

# NOZZLE & WRENCH

WMDACAR

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- >> Lawmakers Eye Potential Expansion After Tax Bill Passage

*Significant upgrades and new-to-industry (NTI) locations have been developed over the past year.*

## KIRK'S CORNER

# Confirmation of our Industry's Future

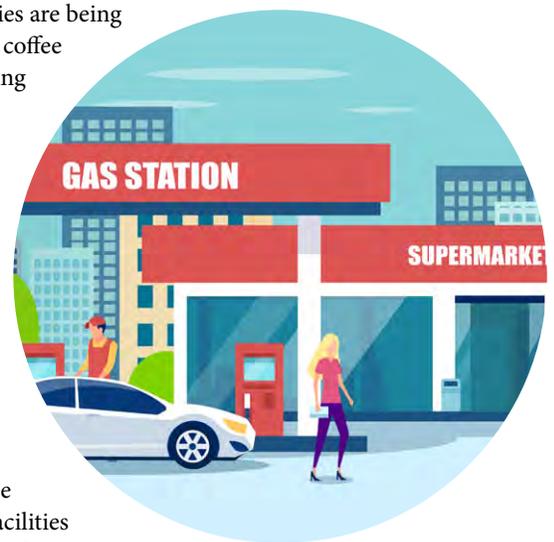


By Kirk McCauley, Director Of Member Relations & Government Affairs

**Recent visits to over 80 locations** for the Customer Service Contest reveal a promising outlook for the industry. Significant upgrades and new-to-industry (NTI) locations have been developed over the past year. These improvements across convenience stores, bayed stations, and standalone repair facilities support the WMDA/CAR's positive view of the industry's future.

### Key Trends:

- **Expanded Food Service:** Convenience stores are expanding food options, including crispy chicken, Latino-style dishes, pizza, and sub shops. NTI locations and rebuilds are launching branded food services, prioritizing fresh, made-to-order options, while roller grills remain popular.
- **Improved Customer Experience:** Restroom facilities are being upgraded to be larger and brighter. Freshly brewed coffee is also becoming more popular, with surveys showing restroom quality influences repeat visits
- **Technology Integration:** Loyalty apps, food delivery, and self-service checkout are increasing. Self-checkout is a strategic response to rising labor costs. These systems can also integrate with loyalty programs and mobile payment apps.
- **Flourishing Repair Facilities:** Auto repair facilities are in high demand, as customers keep cars longer. Additional racks, internet terminals, and workstations are being added in waiting areas, focusing on efficiency and customer comfort. The technician shortage remains a challenge.
- **Bayed Station Revival:** Investments are being made in bayed stations for the first time in years. These facilities build customer trust through repair services, positively impacting the business, including gas sales. Enlarged snack shops, improved waiting areas, and pump replacements are also contributing to this revitalization.



Continues on page 4

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*Continued from cover page*

### **WMDA/CAR and Industry Support**

I expect to see everyone at Maryland live on September 29, vendor booths, legislative-Industry Issues Forum, happy hour and awards dinner, Maryland's former Governor Larry Hogan will be the Keynote speaker and could very well return to be governor of Maryland once again. He left Maryland with a \$5-billion-dollar surplus and now we have a \$3 billion dollar deficit,

how do you think they will make up deficit?

Support WMDA/CAR, so we can afford to support you, every year we save members thousands in legislative & regulatory advocacy alone, plus venter discounts. Come to legislative – industry forum and ask questions of regulatory agencies, listen to what violation they see and how to prevent costly misstates, MDE, Comptrollers Field Enforcement, ATCC, Weights and Measure, Maryland Lottery, WMDA/CAR

Attorney, and much more. Look for flyers and registration in this Newsletter for complete rundown

Thanks to all the location for the warm reception during inspections and I feel bad they all could not be winners this year, any questions give me a call or text 301-775-0221.

