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Tax Issues for Solar Energy Projects: Investment Tax Credit, Ownership Structuring, Federal and State Tax Challenges

TUESDAY, JULY 23, 2019

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General Issues in Claiming the ITC

When is the ITC Earned?

The ITC is generated 100% on the project's placed in service date

- Vests 20% per year

When is a project considered placed in service

- Condition or state of readiness and availability for its specifically assigned function;
- All necessary permits and licenses received (PTO);
- Synchronization into power grid; and
- Completion of critical tests

Other Rules Unique to the ITC

Claiming the ITC

- To claim the ITC, you *must be an owner* (or lessee) of the ITC property *on the property's placed-in service date*
  - Special rule for sale leaseback transaction (3-month window to transfer asset to investor and lease back)
- Because of this rule, ITCs cannot be "sold" to third parties which do not have an interest in the project
  - Allocated to members based on general profits percentage

What Property is Eligible for the ITC?

In order to be eligible for the ITC, the energy property must:

- Be depreciable or amortizable;
- Have an estimated life in excess of 3 years; and
- Be tangible personal property or other property if such property is *used as an integral part in the production of electricity*

Other Rules Unique to the ITC

Pass-through of ITC

- Upon election, the owner of ITC property may pass-through the ITC to a lessee
- When ITC is passed-through, the basis claimed by the lessee is equal to the fair market value

ITC Basis Reduction

- The depreciable basis of ITC property is reduced by 50% of the ITC claimed on such property
- Exception in structures where the ITC is passed through to a lessee

Tax Credit Declining to 10% for Solar

- The § 48 ITC for solar ramps down in accordance with the following schedule for the start of construction:

2018	2019	2020	2021	2022
30%	30%	26%	22%	10%

- To qualify for more than a 10% § 48 ITC, a project must be placed in service by the end of 2023, regardless of its start of construction date
  - Wind, unlike solar, does not have a placed in service statutory deadline, but the IRS's guidance created a "soft" deadline (discussed below)

Start of Construction Guidance – IRS Guidance for Solar

- Renewable energy tax credits determined by when the project started construction
- IRS issued Notice 2016-31 for Wind and Notice 2018-59 for Solar:
  - Projects have until December 31 of the year that included the fourth anniversary of the start of construction date to be "placed in service" (e.g., if construction started on a wind project in June 1, 2016, then project must be in service by December 31, 2020) to avoid "continuous" work/construction requirement

IRS Start of Construction Guidance

- Two methods to start construction:
  - Commence "physical work of a significant nature" or
  - Incur at least 5% of the cost of the project
    - Must take delivery of equipment purchased with 5% within 3.5 months of payment (e.g., April 15 if pay on December 31)
    - But must take delivery in same year if vendor provides debt financing
- Both methods generally follow the Treasury Cash Grant guidance but with some key differences
- No minimum level of work was required in order to meet the "physical work of a significant nature" requirement
  - Qualifying work – operational road construction, digging turbine foundations, manufacturing a customized step-up transformer or manufacturing other equipment not held in inventory by the manufacturer
  - Work not done by the project owner directly must be performed pursuant to a “binding written contract,” which has certain highly technical requirements
  - Look-Through Rule – EPC contractor can satisfy 5% safe harbor for project owner if EPC contractor and project owner have a binding written contractor (EPC contractor effectively finances 5% safe harbor for project owner)

Start of Construction – Market Impact

- Analysts estimate over 40GW of wind was safe harbored in 2016
  - 80% PTCs paid for by lower equipment costs + higher capacity factors
  - 60% - no clear line of sight – but industry is optimistic
- How liberal will the industry (tax equity) interpret the start of construction rules
  - Start-stop-start
  - Foot-faults in payments/delivery/contract mechanics
  - Going outside the 4-year window
    - Continuous efforts
    - Continuous construction
    - Anticipated excusable disruptions
- Solar ITC ramp down will depend on:
  - Ability of industry to find viable start of construction strategies
  - IRS/courts reactions to wind safe-harboring techniques

ITC Tax Equity Transaction Structures

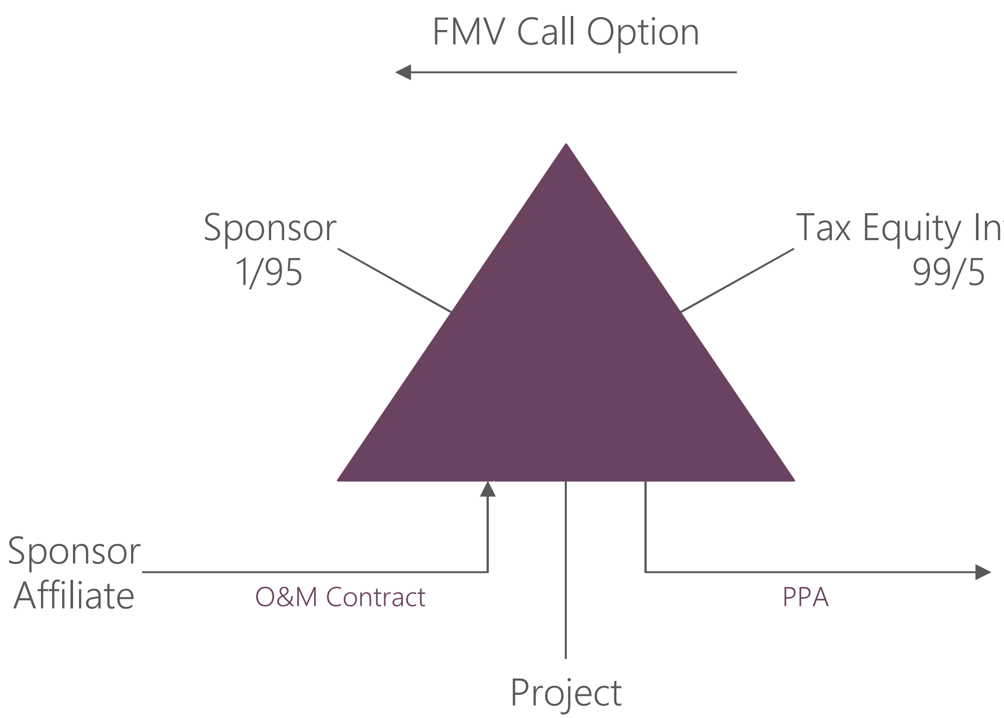
Three Principal Tax Equity Structures

- The three structures are partnership flips, inverted leases and sale-leasebacks.
- Solar may use any of the three transaction structures but there are practical and market based limitations.
  - Partnership flips are the most common structure.
  - Inverted leases are primarily used in residential rooftop and small commercial project aggregations.
  - Sale-leasebacks are typically limited to utility scale projects and are less common today that 5-10 years ago.

