



State of Wisconsin
Governor Scott Walker

Department of Agriculture, Trade and Consumer Protection
Ben Brancel, Secretary

April 13, 2016

Senator Scott Fitzgerald
Senator Tom Tiffany
P.O. Box 8952
Madison, WI 53708

Dear Senators Fitzgerald and Tiffany,

Thank you for writing me to express your concern on behalf of gas station owners who wish to sell motor fuel by the half gallon or liter in conflict with Wisconsin Statute s.100.18(6).

As you may recall, the Petroleum Storage Tank Program was transferred from the Department of Safety and Professional Services (DSPS) to the Department of Agriculture, Trade and Consumer Protection (DATCP) in 2013 Act 20. As a result of the merger, DATCP cross-trained field staff to perform all regulatory duties previously conducted by two separate agencies. The program transition and training was complete and fully implemented in 2015.

In the spring of 2015, DATCP field inspectors encountered fractional pricing at off road fueling facilities. After hearing from small business owners and legislative offices, we followed our progressive enforcement policy to inform and educate small business owners of existing statutes with which they may have been previously unaware. In these instances, an extended compliance deadline of one year was given to businesses to allow ample time to plan for any costs associated with complying with existing law.

In response to your direct request, we will extend the compliance deadline for an additional 24 months for any businesses receiving notice of a fractional pricing violation. Additionally, staff informed me that no cease and desist letters have been sent solely as a result of a fractional pricing violation.

I hope this enforcement process addresses your concerns. Should you have any questions, feel free to contact me or Frank Frassetto, Administrator for the Division of Trade and Consumer Protection, at 608.224.4929.

Sincerely,

Ben Brancel
Secretary

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