

Schedule 3 (Form 8849), Certain Fuel Mixtures (Rev. June 2007)

Purpose: This is the first circulated draft of Schedule 3 (Form 8849) for your review and comments. See below for a discussion of the major changes.

TPCC Meeting: None, but one may be arranged if requested.

Prior Version: The October 2006 Schedule 3 (Form 8849) is available at:
<http://www.irs.gov/pub/irs-pdf/f8849s3.pdf>.

Other Products: Circulations of draft tax forms, instructions, notices, and publications are posted at: http://taxforms.web.irs.gov/draft_products.html.

Comments: Please email, fax, call, or mail any comments by **May 18, 2007**.

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Major Changes

Note. Form 8849 is now part of Modernized e-File (MeF).

- Under **What's New**, we highlighted an exception to the minimum claim requirement. Under IRC 6427(i)(3), the refund claimed on Schedule 3 can be less than \$200 if the claim is filed electronically.
- Under **What's New**, we deleted the discussion about line 3 because this line is no longer new.
- Under **Claim Requirements**, for all lines, we added an exception to the minimum claim requirement. Under IRC 6427(i)(3), the refund claimed on Schedule 3 can be less than \$200 if the claim is filed electronically.

**Schedule 3
(Form 8849)**

(Rev. June 2007)
Department of the Treasury
Internal Revenue Service

Certain Fuel Mixtures

OMB No. 1545-1420

▶ Attach to Form 8849. Do not file with any other schedule.

Name as shown on Form 8849	EIN or SSN	Total refund (see instructions) \$
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Caution. Before claiming a credit on Form 8849, the alcohol fuel mixture credit, biodiesel or renewable diesel mixture credit, and alternative fuel mixture credit must be taken against any taxable fuel liability on Form 720. Any credit in excess of the section 4081 liability can be taken as a claim for payment on Form 8849 or an income tax credit on Form 4136. You cannot claim any amounts on Form 8849 that you claimed (or will claim) on Schedule C (Form 720) or Form 4136.

Claimant's registration no. ▶ _____

Enter your registration number, including the prefix, on the entry line above. Line 3 claimants must enter their AM registration number.

Period of claim: Enter month, day, and year in MMDDYYYY format.

From ▶ _____ To ▶ _____

1 Alcohol Fuel Mixture Credit

Claimant produced an alcohol fuel mixture by mixing taxable fuel with alcohol. The alcohol fuel mixture was sold by the claimant to any person for use as a fuel or was used as a fuel by the claimant.

	(a) Rate	(b) Gallons of alcohol	(c) Amount of claim Multiply col. (a) by col. (b).	(d) CRN
a Alcohol fuel mixtures containing ethanol	\$.51		\$	393
b Alcohol fuel mixtures containing alcohol (other than ethanol)	.60			394

2 Biodiesel or Renewable Diesel Mixture Credit

Claimant produced a mixture by mixing diesel fuel with biodiesel or renewable diesel. The biodiesel used to produce the biodiesel mixture must meet ASTM D6751 and be registered with the EPA as a fuel and fuel additive under section 211 of the Clean Air Act. The mixture was sold by the claimant to any person for use as a fuel or was used as a fuel by the claimant. For biodiesel, claimant has attached the Certificate for Biodiesel and, if applicable, the Statement of Biodiesel Reseller. For renewable diesel, claimant has a certificate from the producer or importer of the renewable diesel that identifies the product produced and the percentage of renewable diesel in the product.

	(a) Rate	(b) Gallons of biodiesel or renewable diesel	(c) Amount of claim Multiply col. (a) by col. (b).	(d) CRN
a Biodiesel (other than agri-biodiesel) mixtures	\$.50		\$	388
b Agri-biodiesel mixtures	1.00			390
c Renewable diesel mixtures	1.00			307

3 Alternative Fuel Mixture Credit

Claimant produced a mixture by mixing taxable fuel with alternative fuel. Claimant certifies that it (a) produced the alternative fuel, or (b) has in its possession the name, address, and EIN of the person(s) that sold the alternative fuel to the claimant; the date of purchase; and an invoice or other documentation identifying the amount of the alternative fuel. The claimant also certifies that it made no other claim for the amount of the alternative fuel, or has repaid the amount to the government. The alternative fuel mixture was sold by the claimant to any person for use as a fuel or was used as a fuel by the claimant.

	(a) Rate	(b) Gallons or gasoline gallon equivalents (GGE)	(c) Amount of claim Multiply col. (a) by col. (b).	(d) CRN
a Liquefied petroleum gas (LPG)	\$.50		\$	426
b "P Series" fuels	.50			427
c Compressed natural gas (CNG)(GGE = 121 cu. ft.)	.50			428
d Liquefied hydrogen	.50			429
e Any liquid fuel derived from coal (including peat) through the Fischer-Tropsch process	.50			430
f Liquid hydrocarbons derived from biomass	.50			431
g Liquefied natural gas (LNG)	.50			432

Instructions

What's New

- The refund claimed on Schedule 3 can be less than \$200 if the claim is filed electronically. For more information on filing electronically, visit the IRS e-file website at www.irs.gov/efile.
- ~~Line 3 has been added for the alternative fuel mixture credit. This credit is effective after September 30, 2006.~~

Coordination With Excise Tax Credit

Only one credit may be taken with respect to any gallon of alcohol reported on line 1, biodiesel reported on line 2 or alternative fuel reported on line 3. If any amount is claimed (or will be claimed), with respect to any gallon of alcohol, biodiesel or alternative fuel on Form 720 or Form 4136, then a claim cannot be made on Form 8849 for that gallon of alcohol, biodiesel or alternative fuel.

