

# Business Energy Tax Credit Application for Final Certification for Pass-through Projects

1. When the project is finished, the project owner should complete this application. The project owner must be the same entity as on the Preliminary Certificate. The person signing for the project owner must be the owner or an owner, partner, managing member or shareholder of the project owner. **Important: There may be tax implications to using the Pass-through Option. Please consult with your tax preparer.**
2. Include verification of your **total** project costs. Final eligible certified costs may not be more than 110 percent of the preliminary certified costs unless you have submitted your project changes in writing and received approval from the Oregon Department of Energy before you completed your project. (Cost increases alone are **not** sufficient for the Oregon Department of Energy to issue a revised Preliminary Certification.)
  - If the final total project costs are less than \$50,000, include copies of canceled checks (copy both sides) **or** the contractor's or vendor's invoices/receipts. If you send copies of the invoices/receipts, please make sure they show the date of purchase or installation and the date of payment, are clearly marked "PAID in full" and are identified as from the contractor or vendor.
  - If the final total project costs are \$50,000 or more, send a letter signed by a Certified Public Accountant (CPA) *who is not an employee of your business*. A sample CPA letter is available on our Web site. ([www.oregon.gov/ENERGY/CONS/BUS/docs/CPA.pdf](http://www.oregon.gov/ENERGY/CONS/BUS/docs/CPA.pdf))
3. If part of the project included equipment that is leased, include a copy of the lease in the cost verification. If contractors, etc. were paid with loan proceeds, include a copy of the loan document.
4. Subtract any federal **grants** from the project costs to arrive at the total project costs. American Recovery and Reinvestment Act 2009 stimulus funds are considered federal grants.
5. List any utility, Energy Trust of Oregon and other financial incentives and federal tax credits you receive (or expect to receive) for this project. These incentives and tax credits should **not** be deducted, but must be listed. The total of your financial incentives and federal tax credit and the Business Energy Tax Credit may **not** exceed the final eligible project costs.
6. The project owner must complete and sign the Project Owner Statement. The Project Owner must be exactly the same entity as that issued on the Preliminary Certificate. If there has been a change in ownership, please contact the Oregon Department of Energy at 1-800-221-8035.
7. **If you do NOT have a pass-through partner** (the tax credit recipient) at this point, mail your application to the Oregon Department of Energy. We will review your final application. If approved, the Oregon Department of Energy will provide a Certified Amount Letter to you that indicates the final certified eligible project costs and the pass-through rate in effect. We will place your final application on "hold" status until a partner is secured. By having your portion of the paperwork finalized and on "hold," the remaining steps can be completed in a timely manner when a pass-through partner becomes available.
8. **If you do have a pass-through partner** and both you and the pass-through partner have signed this Application for Final Certification for Pass-through Projects, mail the completed application to the Oregon Department of Energy and we will review it. If approved, the Oregon Department of Energy will then issue a Certified Amount Letter to you that indicates the final certified eligible project costs and the pass-through rate in effect. We will then issue the pass-through partner a

Pass-through Payment Letter. They will make a lump sum cash payment to the project owner equal to the pass-through amount indicated on the Pass-through Payment letter.

9. The project owner will notify the Oregon Department of Energy in writing or by e-mail that the payment has been received.
10. The Oregon Department of Energy will issue the Final Certificate to the pass-through partner (tax credit recipient).

**Important:** If the project is sold, traded or disposed in some way, or if the terms of a leased project have ended after the Oregon Department of Energy has issued the Final Certificate, the project owner must notify the Oregon Department of Energy in writing within 60 days of the event and before any additional tax credits are claimed.

**Questions?** For questions on claiming the tax credit, contact the Oregon Department of Revenue ([www.oregon.gov/DOR](http://www.oregon.gov/DOR)) or call 1-800-356-4222.

Call the Oregon Department of Energy at 1-800-221-8035 (toll-free in Oregon) or (503) 378-4040 (Salem). Or visit our Web site ([www.oregon.gov/energy](http://www.oregon.gov/energy)).

## Business Energy Tax Credit

# Application for Final Certification for Pass-through Projects

<b>For office use only</b>
Application #:
Date received:
Final certified cost:

### Application must be complete

<b>1. Project information</b>		
Project owner name: (Must be the same as the Preliminary Certificate)		
Contact person:	Title:	
Mailing address:		
City/state/zip		
Phone:	E-mail:	
Site address of project:		
City:	County:	Zip:

<b>2. Date project completed:</b>
(The specific date the project is operational and all contractors, vendors, etc. have been paid in full.)

<b>3. Project cost</b>		
Final project costs (Regardless if these costs are eligible costs for the Business Energy Tax Credit)	<input type="checkbox"/> I have enclosed a CPA letter if final project costs are \$50,000 or more	\$
Subtract any federal grants		\$
Is this part of the 2009 federal stimulus package? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Total final project costs		\$
<p><b>Other incentives:</b> Please list any utility, Energy Trust of Oregon, or other organization rebates or incentives (not loans) or any federal tax credits that you received (or expect to receive) for this project. List the name of the group and the amount received. If there are none, state "none." <b>(This is a required field.)</b> These financial incentives and federal tax credits will not be deducted from your final eligible project costs, however, the sum of all financial incentives and federal tax credit and the Business Energy Tax Credit may <u>not</u> exceed 100 percent of the final eligible project costs.</p>		
		\$
		\$
		\$
		\$