Please note the new staff emails:

Kirk McCauley – [kmccauley@wmdacar.com](mailto:kmccauley@wmdacar.com)

Swapna Sripada – [ssripada@wmdacar.com](mailto:ssripada@wmdacar.com) ■

The advertisement features a blue border and two circular logos in the top corners. Each logo contains the letters 'S', 'P', and 'E' in a stylized font, with 'SALES' on the left and 'SERVICE' on the right, and 'SUPPORT' at the bottom. The central text reads: "Gilbarco just announced they will no longer support Flex II equipment". Below this text, there are four images: a gas station attendant's terminal on the left, a black nozzle labeled "Flex II" in the center, a gas pump control panel labeled "Flex IV" on the right, and a nozzle labeled "Flex IV" on the far right. Blue arrows point from the terminal to the Flex II nozzle and from the Flex IV nozzle to the Flex IV control panel. At the bottom, the text says: "Contact us today to learn how to avoid any loss of service or penalties/fees", followed by the email address [Sales@SpiglerPetroleum.com](mailto:Sales@SpiglerPetroleum.com) and the phone number 443-471-7600. A QR code in the bottom right corner is labeled "SCAN ME".

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**KEYNOTE SPEAKER: FMR. GOVERNOR LARRY HOGAN**



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# Unlock the Power of Your Trademark: Secure Your Territory Today!



By Ruy Garcia-Zamor

**When it comes to federal trademark infringement**, one of the most important—and often misunderstood—elements is the *likelihood of consumer confusion*. Under the Lanham Act, courts weigh a variety of factors including the similarity of marks, the nature of the goods or services, advertising channels, and geographic overlap. In today’s increasingly online and mobile world, traditional ideas of territoriality are evolving fast, and courts are adapting to this shift. Here’s how five real-world cases show what’s at stake—and what business owners can learn from them.

## **Ale House Mgmt. v. Raleigh Ale House, Inc., 2006 U.S. Dist. LEXIS 98819**

In this case, Ale House Management, which operated a chain of restaurants in Florida and Georgia under the “Ale House” brand, sued Raleigh Ale House, Inc., based solely in North Carolina. The plaintiff argued that the use of a similar name created a likelihood of confusion and infringed its trademark rights. However, the court found that the *two restaurant businesses had* completely distinct geographic markets and no real consumer overlap. The judge emphasized that trademark rights are not automatically national in scope—especially for businesses with no evidence of expansion into the defendant’s territory. As a result, the court granted **summary judgment for the defendant**, dismissing the claims for trademark infringement and unfair competition.

**LESSON:** Trademark rights can be limited to where you actively do business. If there’s no consumer overlap, courts are less likely to find infringement.

## **Johnson v. Sosebee, 397 F. Supp. 2d 706**

Here, Johnson—a professional landscaper—claimed that Sosebee’s use of a similar business name in a different part of South Carolina infringed on his rights under both federal trademark law and the South Carolina Unfair Trade Practices Act. Johnson had worked only in select areas and had no presence in Sosebee’s region. The court sided with the defendant, noting that Johnson couldn’t claim exclusive rights in areas where he neither worked nor marketed his services. Since the plaintiff’s mark had not been used in the defendant’s territory, the court found *no reasonable possibility of consumer confusion* and granted **summary judgment in favor of Sosebee**.

**LESSON:** If you haven’t operated in a specific territory, you may not be able to expect trademark protection there—courts may require some level of actual or likely market activity to establish rights.

## **Westmont Living, Inc. v. Retirement Unlimited, Inc., 132 F.4th 288**

This case underscores how digital and national marketing strategies can reshape traditional trademark boundaries. Both parties operated senior living facilities—



*In today’s increasingly online and mobile world, traditional ideas of territoriality are evolving fast, and courts are adapting to this shift.*



Westmont Living out west and Retirement Unlimited on the east coast—but both advertised their services online and in national publications. Westmont presented **survey evidence showing actual consumer confusion** between the two marks. The district court initially dismissed the case, relying heavily on geographic separation. However, the Fourth Circuit reversed, emphasizing that when businesses market nationally and consumers overlap, geographic distance is *no longer sufficient* to rule out confusion.

**LESSON:** If your brand lives online or spans across states, courts may very well focus on *consumer perception and marketing reach*, not just physical location.

