



February 10, 2022

The Honorable Charles P. Rettig  
Commissioner  
Internal Revenue Service  
1111 Constitution Avenue, NW  
Washington, D.C. 20224

**Re: Claims Processing Delays**

Dear Commissioner Rettig:

On behalf of the Energy Marketers of America (EMA), I am writing you regarding lengthy delays in the processing of federal excise tax (FET) claims by the IRS. EMA members sell taxable and nontaxable biofuel blends, petroleum products including gasoline, diesel fuel, heating fuel, kerosene, jet fuel on both the wholesale and retail level. As a result, these marketers are required to file claims for payments, credits or refunds of the federal motor fuel excise tax (FET) levied on petroleum products.

The Energy Marketers of America (EMA) is a federation of 47 state and regional trade associations representing energy marketers throughout the United States. Energy marketers represent a vital link in the motor and heating fuels distribution chain. EMA members supply 80 percent of all finished motor and heating fuel products sold nationwide including renewable hydrocarbon biofuels, gasoline, diesel fuel, biofuels, heating fuel, jet fuel, kerosene, racing fuel and lubricating oils. Moreover, energy marketers represented by EMA own and operate approximately 60,000 retail motor fuel stations nationwide and supply heating fuel to more than 5 million homes and businesses.

Increasingly, EMA is hearing from marketers who are experiencing lengthy delays in the processing of FET claims by the IRS. These claims include FET refunds on the sale of tax included motor fuel for nontaxable purposes and biodiesel blender and alternative fuel credits. In addition, marketers are experiencing similar delays obtaining IRS 637 registrations required for blending and ultimate vendor activities as well as for proof of payment certificates for the Heavy Highway Vehicle Use Tax required for state registration of trucks used to transport petroleum products. These delays weigh heavily on small business energy marketers who rely on efficient processing by the IRS to provide them with the liquidity and paperwork necessary to conduct the daily operation of their businesses.

We understand the array of challenges arising out of the COVID-19 pandemic. Nevertheless, EMA is concerned that should the delays continue, the energy distribution chain below the terminal rack will suffer unnecessary disruptions. EMA requests that the IRS take all steps necessary to improve the efficiency of claim and paperwork processing through regulatory waivers and alternative filing procedures wherever possible. EMA Regulatory Counsel, Mark Morgan, stands ready to assist the IRS in any way possible to fix this critical issue. He can be reached at [mmorgan@emamerica.org](mailto:mmorgan@emamerica.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Rob Underwood", is enclosed in a thin black rectangular border.

Rob Underwood  
President  
Energy Marketers of America