**4. Project Owner Statement** (All fields must be completed)

1. I certify that the information in this application is correct and I am the owner of this energy project. I have complied with all conditions of the Preliminary Certificate: ORS 469.185-225, 315.354, 315.356, and OAR 330-090-0105 to 330-090-0150. I grant to the Oregon Department of Energy permission to inspect the project for compliance with tax credit requirements either before issuing Final Certification or during the years in which a tax credit is being claimed.
2. I understand that Oregon Department of Energy approval and certification of my project is for tax credit purposes only. The Oregon Department of Energy does not guarantee or in any way ensure the performance of any equipment, the quality of any system or the reliability of any dealer.
3. I will comply with the provision that the facility must operate in accordance with the representation made in the Application for Preliminary Certification. I understand that I must inform the Oregon Department of Energy in writing within 60 days and before any additional tax credits are claimed if the facility is sold, traded or disposed of in some way, or if the term of a leased facility has ended and that the Director will revoke the Final Certification.
4. I certify that the project complies with all local, state and federal requirements and I obtained all necessary permits.
5. I understand that this tax credit application is a public record and that Oregon Department of Energy may be required by law to disclose information in this tax credit application to the public on request. I have marked any information that I request be kept confidential. I understand that marking information does not guarantee that it will be kept confidential and that the Director of the Oregon Department of Energy will make any decisions regarding public disclosure of information contained in this application in accordance with the Oregon Public Records Law.
6. I understand that the Oregon Department of Energy does not endorse any company that requests information on this application and does not sell information as a mailing list.
7. I hereby (a) release the State of Oregon and its commissions, agencies, officers, employees, contractors, and agents, and agree to defend and indemnify the foregoing from and against any claims, demands, or costs (including attorney and expert witness fees at trial and on appeal) arising from or in any way related to claims made by applicant or any parent or subsidiary of applicant and which are related in any way to the Oregon Department of Energy's issuance or failure to issue any pre-certification or final certification to applicant for a Business Energy Tax Credit, or the inability to obtain a Business Energy Tax Credit; and (b) agree to reimburse the State of Oregon for any damages, costs and expenses, including, but not limited to attorney fees and reasonable expenses for agency staff and in-house legal counsel incurred as a result of, or arising from or in any way related to the applicant obtaining certification for a Business Energy Tax Credit by fraud or misrepresentation or failing to construct or operate the facility in compliance with the plans, specifications and procedures in any certification to applicant for a Business Energy Tax Credit. Agreement to the terms of this paragraph by applicants that are agencies of the State of Oregon is subject to the limitations of Article XI, section 7 of the Oregon Constitution and the Oregon Tort Claims Act (ORS 30.260 through 30.300).
8. I understand that the sum of all financial incentives for this project and the tax credit amount can not exceed the total eligible project cost.
9. I verify that the project owner does not restrict membership, sales, or services on the basis of race, color, creed, religion, national origin, sexual preference or gender.

**Project Owner Name:**  
(Must be the same as the Preliminary Certificate)

SSN or Tax ID#:	Application #
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By signing this Statement, I acknowledge that I have read and agree with the terms and conditions of the Project Owner Statement and have not altered it in any way. I certify that I am the owner, partner, member, officer or shareholder of the project owner.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_

**All fields must be filled or application will be returned.**

**5. Tax Credit Recipient Statement** Please photocopy for each tax credit recipient

1. I understand that OAR 330-090-0130 authorizes the Oregon Department of Energy to use my federal tax identification or social security number as an identification number in maintaining internal records and may be shared with the Oregon Department of Revenue to establish the identity of an individual in order to administer state tax law.
2. I understand that the tax credit recipient must comply with Oregon Department of Revenue requirements to document that the credit has been appropriately assigned, allocated or transferred, and claimed, and that compliance is subject to audit.
3. I understand that this tax credit application is a public record and that Oregon Department of Energy may be required by law to disclose information in this tax credit application to the public on request. I have marked any information that I request be kept confidential. I understand that marking information does not guarantee that it will be kept confidential and that the Director of the Oregon Department of Energy will make any decisions regarding public disclosure of information contained in this application in accordance with the Oregon Public Records Law.
4. I understand that the Oregon Department of Energy does not endorse any company that requests information on this application and does not sell information as a mailing list.
5. The undersigned Tax Credit Recipient hereby releases the State of Oregon and its commissions, agencies, officers, employees, contractors, and agents, and agrees to defend and indemnify the foregoing from and against any claims, demands, or costs (including attorney and expert witness fees at trial and on appeal) arising from or in any way related to claims made by Tax Credit Recipient or any parent or subsidiary of Tax Credit Recipient and which are related in any way to the Oregon Department of Energy's issuance or failure to issue any pre-certification or final certification to applicant for a Business Energy Tax Credit, or the inability to obtain a Business Energy Tax Credit. This release and indemnification does not affect the right of the undersigned to claim a Business Energy Tax Credit on an Oregon tax return under a final certification issued by the Oregon Department of Energy and in accordance with applicable law.
6. I verify that the tax credit recipient does not restrict membership, sales, or services on the basis of race, color, creed, religion, national origin, sexual preference or gender.
7. I have completed this form to the best of my knowledge.

<b>Tax Credit Recipient (All fields must be completed. Please print)</b>		<b>Application #</b>
Tax credit recipient name:		
Recipient SSN or Tax I.D. #:	Tax credit share:	%
By signing this statement, I certify that I am an individual or corporation that has an Oregon tax liability. * (A pass-through tax credit may <b>not</b> be issued to a partnership, an LLC, or an LLP filing taxes as a partnership.)		
Recipient mailing address:		
City/state/zip:		
Recipient phone:	Recipient E-mail:	
By signing this statement, I acknowledge that I have read and agree with the terms and conditions of the Tax Credit Recipient Statement above and have not altered it in any way.		
Signature of tax credit recipient:		Date:

**\* Information will be shared with the Oregon Department of Revenue to administer state tax law. Please contact the Oregon Department of Revenue for more information 1-800-356-4222. All fields must be filled or application will be returned.**