#### **What-A-Burger of Virginia, Inc. v. Whataburger, Inc., 357 F.3d 441**

This case delves into procedural defenses like **laches** (unreasonable delay in asserting rights) and **acquiescence** (implied permission through silence). What-A-Burger of Virginia had been operating since the 1950s, while Whataburger, based in Texas, began to grow its footprint eastward. The Texas company argued that the Virginia firm waited too long to sue and had effectively given up its rights. The court, however, ruled that these defenses could not apply unless

there was a **clear likelihood of confusion** and concrete evidence of infringement. The mere passage of time wasn't enough. The case was remanded for further proceedings.

**LESSON:** Delay isn't typically fatal to your case unless confusion and infringement are obvious. You may not be obligated to act until real consumer confusion becomes likely.

#### **Ray Communications, Inc. v. Clear Channel Communications, Inc., 673 F.3d 294**

Ray Communications, a small radio operator, sued media giant Clear Channel over the use of a similar brand name. Ray argued that Clear Channel's expansion into digital spaces created brand confusion, but couldn't show any strong presence in regions where Clear Channel was dominant. The district court ruled in favor of Clear Channel, but the appellate court reversed, saying that the judge had failed to consider the full context of **how and where the plaintiff's mark was used**, and whether customers were genuinely confused. The court stressed that **national presence must be proven**, and that market penetration—not just a desire to expand—is what determines territorial rights.

**LESSON:** If your trademark doesn't have real visibility or

recognition in a market, courts may find you lack rights in that area—even if a larger competitor uses a similar name.

#### **The Big Picture: Your Trademark Can be Made Stronger With the Right Strategy**

What do these cases have in common? They all highlight how vital it is to understand where your trademark is protected and how to defend it. In today's hyper-connected world, **territoriality still matters**, but so do national marketing efforts, consumer surveys, and digital reach.

Whether you're a local business with big plans or a national brand concerned about market encroachment, you need a strategy that's both legally sound and forward-looking.

#### **Take Action Today**

At **Garcia-Zamor Intellectual Property Law, LLC**, we help businesses of all sizes protect their trademarks, prevent brand confusion, and enforce their rights. If you're wondering whether your trademark is secure—or if you're facing a potential infringement—**don't guess. Get clarity.** Visit us at [www.garcia-zamor.com](http://www.garcia-zamor.com) or call **410-531-9853** to schedule a consultation. ■

*“a person who violates [the law] or aids or assists in the violation of [the law] is guilty of a misdemeanor and, on conviction, is subject to a fine not exceeding \$5,000 or imprisonment not exceeding 1 year or both.”*

# Maryland’s Gas Price Clarity Act

Brought to you by [Lynott, Lynott & Parsons, P.A.](#)

The **“Maryland Gas Price Clarity Act,”** codified in Section 10-315 of the Maryland Business Regulation Article, became effective on October 1, 2024. The Act addresses the advertising and display of motor fuel prices at retail gas stations, and specifies the requirements for how prices must be displayed on dispensing equipment and signage, including signage on gas station premises and on approaches to the premises.

The Act requires that:

- Dispensing equipment must conspicuously display the price per gallon, including all taxes, using numerals of equal size, of the motor fuel offered for sale.
- Any signs advertising motor fuel prices shall list the total of the price and all taxes, with numerals of uniform size.
- In the listing of the total price, if a denominator is not used, the numerator shall be the same size as the numeral that indicates the whole number (e.g., \$3.05.9).
- The grade designation displayed on a price sign must be the same as the grade designation that is required to be displayed on the dispenser as specified by the Comptroller.
- The price sign must prominently display clearly and visibly the credit and debit price for regular gasoline, if higher than the cash price, or the credit and debit price and the cash price, including the unit of measurement (e.g., gallon). The same price information may also be posted for diesel and other grades of fuel.
- The sign must be readable by passing motorists, with uniform numerals at least 8 inches high and 3.5 inches wide, and with a brush stroke of at least one inch.
- If a new or additional sign is required to comply with the law, the supplier of the gasoline shall provide the sign and numerals without cost to the retail service station dealer.