Partnership Flip Transaction

- A partnership flip is a simple concept. A sponsor brings in a tax equity investor (“TEI”) as a partner to own a renewable energy project together.
- The partnership allocates taxable income and loss 99% to the tax equity investor until the investor reaches a target yield, after which its share of income and loss drops to 5% and the sponsor has an option to buy the investor's interest. Cash may be distributed in a different ratio before the flip.
- Yield-based flips in the solar market price to reach yield in six to eight years, wind deals are ten years because of the PTC profile.

Basic Partnership Yield Flip



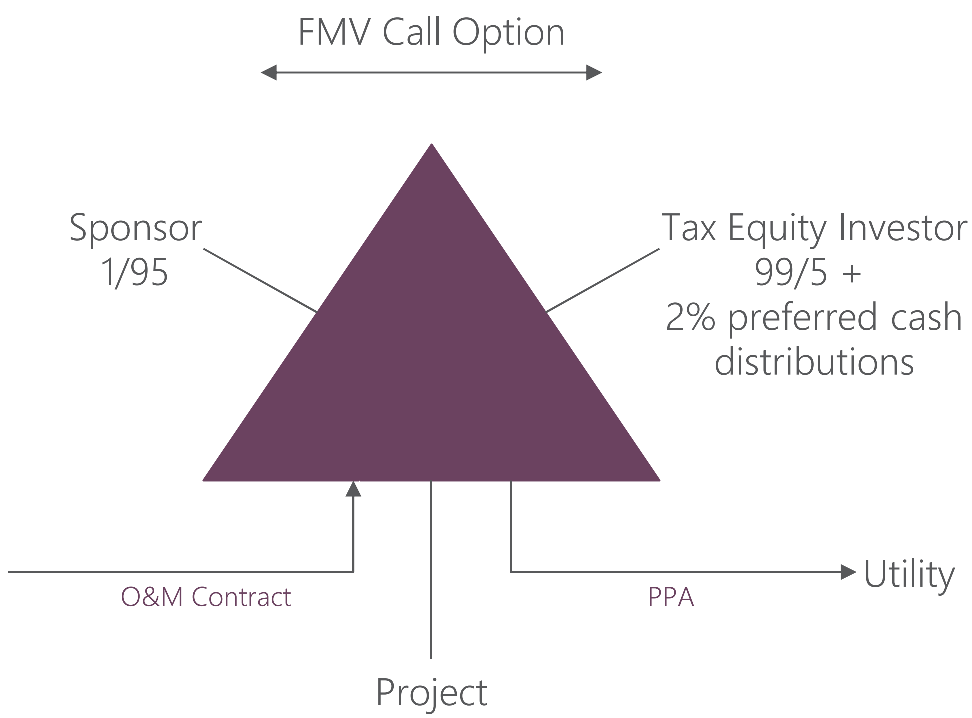
Partnership Flip Safe Harbor

- The IRS issued guidelines for partnership flip transactions in 2007. The guidelines provide a "safe harbor" for transactions that conform to them. Most transactions follow the safe harbor.
- The IRS has said that the guidelines were written with wind projects in mind and are not a safe harbor for solar transactions.
    - Not intended as an indictment of solar but an acknowledgement that different considerations can apply.
    - Most solar transactions follow the safe harbor principals anyway.

Fixed-Flip Structure for Solar

- In addition to the yield-based flip, for solar transactions there is also a fixed-flip structure.
- As opposed to being yield based, this transaction "flips" at a date certain after the ITC recapture period.
- This structure is only offered by a subset of TEIs but has grown in popularity over the last few years.
- The intent of the structure is to leave as much cash as possible for the sponsor to monetize in an alternative fashion.
- Since the structure is not yield based, it uses alternative mechanisms to protect investor downside such as preferred cash distributions and put call options.

Fixed Partnership Flip



Features of a Flip Transaction

- The sponsor is responsible for day-to-day management of the project. TEI consent is required for a list of "major decisions.“
- The TEI may invest by buying an interest in the partnership from the sponsor ("purchase model") or by making capital contributions to the partnership ("contribution model").
- In solar transactions, the purchase model may give the TEI a larger basis step up for calculating tax benefits but creates gain on sale for the sponsor.

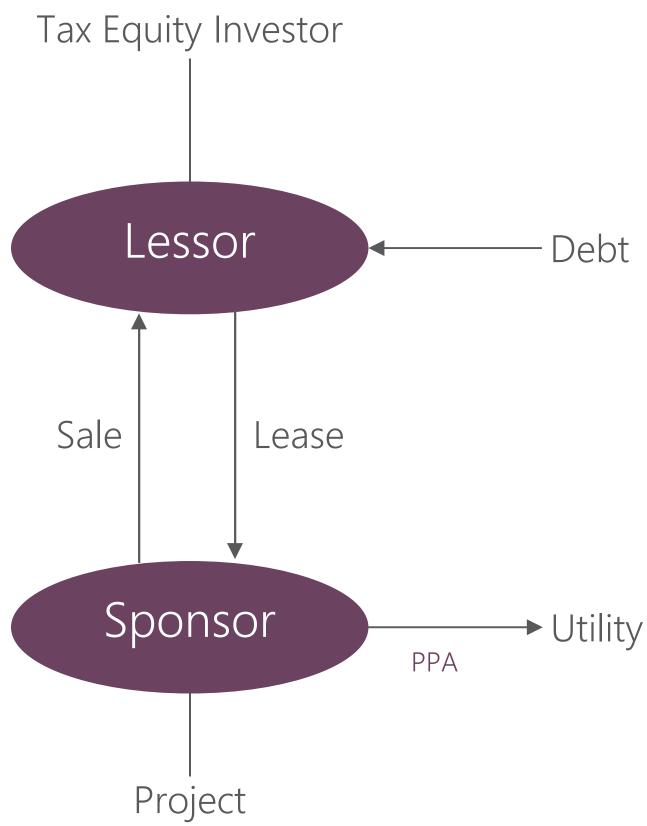
Capital Account Issues in Partnership Flips

- Almost all partnership flip transactions have "absorption" issues.
- Each partner has a "capital account" and "outside basis" that are two ways of measuring what the partner put into the deal and what it is allowed to take out in tax benefits.
- Most TEIs run out of capital account before they are able to absorb 99% of the depreciation.
- Few tax equity investors are willing to take a 100% depreciation bonus. Even where they are willing, it creates capital account complications.
- TEIs need to agree to a deficit restoration obligation ("DRO") to efficiently absorb the tax benefits.
- In many solar deals, the income allocated to the tax equity investor drops to 67% after year 1 until the partnership turns tax positive.

