

**Contact**

**Houston**

1200 Smith Street, Suite 1400  
Houston, Texas 77002-4310  
Tel: 713.658.1818  
Fax: 713.658.2553

**Atlanta**

191 Peachtree Street, N.E.,  
Forty-Sixth Floor  
Atlanta, Georgia 30303  
Tel: 404.659.1410  
Fax: 404.659.1852

**Philadelphia**

300 Conshohocken State Road  
Suite 570  
West Conshohocken, PA 19428  
Tel: 610.772.2300  
Fax: 610.772.2305

**San Antonio**

112 East Pecan Street, Suite  
1450  
San Antonio, Texas 78205  
Tel: 210.253.8383  
Fax: 210.253.8384

**Pete Lowy, shareholder at Chamberlain Hrdlicka, was quoted in Tax Notes regarding the Federal Circuits decision in a \$550 million energy tax credit case**

Pete Lowy explains that although the taxpayer lost, the decisions reasoning may present more lucrative opportunities for taxpayers. Lowy said. This may be the mythical Hydra cut off one head and two more emerge.

January 8, 2024

In a recent Tax Notes article Federal Circuit Nixes \$550 Million Butane Mixture Credit Claim, Pete Lowy, Chamberlain Hrdlickas tax shareholder, comments on the impacts of a recent Federal Circuit opinion.

In a January 3, 2024 opinion in *Philadelphia Energy Solutions Refining and Marketing LLC v. United States*, the Federal Circuit upheld the Court of Federal Claims decision. Joining the Fifth and Seventh circuits, the Circuit found that butane isn't an alternative fuel for purposes of alternative fuel mixture excise tax credits under section 6426.

This should be the death knell for the butane-gasoline alternative fuel mixture credit cases, commented Lowy. Three federal appellate courts have now lined up against the [fuel mixers] position.

What remains to be seen are the opportunities that result from the now unequivocal conclusion that butane is a taxable fuel, Lowy continued. This may be the mythical Hydra cut off one head and two more emerge.

Read the full article here:

<https://www.taxnotes.com/tax-notes-today-federal/excise-taxes/federal-circuit-nixes-550-million-bu>