The law exempts any sign required by the Act or any other State or federal law from the provisions of a local law, ordinance, or regulation “for the purpose of determining . . . the total number of signs permitted; and . . . the area of signs permitted.” The 2024 amendment to Section 10-315 eliminated the exemption from



some of the price sign requirements for gas stations with 3 or fewer dispensers, so the law now applies to all retailers of motor fuel. Section 10-324 of the Business Regulation Article provides that “a person who violates [the law] or aids or assists in the violation of [the law] is guilty of a misdemeanor and, on conviction, is subject to a fine not exceeding \$5,000 or imprisonment not exceeding 1 year or both.”

Both Montgomery County and Prince George’s counties have their own laws addressing retail motor fuel price sign requirements. The Montgomery County law is codified in Section 11-4C of the Montgomery County Code, which preceded the enactment of the statewide Gas Price Clarity Act. The Montgomery County law includes an alternative method of compliance that allows the dealer to post the credit price on a separate sign visible to motorists with letters and numerals of the same size as those required under Section 10-315 of Business Regulation Article referenced above. The separate sign provision is subject to a sunset provision which expires seven years from its enactment (*i.e.*, on October 10, 2030).

These laws are intended to require transparency in retail motor fuel price advertising, while at the same time attempting to address the hardship that may be imposed upon dealers in connection with the costs of modifying or adding new price signs. ■

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*This event is more than just a date on the calendar — it's an opportunity to connect, learn, and grow in ways that can directly impact your business.*

# Get Ready for MAFCAS 2025 - Why You Can't Afford to Miss It

Brought to you by Tim Jancius, Spigler Petroleum Equipment, LLC

**Mark your calendars** — the Mid-Atlantic Food, Convenience, and Services (MAFCAS) Trade Show is coming to the Maryland Live Casino & Hotel on **September 29th, 2025**. This event is more than just a date on the calendar — it's an opportunity to connect, learn, and grow in ways that can directly impact your business.

Whether you're an operator, supplier, or service provider, here's why being part of MAFCAS is a smart move:

## 1. Direct Access to Industry Leaders

MAFCAS brings together the top names in the convenience store, petroleum, and food service industries. You'll have the chance to meet decision-makers face-to-face, strengthen existing relationships, and build new ones that could open the door to future business.

## 2. Discover New Products & Technology

From the latest point-of-sale solutions to innovative food and beverage programs, the show floor is packed with vendors ready to showcase products that can help you improve efficiency, attract customers, and increase profitability.

## 3. Exclusive Show Specials

Many exhibitors offer show-only promotions, discounts, and incentives. Attending gives you the inside track on savings that you simply won't find anywhere else.

## 4. Educational Opportunities

In addition to networking and exhibits, MAFCAS provides valuable insights into industry trends, compliance updates, and best practices to help you stay competitive in a rapidly changing market.

## 5. The Spigler Team at MAFCAS

This year, the Spigler Team will be on site with the latest updates from Invenco by GVR, including:

- **Flex 6 Dispenser Upgrades** – Modernize your forecourt with the latest dispenser technology to improve efficiency and customer satisfaction.
- **Food Ordering Kiosks** – Enhance your in-store experience, streamline kitchen operations, and increase upselling opportunities.
- **Express Lane Self-Checkout Kiosks** – Help reduce labor costs while giving customers a speedy, convenient checkout option.





- **Pump & Tank Work** – We are now offering pump and tank services along with compliance and third-party inspection solutions to meet all regulatory requirements.
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- **SPE Loyalty Plans** – Providing

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the entertainment, dining, and excitement Maryland Live has to offer.

Bottom line: It only takes one connection, one idea, one deal — or even one pull of the handle or roll of the dice — to change the course of your business. MAFCAS is where opportunity meets action, and you'll be surrounded by the people, products, and possibilities to make it happen. ■



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# President Signs Historic Tax Relief Bill, Making Estate Tax Exemption Permanent



By Roy Littlefield IV

## **The Service Station Dealers of America and Allied Trades**

**(SSDA-AT)** is celebrating a major policy victory following the signing of the “One Big Beautiful Bill” (OB BB) into law by President Trump on July 4. The legislation delivers permanent estate tax relief, a long-sought goal for family-owned businesses across the country.