Sale-Leaseback Transaction Basics

- In a sale-leaseback, the solar company sells the project to a tax equity investor and leases it back (typically for 80% of the useful life).
- Unlike a flip where the TEI gets at most 99% of the tax benefits, all the tax benefits are transferred to the TEI without complicated partnership accounting. The TEI calculates tax benefits on the fair market value purchase price it pays for the project.
- The lessee has a gain on sale to the extent the project is worth more than it cost to build.
- The lessee retains a purchase option to repurchase the asset at the end of the lease term.

Sale-Leaseback Structure



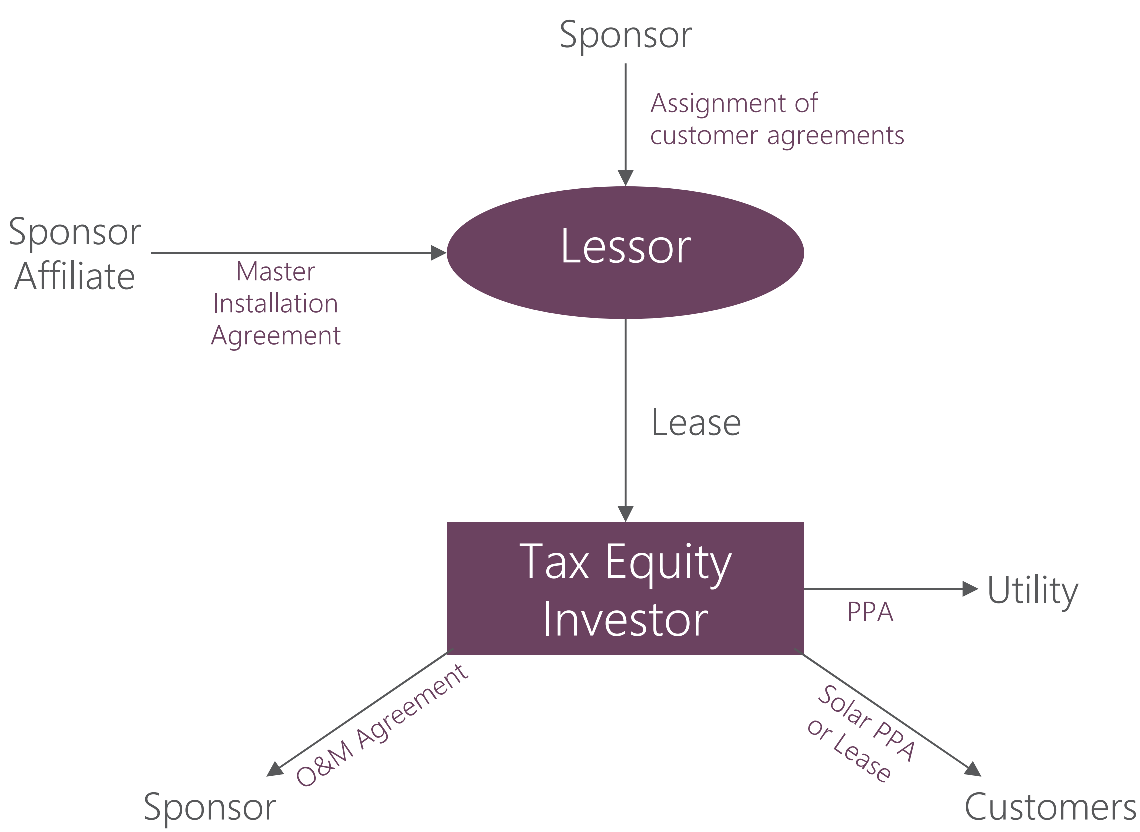
Sale-Leaseback Explained

- The sponsor/lessee is usually required to repay part of the purchase price as prepaid rent.
- The rent prepayment is considered a loan for tax purposes pursuant to IRC Section 467 that is deemed repaid as the prepayment is eliminated.
- Lease terms are typically limited to 80% of the assets useful life.
- Sale-leasebacks remain common in the C&I and utility-scale solar markets. They are uncommon in the solar rooftop market.

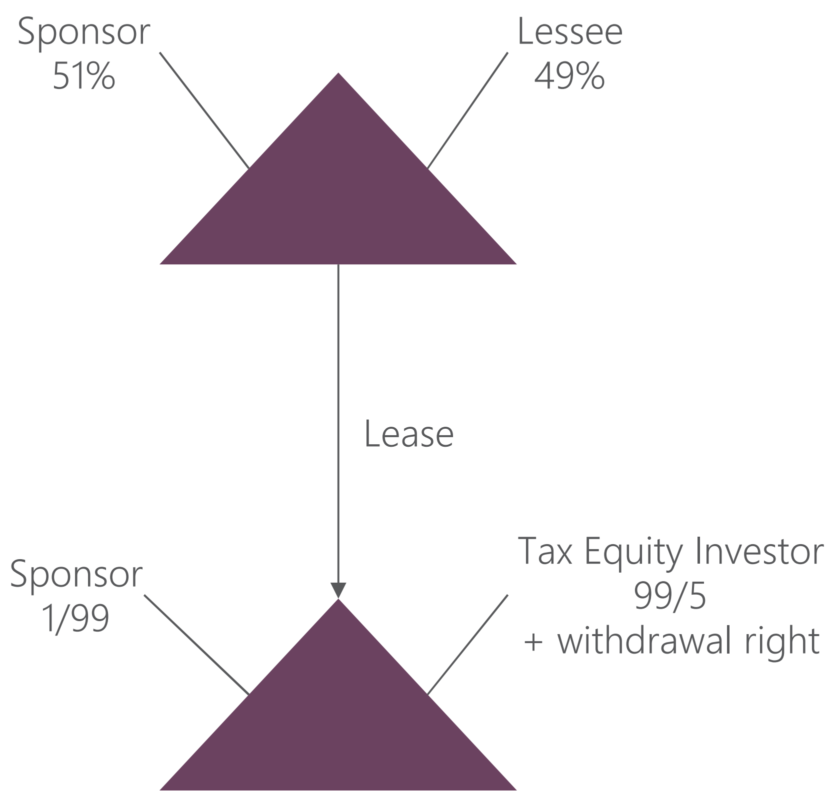
Inverted Leases

- Inverted leases are used mainly in the rooftop market.
- The solar company assigns customer agreements and leases rooftop solar systems in tranches to a tax equity investor who collects the customer revenue and pays most of it to the solar company as rent.
- The solar company passes through the investment credit to the TEI but keeps the depreciation. Special rules allow the TEI to claim the ITC based on the FMV of the eligible assets.
- The solar company takes the asset back at the end of the lease.

