14 (Pierre, SD 57501)

Milford, IA

Green Plains Energy 1108 Okoboji (Milford, IA 51351)

Wooster, OH

Santmyer Oil 1055 West Old Lincoln Way (Wooster, OH 44691)

Columbiana. OH

Newton Services Inc. 601 North Main Street (Columbiana, OH 44408)

Greenville, MI

Petersen Oil & Propane 6360 South Greenville Road (Greenville, MI 48838)

Gilbert, Iowa

Heart of Iowa Co-Op/Cenex 54047 170th Street (Gilbert, Iowa 50105)

Butterfield. MN

NuMart C Store County Road 5 and Prairie Avenue (Butterfield, MN 56120)

Ulen, MN

Flom-Ulen Coop Cenex 205 1st Street SW (Ulen, MN 56585)

Crookston, MN

Crookston Fuel Company Cenex 1020 Old Highway 75 South (Crookston, MN 56716)

Montevideo, MN

Cenex 124 West Nichols Avenue (Montevideo, MN 56256)

Sacred Heart, MN

Farmers Coop Oil Cenex 537 East Highway 212 (Sacred Heart, MN 56285)

Clara City, MN

Farmers Coop Oil Company Cenex 200 Highway 7 West (Clara City, MN 56222)

Inwood, IA

Oak Street Station 302 South Oak Street (Inwood, IA 51240)

Lake Mills, IA

Don's Motor Mart 401 West Main Street (Lake Mills, IA 50450)

Davenport, IA

Mother Hubbards 3622 Hickory Grove Road (Davenport, IA 52806)

Manning, IA

Aspinwall Co-Op Company 120 6th Street (Manning, Iowa 51455)

Grand Island, NE

Pump And Pantry 821 North Webb Road (Grand Island, NE 68803)

Superior, lowa

Green Plains Grain Company 1002 Burlington Avenue (Superior, IA 51363)

Dodge City, KS

Dodge City Card Trol Station 600 West Trail (Dodge City, KS 67801)

Hutchinson, KS

Hutchinson Farmers Cooperative 1200 West 4th Street (Hutchinson, Kansas)

Topeka, KS

Jump Start Conoco 1531 SW Wanamaker (Topeka, KS)

Coffeyville, KS

Jump Start Conoco 512 Northeast Street (Coffeyville, KS 67737)

Ottawa, KS

Zarco 66 2518 East Logan (Ottawa, KS 66067)

Blue Rapids. KS

Home Oil 501 Main Street (Blue Rapids, KS 66411)

Wilmot, SD

Jurgens Oil Highway 15 (Wilmont, SD 57279)

Hudson, SD

Fillin Station 302 4th Street (Hudson, SD 57034)

Chelsea, SD

Chelsea Cenex 1002 South Main (Chelsea, SD 57465)

Baraboo, WI

United Cooperative Cenex Highways 12 and 33 (Baraboo, WI 53913)

Beaver Dam, WI

United Cooperative Cenex 7160 North Raceway Road (Beaver Dam, WI 53916)

Mellette, SD

Mellette Travel Plaza South Dakota Highway 20 (Mellette, SD 57461)

Clarinda, IA

Clarinda Co-Op 520 S. Schenck Street (Clarinda, IA 51632)

Ada, MN

Cenex-Ada Beltrami Co-op 202 West Main Street (Ada, MN 56510)

Annandale, MN

Centra Sota Cenex 50 Elm Street (Annandale, MN 55302)

Ashby, MN

Cenex Ashby Equity Co-op 101 Main Street (Ashby, MN 56309)

Lamberton, Minnesoa

Meadowland Farmers Co-op 401 1st Avenue West (Lamberton, MN 56152)

Morton, MN

Oyate C-Store 39409 County Highway 24 (Morton, MN 56270)

Aberdeen, SD

CExpress 2302 Southeast 6th Avenue (Aberdeen, SD 57401)

Pelican Rapids. MN

Citgo Highway 59 South (Pelican Rapids, MN 56572)

Red Lake Falls, MN

Cenex 217 8th Street (Red Lake Falls, MN 56750)

Trimont, MN

NuMart-Cenex 10 Broadway Street South (Trimont, MN 56176)

Welcome, MN

Nu-Mart Cenex 112 2nd Street (Welcome, MN 56181)

Wheaton, MN

Nu-Mart Cenex 201 5th Street South (Wheaton, MN 56296)

Truman, MN

NuMart-Cenex 302 North 5th Avenue (Truman, Minnesota 56088)

Elbow Lake, MN

BP Farm and Home Oil 15 2nd Avenue Northwest (Elbow Lake, MN 56531)



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- Paul sells 10 percent effortial tosticues ceruting list the up to 30 parcent. Higher ethorial parties what The Fra to recee contact managed entitle for even guidler ervironmental buidds
- helping to keep trading costs compartive निविधाली जोवेड के फिराम्साक्ष प्राप्त अपूर्णिक
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Refail stations self ethanol primarily in two blends: E10 and E85 \$10. All cars can use gasoline with up to 10 percent othersol.

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obove 10 percent

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Wore stations are now selling E20, E30, or E40, Why use those blends when I can use E85?

Sout question. Propie use elhanol for different reusons some use ESS (secruse 4 is the decines) burinary their or can buy and some use if tacense if is mode in the U.S.A. deveyer some and before preferrence with different blends or alradio and gas, in a time of high gas prices, effectivel proparients recognize the importance of providing diversity with chapes. Percent assertion has even suggested that mad-range efectual blends may help vehicles performinate efficiently. To learn more wall vervive efficial and



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