The bill permanently increases the unified estate, gift, and generation-skipping transfer (GST) tax exemptions to \$15 million per individual and \$30 million per couple, with both amounts indexed for inflation.

This marks a sharp departure from prior tax reforms, which often contained sunset provisions or automatic reversion to lower thresholds. By enshrining these higher exemption levels into permanent law, the OB BB provides the certainty and stability that business owners have been demanding for decades.

SSDA-AT emphasized that this is a landmark moment in the fight against what is often referred to as the “death tax.”

For decades, the association has worked to shield family-owned service station, repair shop, and allied trade businesses from punitive estate taxes that threaten their continuity across generations. This new law offers a level of certainty and protection that the industry has never experienced before.

The change is especially significant when viewed in historical context. In 2001, the federal estate tax exemption was just \$675,000, and the top tax rate was an onerous 55%.

Many small business owners faced the prospect of selling off assets or even shutting down entirely to cover tax liabilities. The sweeping changes included in OB BB mark the most favorable federal estate tax environment since SSDA-AT began its advocacy work.

While SSDA-AT continues to support a full repeal of the federal estate tax, the association recognizes this legislation as a substantial step forward. With these increased and permanent exemption levels, family-owned businesses can now focus more confidently on growth, reinvestment, and smooth ownership transitions without the looming fear of crippling tax burdens.

SSDA-AT remains committed to advancing pro-business policies and will continue to fight for reforms that protect the future of small and family-owned businesses. ■

*The bill permanently increases the unified estate, gift, and generation-skipping transfer (GST) tax exemptions to \$15 million per individual and \$30 million per couple, with both amounts indexed for inflation.*

*Ask Reggie*

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Kyle and I both took the Class A MSI Prep Class, and I took the Class C MSI Prep Class on Sunday. We both took the exams on Monday—Kyle passed both Class A exams, while I only passed the administrative. I went back the next week and passed both the Class A & C mechanical exams. **It worked!** —Tyler Caruso and Kyle Byard, Tims Automotive, Parkville, MD

Reggie is a very nice guy; he is very good at what he does and extremely thorough. I would definitely recommend his MSI Zoom training services to anyone out there that wants to become an MSI! —Israel Stovall, Wilson Good Year Bowie, MD

I passed. I got a 100% on both parts of the exam. I kept reading the book, highlighting information to help me remember. Also, I kept remembering what you said when I was taking the exam” don’t over analyze the questions and stay calm”. Thanks Reggie. —Lonnie Chavis Brentwood Automotive, Baltimore, MD

The exam was just like you said, it was the little words like “less than and minimum” that made a difference. This class helped me pass the exam this time because I was focused on how the questions were worded. Your class was good for me. I passed! —Jeffery Mathews Auto Giants, Marlowe Heights, MD

I took both the Class C and Class A tests the first time. I didn’t do badly, but I missed a couple on the Class C, which was my main focus. I went back and passed it—felt just as easy as the first try. I’ll take the Class A soon, and my son will be taking the Class C next. **Thanks!** —G Jefferies Truck Service, Odenton, MD

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**WMDACAR** MEMEBER



# What's Next for Section 199A? Lawmakers Eye Potential Expansion After Tax Bill Passage

*One proposal left out of the final package—but expected to return in future legislation—is an increase in the 199A deduction from 20% to 23%.*



By Roy Littlefield III

**The enactment of the One Big Beautiful Bill** marked a major win for pass-through businesses across the country. The legislation makes permanent several key tax provisions: lower individual rates, a 20-percent deduction for qualified business income, and higher estate tax exemptions. Together, these measures strengthen the competitive position of small and family-owned businesses relative to large, publicly held corporations and help protect the 2.6 million jobs tied to the Section 199A deduction.