Basic Inverted Lease



Basic Inverted Lease



Inverted Leases Explained

- Sponsors like inverted leases because they get the asset back without having to pay for it, and the investment credit is calculated on the fair market value of the solar equipment rather than its cost.
- Unlike a sale-leaseback, the step up in asset basis does not come at a cost to the sponsor of a tax on a commensurate gain.
- There are no IRS guidelines for solar inverted leases. However, the structure is common in historic tax credit deals, and the IRS acknowledged it in guidelines in early 2014 to unfreeze the historic tax credit market after a US appeals struck down an aggressive form of the structure in a case called Historic Boardwalk.

Inverted Lease Structuring

- The TEI must have upside potential and downside risk to be considered a real lessee. Some tax counsel like to see a "merchant tail." Others focus on the amount of prepaid rent paid by the lessee and want to see at least a 20% rent prepayment.
- Inverted leases raise 20% to 40% of project value.
- The central challenge in inverted leases is how the capital raised by the structure moves from the TEI to the sponsor. In the conservative form, it moves as prepaid rent. In an overlapping ownership structure, the lessor makes a capital contribution to the lessor, and the lessee owns 49% of the lessor.

Comparing the Three Structures

- The three structures vary in terms of the amount of capital raised, risk allocation and the timing of when the TEI must invest. The sponsor must turn to other sources of capital (debt and equity) to raise the rest of the project cost.
- While the structures themselves can vary in underlying tax risk, the primary drivers of tax risk are in the internal structuring.

Business Risks In Each Structure

- The principal business risks in any transaction are weather, technology and off-taker credit.
- In a sale-leaseback, the sponsor has a hell-or-high-water obligation to pay rent and must indemnify the TEI for loss of tax benefits and any acceleration of rental income due to a lessee breach of a representation or covenant.
- In a flip, the TEI's return turns on how well the project performs. The TEI's protection is it sits on the project at a 99% level until it reaches a target yield.
- In an inverted lease, the risk can vary significantly based on the structure.

Tax Risk Allocation

- Tax risk are allocated between the sponsor and TEI through fixed tax assumptions.
- The fixed tax assumptions can vary by structure.
- Tax basis risk in solar deals tends to be borne by the sponsor, although this has been true only since 2010.
- Tax risks about which the sponsor has special insight are borne by the sponsor.
- Tax risks into which both the sponsor and TEI have equal insight are generally borne by the TEI.
- Risks over which neither has special insight are “jump balls”.

Timing of Tax Equity Investment

- Turning to timing, the TEI must be a partner in a flip deal before the project is placed in service.
- In some transactions, the TEI makes enough of its investment before the project is put in service to be a partner and contributes the rest after final completion.
- Inverted leases must be done before assets go into service.
- A sale-leaseback can be done up to three months after the asset is put in service.

Key Provisions of Tax Reform

Corporate Rate Reduction

- Corporate rate drops from 35% to 21% effective 1/1/18
  - Means at a high level that corporations are paying 40% less tax, so there is less tax appetite in the tax equity market
    - Tax equity market remains well supplied
  - Reduces the value of depreciation to corporations but does not impact the value of tax credits (so long as the corporation owes enough tax to use them)
- Corp Alternative Minimum Tax (AMT) is eliminated
  - Means corporations do not have to be concerned about AMT limiting their ability to use PTCs after the fourth year of the project's operation or 200% declining balance depreciation deductions

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New Tax Rates – Choice of Entity

Sponsor platforms largely held in pass-through entities

- Decision may depend on "GrowthCo" Vs. "YieldCo" model;
- Will the Corporate Tax Rate stay at 21%?
- Foreign earning assets should be held through US C Corporations (e.g., organized in Delaware)

Comparison of Prior Law and Post-Act Federal Effective Tax Rates Applicable to Corporations and Pass-Through Entities*

	Prior Law		New Law	
	Corporation	Partnership	Corporation	Partnership
Business Income	$100	$100	$100	$100
§199A Deduction	-	-	-	Up to 20%
Taxable Income	$100	$100	$100	$80
Tax Rate	35%	39.6%	21%	37%
Entity Net Income	$65	$60.40	$79	$70.4
Tax Rate on Corporate Dividend	20%	-	20%	-
Owner Net Income	$52	$60.40	$63.20	$70.40
Effective Tax Rate	**48%**	**39.6%**	**36.8%**	**29.6%**

* Figure omits the impact of the 3.8% Medicare surtax, which applies to corporate and REIT dividends and, in some cases, pass-through income (such as that relating to a passive activity). It is assumed that the owners of the corporation or partnership are not corporations.

Tax Reform Impact on Tax Equity: Bonus Depreciation

- A small number of projects can be structured with 100% bonus depreciation election, even though the benefit is probably marginal
- Key structuring challenges include
  - Tax equity investor's Section 704(b) "capital account" constraints (increasing the amount of "DRO" reduces the amount of loss reallocations)
  - Tax equity investor suspended losses in "outside basis" (Section 704(d))
- Wind projects tend to be better candidates for bonus depreciation due to higher starting outside basis of the tax equity investor

Bonus Depreciation – Cheat Sheet

- 100% expensing on almost all assets through 2022
- Gradual phase-out through 2026

Bonus Depreciation Rates Under Tax Reform		
Placed in Service Year	Bonus Depreciation Percentage	
	Personal Property (i.e., not Real Estate or Intangibles)	Longer Production Period Property and Certain Aircraft
Portion of Basis of Qualified Property Acquired on or before Sept. 27, 2017		
Sept. 28, 2017 – Dec. 31, 2017	50%	50%
2018	40%	50%
2019	30%	40%
2020	None	30%*
2021 and thereafter	None	None
Portion of Basis of Qualified Property Acquired after Sept. 27, 2017		
Sept. 28, 2017 – Dec. 31, 2022	100%	100%
2023	80%	100%
2024	60%	80%
2025	40%	60%
2026	20%	40%
2027	None	20%**
2028 and thereafter	None	None

* 30% applies to the adjusted basis attributable to manufacture, construction, or production before January 1, 2020, and the remaining adjusted basis does not qualify for bonus depreciation. 30% applies to the entire adjusted basis of certain aircraft placed in service in 2020.