Excise Tax Liability

Persons who blend an untaxed liquid with taxable fuel to produce a taxable fuel mixture outside the bulk transfer terminal system must pay the excise tax on the volume of the untaxed liquid in the mixture.

See Form 720 to report these taxes. You also must be registered with the IRS as a blender (M registrants). Line 3 claimants must also have an AM registration number. See Form 637, Application for Registration (For Certain Excise Tax Activities).

Total Refund

Add all amounts in column (c) and enter the result in the total refund box at the top of the schedule. See *Claim requirements* for each type of claim.

Amount of Refund

Multiply the number of gallons or gasoline gallon equivalents (CNG only) by the rate and enter the result in the boxes for column (c).

How To File

Attach Schedule 3 to Form 8849. On the envelope write "Fuel Mixture Claim" and mail to the IRS at the address under *Where To File* in the Form 8849 instructions.

Line 1. Alcohol Fuel Mixture Credit

Claimant. The person that produced and sold or used the mixture in their trade or business is the only person eligible to make this claim. The credit is based on the gallons of alcohol in the mixture.

Claim requirements. The following requirements must be met.

1. The claim must be for an alcohol fuel mixture sold or used during a period that is at least 1 week.

2. The amount of the claim must be at least \$200 unless filing electronically. To meet the minimum, amounts from lines 1, 2, and 3 may be combined.

3. The claim must be filed by the last day of the first quarter following the earliest quarter of the claimant's income tax year included in the claim. For example, a calendar-year claimant's claim for an alcohol fuel mixture sold or used during June and July must be filed by September 30.

Note. If requirements 1-3 above are not met, see *Annual Claims* in the Form 8849 instructions.

How to claim the credit. Any alcohol fuel mixture credit must first be taken on Schedule C to reduce your taxable fuel liability reported on Form 720. Any excess credit may be taken on Schedule C (Form 720), Form 8849, Form 4136, or Form 6478. See Notice 2005-4 and Notice 2005-62 for more information.

Line 2. Biodiesel or Renewable Diesel Mixture Credit

Claimant. The person that produced and sold or used the mixture in their trade or business is the only person eligible to make this claim. The credit is based on the gallons of biodiesel or renewable diesel in the mixture.

Claim requirements. The following requirements must be met.

1. The claim must be for a biodiesel or renewable diesel mixture sold or used during a period that is at least 1 week.

2. For the biodiesel mixture credit, the claimant has a certificate from the producer. See *Certificate* below for details.

3. The amount of the claim must be at least \$200 unless filing electronically. To meet the minimum, amounts from lines 1, 2, and 3 may be combined.

4. The claim must be filed by the last day of the first quarter following the earliest quarter of the claimant's income tax year included in the claim. For example, a calendar-year claimant's claim for a biodiesel mixture sold or used during June and July must be filed by September 30.

Note. If requirements 1-4 above are not met, see *Annual Claims* in the Form 8849 instructions.

Certificate. The Certificate for Biodiesel and, if applicable, Statement of Biodiesel Reseller, must be attached to the first claim filed that is supported by the certificate or statement. See Model Certificate O and Model Certificate S in Pub. 510. If the certificate and statement are not attached to Schedule 3 because they are attached to a previously-filed claim on Schedule C (Form 720) for the biodiesel, attach a separate sheet with the following information.

1. Certificate identification number.
2. Total gallons of biodiesel on certificate.
3. Total gallons claimed on Schedule C (Form 720), line 13.

How to claim the credit. Any biodiesel or renewable diesel mixture credit must first be taken on Schedule C to reduce your taxable fuel liability reported on Form 720. Any excess credit may be taken on Schedule C (Form 720), Form 8849, Form 4136, or Form 8864. See Notice 2005-4 and Notice 2005-62 for more information.

Line 3. Alternative Fuel Mixture Credit

Claimant. The person that produced and sold or used the mixture in their trade or business is the only person eligible to make this claim. The credit is based on the gallons of alternative fuel in the mixture.

Claim requirements. The following requirements must be met.

1. You must be registered by the IRS.
2. The claim must be for an alternative fuel mixture sold or used (as described above under *Claimant*) during a period that is at least 1 week.

3. The amount of the claim must be at least \$200 unless filing electronically. To meet the minimum, amounts from lines 1, 2, and 3 may be combined.

4. The claim must be filed by the last day of the first quarter following the earliest quarter of the claimant's income tax year included in the claim. For example, a calendar-year claimant's claim for an alternative fuel mixture sold or used during June and July must be filed by September 30.

Note. If requirements 2-4 above are not met, see *Annual Claims* in the Form 8849 instructions.