With the bill now signed into law, discussions are already underway about what might come next. As reported by Bloomberg:

“Everyone’s been coming off the momentum, because we’ve had a lot of wins, and so I think that’s what’s been pushing this idea that we’re going to maybe do a second reconciliation bill,” said Curtis Beaulieu, senior policy adviser to Speaker Mike Johnson, during an event hosted by Ernst & Young.

One proposal left out of the final package—but expected to return in future legislation—is an increase in the 199A deduction from 20% to 23%.

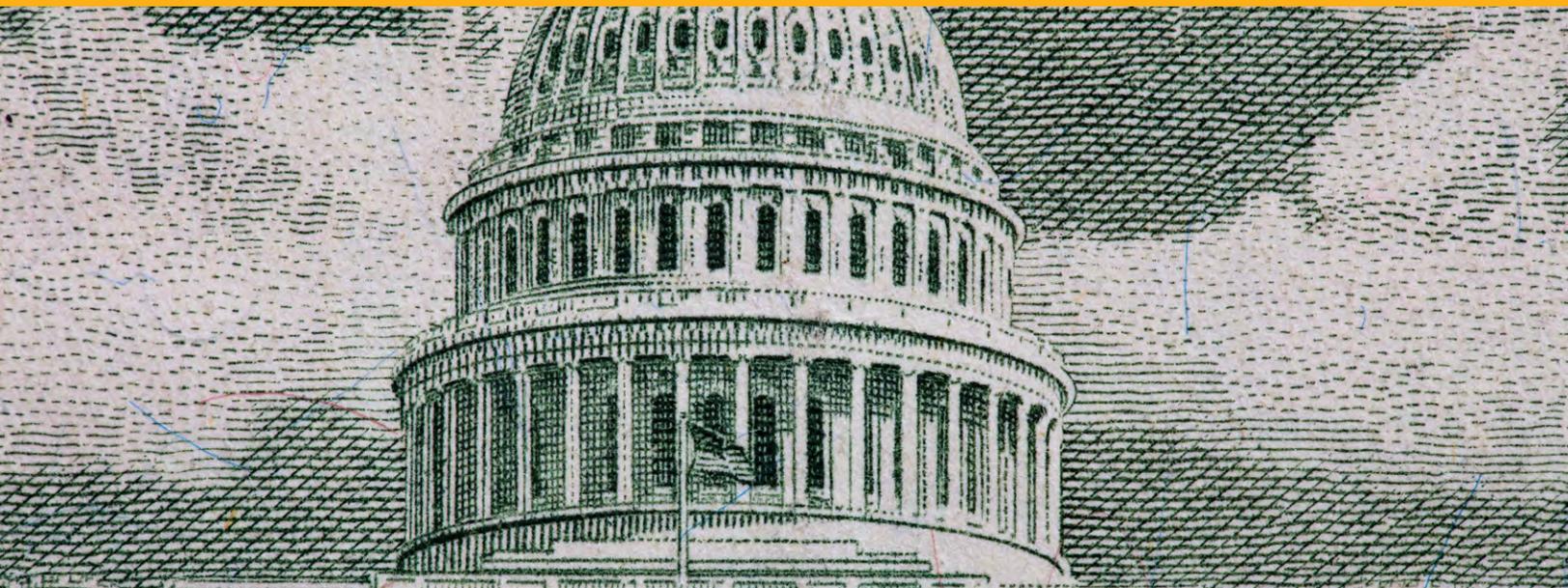
## Possible Elements of a 199A Expansion

### • 23 Percent Deduction

A proposal to raise the 199A deduction to 23% was included in the House-passed version of the reconciliation bill. Over 120 business trade associations supported the measure, citing its potential to strengthen the pass-through sector and offset other tax increases that disproportionately affect small businesses. While ultimately excluded from the final law, the idea retains momentum on Capitol Hill.

### • Foreign-Source Income

Pass-through businesses currently face full domestic tax rates on foreign earnings, without the benefit of the 199A deduction. In contrast, C corporations



enjoy substantial deductions and favorable treatment under the GILTI regime. Lawmakers and industry advocates argue that this imbalance discourages global investment and puts American pass-throughs at a disadvantage. A future tax bill could allow qualified foreign business income to receive the same deduction as domestic earnings.