**20% applies to the adjusted basis attributable to manufacture, construction, or production before January 1, 2027, and the remaining adjusted basis does not qualify for bonus depreciation. 30% applies to the entire adjusted basis of certain aircraft placed in service in 2027.

100% Bonus Depreciation Rules

- 100% expensing (i.e., "bonus" depreciation) is available for wind and solar property that is (i) new (but see below), (ii) acquired after September 27, 2017, and (iii) placed in service after September 27, 2017, and before January 1, 2023
  - 20% annual phase down for property placed in service in 2023 or later; full phase out (i.e., no bonus) for property placed in service in 2027 or later
  - For property acquired before September 27, 2018: (i) 50% for property placed in service before January 1, 2018; (ii) 40% for property placed in service in 2018; (iii) 30% for property placed in service in 2019; and (iv) 0% for property placed in service after 2019
    - Property is not treated as acquired after the date on which a "written binding contract" is entered into for such acquisition
  - Special rules apply to used property acquired after September 27, 2017

100% Bonus Depreciation Rules
(cont'd)

- Used property that is acquired after September 27, 2017, is eligible for 100% bonus depreciation if the following requirements are met:
  - The property has not been used by the taxpayer (or any member of taxpayer's consolidated group) at any time prior to such acquisition
  - The taxpayer does not acquire the property from certain related persons
    - A partnership is considered related to a partner that owns more than 50% of the capital interest or profits interest therein
  - The taxpayer does not take a carryover basis in the property (e.g., through a contribution to a partnership)
- The cost of used property does not include the basis of any other property already held by the taxpayer (e.g., exchanged basis)

100% Bonus Depreciation Rules
(cont'd)

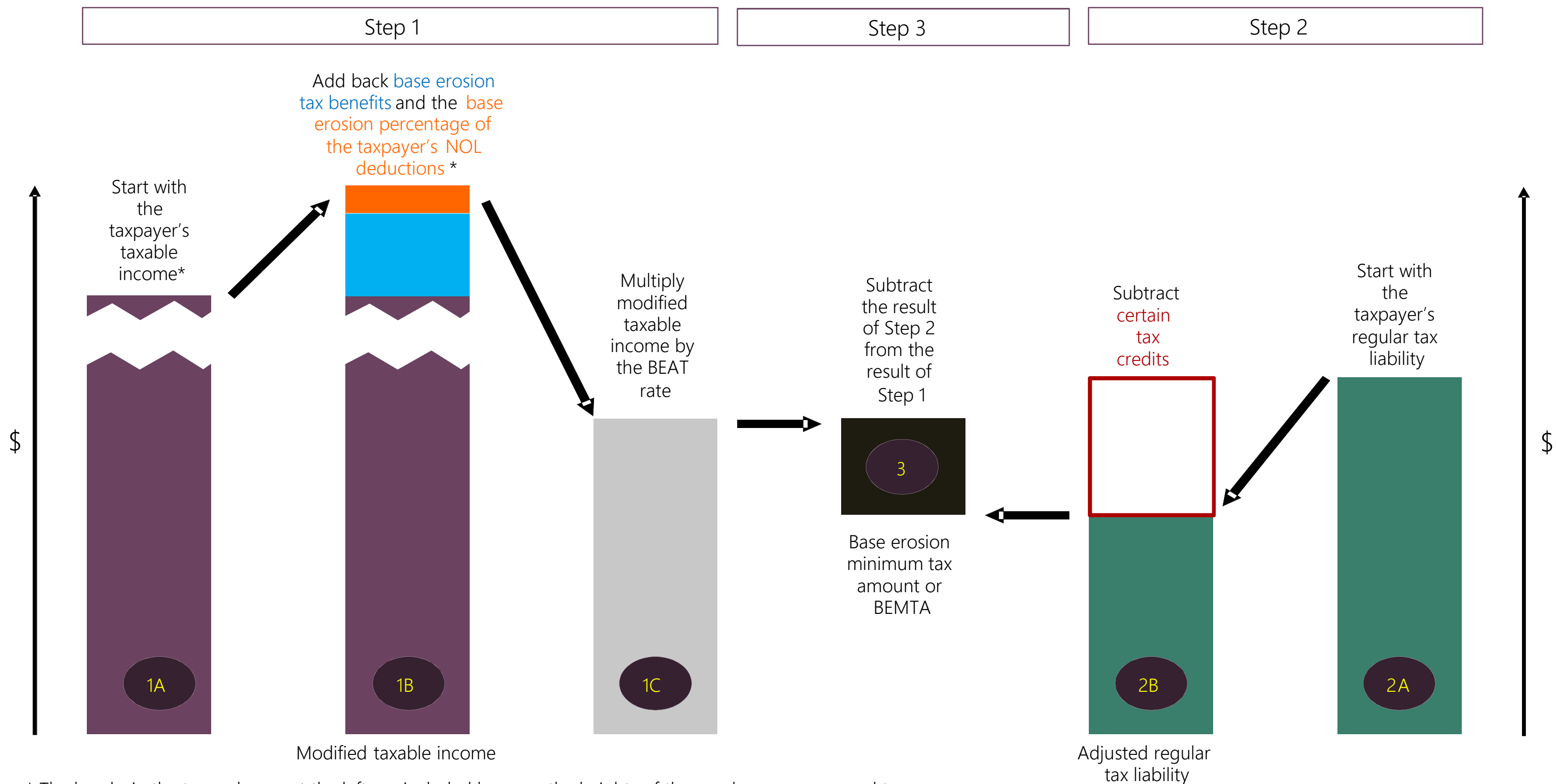
Special Partnership Items

- Section 704(c) remedial allocations are not eligible for bonus depreciation
- Section 734(b) basis adjustments (i.e., step-ups resulting from distributions in excess of a partner's outside basis) are not eligible for bonus depreciation
- Section 743(b) basis adjustments (i.e., step-ups resulting from a transfer of a partnership interest) are generally eligible for bonus depreciation
    - The transferee partner must still satisfy the acquisition requirements with respect to the partnership property to which the adjustment relates (e.g., not impermissibly related to the transferor, no carryover basis, etc.)
    - The transferee partner must not have previously had a "depreciable interest" in the portion of the partnership property deemed acquired
    - Prior use of the partnership property by the partnership is not relevant

