

Oregon Business Energy Tax Credit

Application for Preliminary Certification for Fuel Cell Projects

Business owners and others who invest in fuel cell projects in Oregon may be eligible for a state tax credit. The tax credit for fuel cell projects is 35 percent of eligible project costs. The tax credit is filed over five years: 10 percent in the first and second years and 5 percent each year thereafter. For projects with eligible costs of \$20,000 or less, the tax credit may be taken in one year. Unused credits can be carried forward up to eight years.

Eligible Applicants

An eligible applicant (a project owner) must meet the following three requirements:

1. Be a trade, business or rental property owner with a business site in Oregon
or
Be an Oregon non-profit organization, tribe, or public entity that partners with an Oregon business or resident;
2. Own or be the contract buyer of the project; and
3. Use the equipment or lease it to another person or business in Oregon.

Pass-through Option

Non-profit organizations, schools and other public entities that do not have an Oregon tax liability may participate in the Business Energy Tax Credit Program by using the Pass-through Option. Project owners may “pass-through” or transfer their 35 percent tax credit project eligibility to a pass-through partner in exchange for a lump-sum cash payment. The Oregon Department of Energy determines the rate that is used to calculate the cash payment. Both the project owner and pass-through partner must sign the Application for Final Certification for Pass-through Projects before a Final Certification is issued to the pass-through partner. The same review, rules and standards apply to projects approved under the Pass-through Option as those using the regular Business Energy Tax Credit Program. **Please note:** The Pass-through Option is also available to a project owner with an Oregon tax liability who chooses to transfer his or her tax credit. There may be tax implications to using the Pass-through Option. Please consult your tax preparer.

Timing

The Oregon Department of Energy must receive the Application for Preliminary Certification for Fuel Cell Projects **BEFORE** the project owner financially commits to start the energy project. For example, **an owner must apply before purchasing equipment or signing a contract.** If a project owner starts a project and then decides to apply for the tax credit, the owner must submit a written request for a waiver with the application. The waiver request and application must be sent within 90 days of the project start date and must demonstrate an extenuating business circumstance that caused the delay in the application.

Work on the project must begin within three years of the approval date of the Preliminary Certificate or within three years of the approval date of any changes to the project. Projects must have a simple payback of more than one year. Projects with simple paybacks greater than 15 years will have eligible costs prorated accordingly. A project owner must receive a Final Certificate before the credit can be claimed on an Oregon tax return.

Confidential Information and Disclosure

The State of Oregon's Public Records Law (ORS 192.410 et seq.) (PRL) applies to tax credit applications submitted to the Oregon Department of Energy. The law states every person has a right to inspect any public record of a public body, subject to certain exceptions.

Trade secrets and confidential business records information may be exempt from disclosure. Certain information, including trade secrets (ORS 192.501(2) and confidential submissions (ORS 192.502(4)), may be exempt from disclosure under exemptions to the PRL. Please consult your legal counsel to determine whether these or other exemptions could apply to your application.

Mark on each page any information that you believe are trade secrets, business records or that is otherwise protected under the PRL and that you request to be kept confidential. Marking information does not guarantee that it will be kept confidential. 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.

Under certain circumstances, as set out in ORS 192.445 (1), the personal safety exemption to the PRL, the Oregon Department of Energy is authorized to withhold your address, phone number and electronic mail address. If you want to claim this exemption under the PRL, please contact the Oregon Department of Energy prior to sending in your application for a Business Energy Tax Credit. Please consult your legal counsel to determine whether this exemption applies to you.

The Oregon Department of Energy does not endorse any company that requests application information and does not sell this information as a mailing list.

Before the project begins:

1. A project owner must complete the Application for Preliminary Certification for Fuel Cell Projects. He or she must send the signed form, supporting documentation, and payment for review charges to the Oregon Department of Energy before the project begins. Incomplete applications will not be accepted. **Note:** Be sure and check the Web site to ensure you are using the latest application version. (Dates are in the lower right-hand corner.)
2. A project owner may start the project when he or she receives a Preliminary Certificate. The Oregon Department of Energy usually takes four to six weeks to review an application provided all necessary information is submitted. Please note: A project owner may begin the project before receiving a Preliminary Certificate, however, there is no guarantee the project will be approved.
3. If vital characteristics of the project change after receiving the Preliminary Certificate, the project owner should submit a signed, written, detailed description of the changes to the project and energy savings estimates. An increase in cost only does not qualify as a project change. If the Oregon Department of Energy approves a project change, a project owner may be required to pay an additional review charge.
- 4.