• **199A Deficit Balances**

Many businesses that sustained losses during the pandemic are now profitable again but are blocked from using the 199A deduction due to “199A deficits”—carryover losses from prior years that must be cleared before the deduction becomes available again. Unlike C corporations, which can apply net operating losses without similar limitations, pass-throughs face stricter rules. One proposed fix would allow a one-time election to eliminate these deficit balances and restore immediate access to the deduction.

• **SSTB Exclusion**

The current law excludes certain high-income business owners in “Specified Service Trades or Businesses” (SSTBs) from claiming the 199A deduction. While originally designed to

prevent high-earning professionals from benefiting without job creation or investment, critics say the provision unfairly penalizes entire industries, even when those businesses have large payrolls and

significant community impact. A growing number of lawmakers are calling for its repeal or revision. ■



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# WMDACAR

## WMDA/CAR ENDORSED MEMBERSHIP BENEFITS & SERVICE PROVIDERS

Be sure to check out these companies endorsed by WMDA/CAR.

### ATM MACHINES

Intelicom, Inc.  
Larry Shapero  
1-877-666-6269  
[intelicom@verizon.net](mailto:intelicom@verizon.net)

### INTELCOM, INC.

### AUTO PARTS SUPPLIER

[Parts Authority](#)  
Michael Ground  
202-829-6315  
[mground@partsauthority.com](mailto:mground@partsauthority.com)



### CONVENIENCE STORE PRODUCTS

[Century Distributors, Inc.](#)  
Bill Stamos  
301-212-9100



Century Distributors, Inc.

### CREDIT CARD PROCESSING

[TalusPay](#)  
Marcy Grimm  
301-421-4111  
[mgrimm@taluspay.com](mailto:mgrimm@taluspay.com)



### ELECTRICITY PROGRAM

[Sprague Energy \(MAAGIC\)](#)  
Mike Jahangani  
603-531-2620  
[mjahangani@spragueenergy.com](mailto:mjahangani@spragueenergy.com)



### LEGAL SERVICES

[Lynott, Lynott & Parsons, P.A.](#)  
James L. Parsons, Jr.  
301-424-5100  
[jparsons@llplawfirm.com](mailto:jparsons@llplawfirm.com)



### WEBSITE DESIGN & MANAGEMENT

[Mays & Associates](#)  
410-964-9701  
[it@ad-mays.com](mailto:it@ad-mays.com)



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### OIL BUYING PROGRAM

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**Chevron/Havoline**  
Jamie Atkinson  
800-423-3624 | 443-309-9929 cell  
[jatkinson@reitlube.com](mailto:jatkinson@reitlube.com)



[H.N.Funkhouser & Co.](#)

Mark Conner  
1-800-343-6556

[mconner@hnfunkhouser.com](mailto:mconner@hnfunkhouser.com)



### WMDA/CAR LEGISLATIVE & REGULATORY INFORMATION

[WMDA/CAR](#)  
Kirk McCauley  
301-390-0900, ext. 114  
[kmccauley@wmdacar.com](mailto:kmccauley@wmdacar.com)



## LET YOUR MEMBERSHIP WORK FOR YOU!

Simply participate in all of the programs for which you are eligible and you will save or make enough to pay for your membership in WMDA/CAR!



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With nearly 100 years of experience in the industry, the Wills Group is one of the most trusted fuels network partners, with nearly 300 locations across the Mid-Atlantic region.

## Why work with the Wills Group:

We aim to be the preferred choice, working in partnership with our customers to offer superior value.

### Key benefits:



Custom solutions  
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for best value



Industry-leading  
fuel brands  
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## Three ways to work with us:

### Self Service

- Best and lowest fuel cost
- Guaranteed fuel supply
- Upfront delivery costs with negotiated rates

### Flexible Growth

- All Self Service benefits
- Site upgrade assistance
- Cash grant options

### Wills Advantage

- All Self Service & Flexible Growth benefits
- Management of fuel system upgrades
- Splash In ECO Car Wash franchise opportunity

Fuels network  
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