BEAT Basics

- **Section 59A** enacted by Tax Reform
  - Functions as a minimum income tax that requires certain corporate taxpayers to pay as tax at least a specified percentage of their taxable income, as modified to exclude certain deductions that are deemed to constitute base erosion tax benefits
  - Designed to limit the tax benefits of payments made by corporate taxpayers subject to US income tax to affiliates that are not subject to US tax, or are subject to a reduced rate via income tax treaty, as a result of receiving the payments
- **Basic Formula:** "applicable taxpayers" must pay the "base erosion minimum tax amount" (BEMTA), which equals the excess, if any, of (1) the "base erosion and anti-abuse tax rate" (BEAT rate) multiplied by the applicable taxpayer's "modified taxable income" over (2) the applicable taxpayer's "adjusted regular tax liability"

BEAT Basics: BEMTA Visualized



* The breaks in the two columns at the left are included because the heights of these columns correspond to taxable income whereas the heights of the other columns correspond to tax liability

Through 2025, 20% of energy tax credits (PTC and ITC) and low income housing tax credits are subtracted. After 2025, all tax credits are subtracted.

Impact of BEAT

- Most tax equity investors have stayed in the market
  - New entrants have exceeded those who departed
  - Some have shifted to a syndication business model
- Limited impact on tax equity pricing
- Foreign-parented tax equity investors most likely to be impacted
- Some deals "price in" BEAT as an alternative computation of an "After-Tax IRR" to ensure the TE's return is not too low after BEAT
- Some deals factor BEAT into sizing the TE investment
- Due to BEAT's treatment of tax credits starting in 2026, BEAT is more of an issue for wind PTC deals due to 10-year PTC stream v. ITC in placed in service year
- Impact of recent regulations still being worked out by the market

Emerging Issues and Hot Topics

New Partnership Audit Rules

- New partnership audit rules replaced the prior TEFRA rules in 2018.
- As a default position the new rules keep audit liability at the partnership, as opposed to pushing out the liability to the partners.
- The IRS will assess back taxes at the partnership level starting with the 2018 tax year.
- In most deals, a “push-out election” is made to address new partnership audit rules.
- The new rules replace the concept of a tax matters partner with a partnership representative.

Deficit Restoration (DRO) Issues

- The IRS expressed doubts in October 2016 about whether some DROs are real.
- There should be "commercially reasonable provisions for enforcement and collection of the obligation," and the partner should be "required to provide (either at the time the obligation is made or periodically) commercially reasonable documentation regarding the partner's financial condition to the partnership."
- The IRS has now started to require that partnerships track and report partner DROs in their tax returns.
- It is unclear what the IRS wants to do with this information.

Cash Sweeps / Tax Insurance

- Cash sweeps are another source of tension in deals.
- Sponsors want to retain enough cash to cover debt service on back-levered debt.
- Many investors agree to limit sweeps to 50% to 75% of cash or, in some cases, to prevent the sweep from reaching cash to cover principal and interest on the debt.
- Tax insurance and rep & warranty insurance have become popular transaction features over the last 5 years as a way to mitigate or eliminate cash sweeps.
- As the market has evolved, tax ins. is beginning to cover things like begun construction risk.

Step-Ups in Tax Basis

- Almost all Solar deals involve some amount of ITC step-up
  - 20% "developer fees" if using a Developer Services Agreement or an "entrepreneurial incentive" in "cost" approach valuation
  - Fees on top of fees
  - Cash Grant litigation – current developments
- Step-up risks are largely borne by sponsor
- Role of appraiser
- Allocating value to Power Purchase Agreements
- Sponsor should control basis indemnity disputes with the IRS

Battery Storage

Must be privately owned (can't be owned by a public utility)

If a stand alone system, no ITC and depreciable over 7 years

If storage incorporated into a new system…

- If not more than 25% of the energy stored comes from non-solar sources, then you can depreciate 100% of the cost using 5 yr MACRs (which generally then gest reduced by 50% of any ITC claimed), otherwise not ITC eligible and
  - 1.48-9(d)(6)
  - 168(e)(3)(B)(vi)

The portion that is ITC eligible is the estimated annual percentage of energy stored that was generated by the energy property

Some are of the view that pre-existing facilities can be retrofitted based on a wind PLR (201208035)

State and Local Tax Considerations

State and Local Tax Issues: Property taxes

Land owned or leased

- For leased land, often passed through to the tenant (i.e. like a triple net lease).
- If not passed through, essentially built into the rent.

Tangible personal property

- Can vary and often tax agreements executed.
- Some states provide exemptions for solar.

State and Local Tax Issues: Sales and Use

Development phase

- Sales taxes incurred by customers of EPC contracts:
  - Some states provide full, partial or no exemptions. It's usually the burden of the customer to provide the vendor with the exemption certificate.
  - If you planned to re-sell as a plan then the final seller generally charges the sales tax unless the ultimate buyer provides an exemption certificate.

State and Local Tax Issues: Sales and Use

Operations phase

- Electricity revenue
  - Is there a sales tax exemption?
  - Is the PPA contract structured as a service contract?
  - Is the customer a tax exempt or a corporate customer?
- REC revenue
  - Sold separate or bundled in with the PPA?
  - Sold separate to a re-seller or direct to a utility?
- Capacity revenue
  - Is the customer the utility and is the capacity sold considered an intangible asset?