After the project is complete:

1. A project owner should apply to the Oregon Department of Energy for final certification when the project is completed. If project costs are \$50,000 or more, an owner must send a letter from a certified public accountant (not employed by the project owner) stating that he or she has reviewed the project costs. If project costs are less than \$50,000, the project owner should send copies of the dated invoices, canceled checks or receipts that are marked "paid."
2. The Oregon Department of Energy will review the final application and may issue a Final Certificate. Under no circumstances can the Oregon Department of Energy approve more than 110 percent of the amount of eligible project costs shown on the Preliminary Certificate unless the project was amended in writing and received approval before completion. **The sum of all financial incentives and the tax credit may not exceed the total eligible project costs.**
3. A project owner may file the tax credit over five years (10 percent for years one and two; 5 percent for years three, four and five). If the eligible project costs are \$20,000 or less, a project owner may file for the tax credit in one year. A project owner may begin claiming the tax credit the year the project is finished or the year the Oregon Department of Energy issues the Final Certificate. A project owner should include a copy of the Final Certificate with his or her tax return each year.

Questions?

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

For questions concerning the project, 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).



Oregon Business Energy Tax Credit Application for Preliminary Certification

Fuel Cell Project

Pass-through Option	For office use only
<p>Yes No</p> <p><input type="checkbox"/> <input type="checkbox"/> I want to use the Pass-through Option*</p> <p><small>*The Pass-through Option will allow you to transfer your tax credit project eligibility to another business or individual (a pass-through partner) in exchange for a lump-sum payment. The payment amount is calculated using the pass-through rate. To use the Pass-through Option, check the Yes box above, complete this application form and send the form to the Oregon Department of Energy. There may be tax implications to using the Pass-through Option. Please consult your tax preparer.</small></p>	<p>Application #:</p> <hr/> <p>Date received:</p>

The Oregon Department of Energy must receive your completed application before you financially commit to start the energy project .

1. Project owner information	
Project owner's name (The legal owner of the project)	
Tax I.D. # or SSN*:	
Business name:	
Mailing address:	
City/state/zip:	
Phone:	E-mail:
Principal business activity :	
Contact person for project owner (Who should receive correspondence about this project?)	
Title:	
Phone:	E-mail:

*OAR 330-090-0130 authorizes the Oregon Department of Energy to use your 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.

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2. Architect, engineer, vendor or contractor for project	
Firm name of architect, engineer, vendor or contractor:	
Address:	Phone:
City/state/zip:	
Contact person:	E-mail:

3. Project site		
Site address:		
City:	County:	Zip:
Total square footage affected by this project :		

4. Projected start and completion dates (The date you expect to financially commit to the project – buy equipment, sign the contract, etc. These dates must be in month, day, year format; for example: May 8, 2009)	
Projected start date:	Projected completion date:

5. May the Oregon Department of Energy publicize your project to promote efficiency to other businesses?
<input type="checkbox"/> Yes <input type="checkbox"/> No

6. How did you learn of the Business Energy Tax Credit Program?
<input type="checkbox"/> Associate <input type="checkbox"/> Advertisement <input type="checkbox"/> Workshop <input type="checkbox"/> Utility <input type="checkbox"/> Vendor <input type="checkbox"/> Other:

7. What type of Fuel Cell will be used for this project?
<input type="checkbox"/> Proton Exchange Membrane - PEM
<input type="checkbox"/> Phosphoric Acid Fuel Cell - ACFC
<input type="checkbox"/> Molten Carbonate Fuel Cell - MCFC
<input type="checkbox"/> Solid Oxide Fuel Cell - SOFC
<input type="checkbox"/> Other (specify): _____

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8. Fuel Cell Information: Describe the project in detail including the existing condition. Please also describe the other options that might have been considered to meet your needs, and why they were not chosen.

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9. Type of fuel (Base Energy) used to generate electricity (check one box):

- Hydrogen Natural gas Propane Hybrid (electric/hydrogen)
 Diesel Biodiesel Gasoline Gasified Biomass
 Methanol Hythane Methane other (specify): _____

Attach data that shows the fuel is available and can be used for the life of the project.

