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## "IRS Lands Another Victory in Fuel Mixture Credit Case"

### Peter Lowy quoted in article on "IRS Lands Another Victory in Fuel Mixture Credit Case"

*Tax Notes*

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In a recent *Tax Notes* article, Pete Lowy, co-chair of our SALT practice, discusses the shortcomings of plain meaning analysis in a recent *Delek US Holdings Inc. v. Commissioner* decision. In that decision, the U.S. District Court for the Middle District of Tennessee held that fuel mixture credits aren't treated as payments of the excise tax liability, and therefore don't reduce excise taxes included in the company's cost of goods sold.

With the *Delek* court being another passenger on the Sunoco bandwagon, along with no contrary appellate court decision, we should expect other courts will jump on, too, Peter Lowy told *Tax Notes*. Lowy noted that the *Delek* court didn't reconcile how Congress could have intended the same tax credit to have more value under Section 6427 (which provides the credit as a nontaxable payment) than under Section 6426 (which provides the credit, according to the court, as a reduction to an otherwise deductible expense).

To view the full article, subscribers may [click here](#).