Combining Solar with the Opportunity Zone Tax Incentive

Qualified Opportunity Zone - Highlights

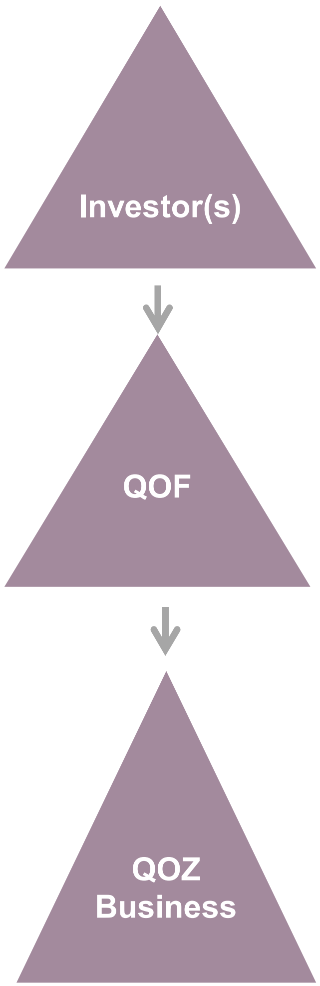
A series of tax breaks associated with certain low income communities called "Qualified Opportunity Zones."

- Intended to attract investor capital to low-income census tracts selected by governors of each state

- Many of the early deals have involved urban areas already undergoing gentrification

- Developers and local governments are slowly getting experience with other types of deals

The Essential Elements of a QOZ Deal



Investor Level:

- Gains, attributes of gains and taxpayers
- Timing of 180 day investment period from investor to QOF

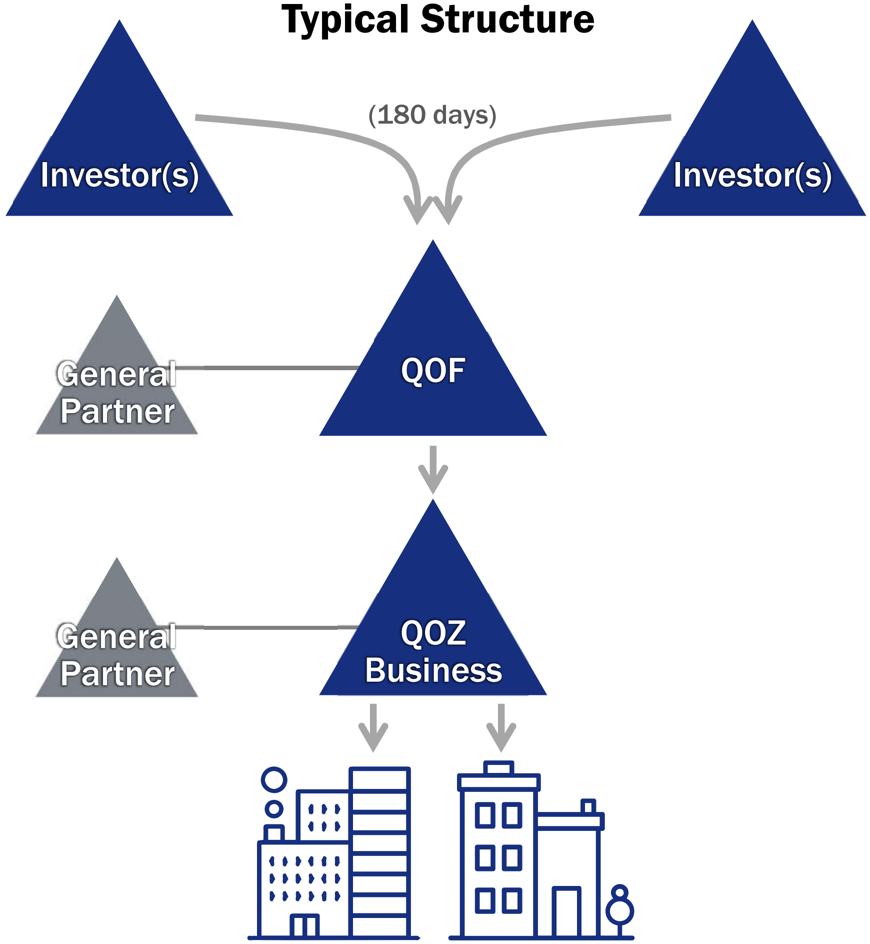
Qualified Opportunity Fund (QOF) Level:

- Investments eligible as qualified OZ property (QOZP) and 90% requirement
- Certification and timing of 6-month / year-end 90% testing dates

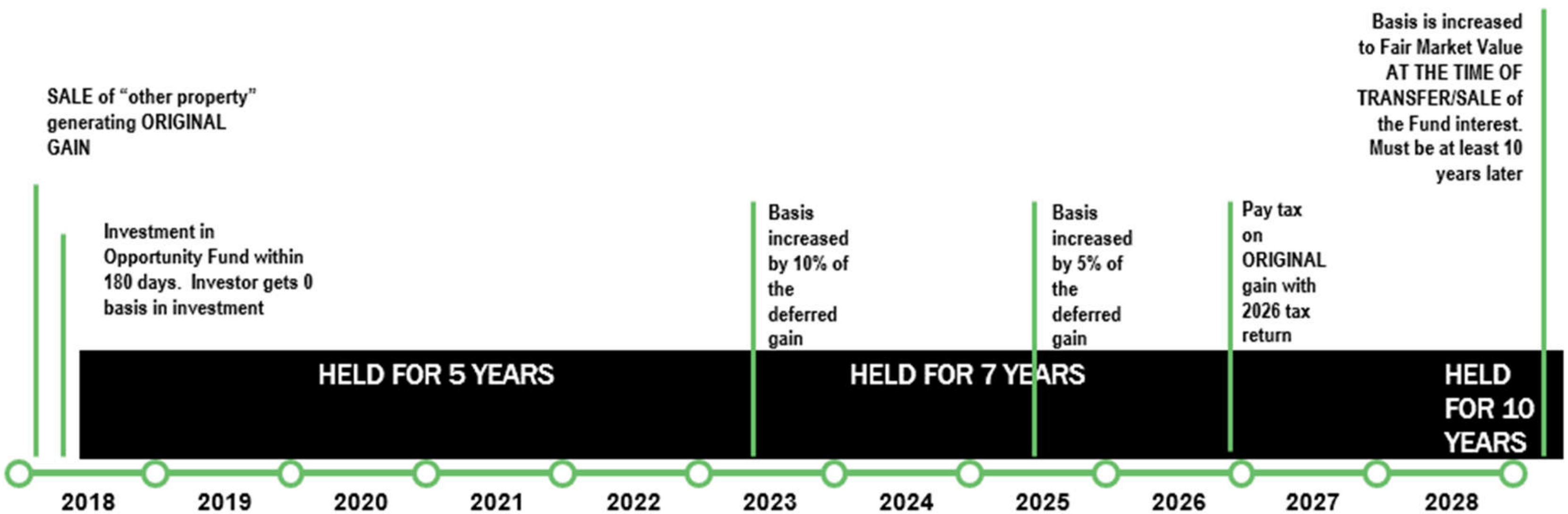
Qualified OZ Business (QOZB) Level:

