

July 17, 2014

The Honorable Eric Holder  
Attorney General  
United States Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

The Honorable Edith Ramirez  
Chairwoman  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580

Dear Attorney General Holder and Chairwoman Ramirez:

In August of 2013, we contacted you both to express our concerns regarding oil companies that seemed to be engaging in anticompetitive practices aimed at blocking market access for renewable fuels. As you may recall, the Energy Independence and Security Act of 2007 (EISA) created the Renewable Fuel Standard (RFS) to promote the development and use of domestic renewable fuel. Our previous letter to you expressed our concern that oil companies were taking steps to undermine the efforts to distribute renewable fuels, and were doing so to undermine the RFS and bolster their desire to see the law repealed.

Since our last letter, the concern regarding anticompetitive behavior by oil companies has grown. Just last week, the Renewable Fuels Association (RFA), a trade association representing the U.S. ethanol industry, released a comprehensive analysis detailing how some oil companies block the sale of renewable fuels. The report from the RFA found that unbranded or independent stations are roughly four to six times more likely to offer E85 and 40 times more likely to offer E15 than stations carrying a "Big Five" oil brand. The report provides a series of tactics some oil companies use to prevent or discourage the sale of renewable fuels. We have attached a copy of the RFA study to this letter.

We ask that the DOJ and the FTC review the RFA report, investigate the claims and findings included in it, and reply to us with a substantive evaluation of your conclusions regarding possible anticompetitive behavior by certain oil companies and any proposed solutions or actions the DOJ and FTC will take to resolve this issue. We look forward to hearing from you on this matter.

Sincerely,

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Senator Chuck Grassley

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Senator Amy Klobuchar