- Investments that qualify as QOZB Property (QOZBP) and 70% threshold
- QOZB requirements: 50% income in OZ, 40% intangible property, <5% Nonqualified Financial Property (NQFP)

Typical Structure



How It Works | Tax Deferral and Tax Exemption



Legislative Update

THE NEED FOR EDUCATION

Policy Highlights

SEIA, on behalf of almost 1,000 solar companies, sent a letter to congress on July 17th urging an extension of the 30% ITC. Among other things, the letter touted:

- $140 billion in economic activity since inception
- 240,000 American workers currently, which has doubled since 2010

Senate Republicans lack a renewables champion since Senator Dean Heller (R-Nevada) left.

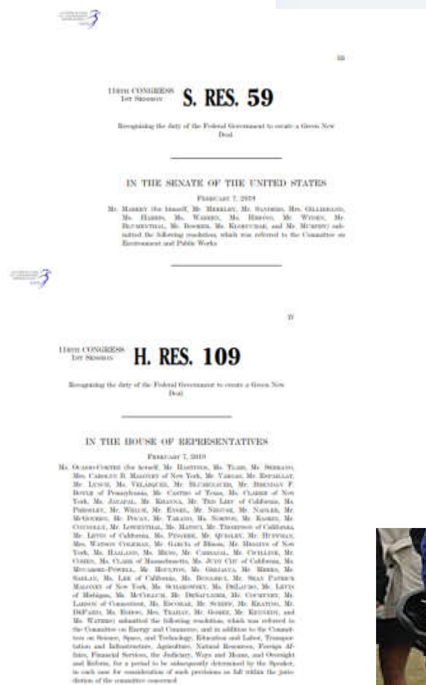
Senator Chuck Grassley (R-Iowa) has historically been a stronger PTC champion

House Representative Richard Neal (D-Massachusetts) is a leading voice for renewables.

- Note: There's also a 1 year PTC extension in the house extenders bill however House republicans aren't necessarily convinced of the funding

What about the

Green New Deal?



116TH CONGRESS 1ST SESSION **S. RES. 59**

Recognizing the duty of the Federal Government to create a Green New Deal.

IN THE SENATE OF THE UNITED STATES

116TH CONGRESS 1ST SESSION **H. RES. 109**

Recognizing the duty of the Federal Government to create a Green New Deal.

IN THE HOUSE OF REPRESENTATIVES

2019

CURRENT LEGISLATION

Clean Energy for America Act

Introduced May 2, 2019

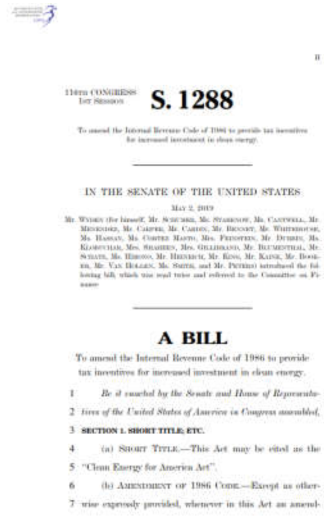
Cosponsors: 25D 1I 0R

WYDEN
D-OR

SCHUMER
D-NY

STABENOW
D-MI

CANTWELL
D-WA



116TH CONGRESS
1ST SESSION
S. 1288

To amend the Internal Revenue Code of 1986 to provide tax incentives for increased investment in clean energy.

IN THE SENATE OF THE UNITED STATES

MAY 2, 2019

A BILL

To amend the Internal Revenue Code of 1986 to provide tax incentives for increased investment in clean energy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

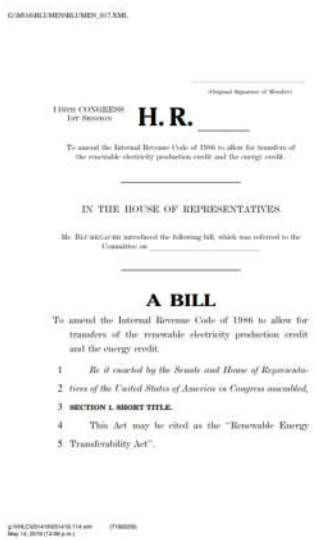
SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the "Clean Energy for America Act".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amend-

2019

CURRENT LEGISLATION



H. R. ____

To amend the Internal Revenue Code of 1986 to allow for transfers of the renewable electricity production credit and the energy credit.

IN THE HOUSE OF REPRESENTATIVES

A BILL

To amend the Internal Revenue Code of 1986 to allow for transfers of the renewable electricity production credit and the energy credit.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Renewable Energy Transferability Act".

RETC Transferability Bill

Introduced May 14, 2019

Cosponsors: 1D 1R

BLUMENAUER
D-OR

LAHOOD
R-IL

"To amend the Internal Revenue Code of 1986 to allow for transfers of the renewable electricity production credit and the energy credit."

2019

CURRENT LEGISLATION

Energy Storage Tax Incentive and Deployment Act

HR 2096 introduced April 4, 2019 | S 1142 introduced April 11, 2019

Cosponsors: HR 2096 **15D** **1R** | S 1142 **11D** **1R**

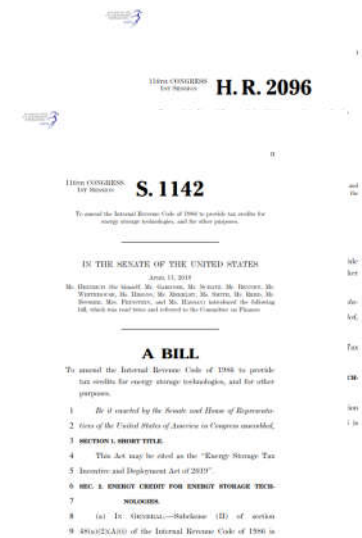
REP DOYLE
D-PA

REP BLUMENAUER
D-OR

REP BUCHANAN
R-FL

SEN HEINRICH
D-NM

SEN GARDNER
R-CO



2019