Primary Supply of Base Energy Resource: _____

Secondary Supply and Resource: _____

Purchased fuel: Provide documentation (contract, purchase agreement, letter of intent to sell from vendor)

10. Energy production—Estimate the amount of energy the project will produce each month during the FIRST FULL YEAR it runs.

Month	therms, kWh or MMBtu	Month	therms, kWh or MMBtu	Month	therms, kWh or MMBtu	Month	therms, kWh or MMBtu
Jan		Apr		Jul		Oct	
Feb		May		Aug		Nov	
Mar		Jun		Sep		Dec	

Total energy production for the first full year (include units, i.e., therms, kWh or MMBtu):

Show how the annual energy production amounts were calculated. Attach separate sheets if necessary.

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11. Project goals—What will you do with the energy the project generates? (Check one.)

Sell it only to a utility or energy service supplier.

Use it on-site only.

Use it only as Uninterruptable Power Back-up. (Describe the system the fuel cell will be dedicated to) : _____

Use it on-site AND sell it to a utility or energy service supplier – Net Metering

12. Energy use without project—Calculate the energy use for the past year for the building or dedicated process the project will serve. Show how the proposed system will accommodate both power and demand.

a. Energy use for the past 12 months:

Electricity: kWh	Natural gas: therms	Oil: gallons	Other (specify fuel/units):
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b. Show how you calculated your answer. Use the space below or attach separate sheets. (Attach a copy of utility bills for the past 12 months if the building or process user is on a meter.)

c. What is the peak demand ? _____ kW, _____ therms (if applicable)

d. When does peak demand occur?

13. Conventional energy use displaced through project—Show net conventional energy use displaced by the project per year. “Net” is what is left after subtracting the energy used to run the project. Use this section to also report waste heat recovery.

Electricity: kWh	Natural gas: therms	Oil: gallons	Other (specify fuel/units):
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Show how you calculated your answer. Use the space below or attach separate pages.

14. Project cost savings —Calculate the project cost savings per year using the table below.			
Fuel type	a. Conventional energy use displaced (item 12)	b. Fuel cost per unit	c. Cost savings (a x b)
Natural gas	therms	\$	\$
Electricity	kWh	\$	\$
Oil	gallons	\$	\$
Other:		\$	\$
		Total	\$

15. Power sales (If applicable)			
a. Is a power sales contract:		Under negotiation? <input type="checkbox"/> Yes <input type="checkbox"/> No	
		Completed? <input type="checkbox"/> Yes <input type="checkbox"/> No	
b. Which utility or energy service supplier will you sell power to?			
c. List expected sales revenue for power generation sold to the utility or energy service provider:			
Year	Annual kWh or therms	\$ per kWh or therm rate	= Sales revenue
1		X	=
2		X	=
3		X	=
4		X	=
5		X	=
6		X	=
7		X	=
8		X	=
9		X	=
10		X	=
11		X	=
12		X	=
13		X	=
14		X	=
15		X	=
16		X	=
17		X	=
18		X	=

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15. Power sales continued			
Year	Annual kWh or therms	\$ per kWh or therm rate	= Sales revenue
19		X	=
20		X	=
Total energy revenue for 20 years:			\$
d. Does the power sales contract have seasonal and time-of-day clauses? <input type="checkbox"/> No <input type="checkbox"/> Yes (Please explain)			
e. Is there a penalty for under-production? <input type="checkbox"/> No <input type="checkbox"/> Yes (Please explain)			
f. Average annual revenue: Total energy revenue ÷ years project will operate = \$			
g. If applicable, what is the project's estimated sale of capacity?			
	kW X	\$/kW/year = \$	annual capacity payment
	therms X	\$/therm/year = \$	annual capacity payment
h. Total average annual revenue. Add energy and capacity revenues:			
\$	average annual revenue + \$	annual capacity payment = \$	

16. Project description. Attach separate pages if needed.

- a. Sketch the project layout. Label major equipment, such as pumps, tanks, fuel cells, reformers (if not integral to fuel cell, heat exchangers, controls, and other auxiliary equipment. Use arrows to show directions of energy flow. Include flow rates in units such as gallons per minute, cubic feet per minute or pounds per hour.

16. Project description (continued). Attach separate pages if needed.

a. continued

b. List the manufacturer, model number, and size or rating of major pieces of equipment.

c. Describe the control and protection equipment. Is it a DC, single-phase or three-phase system?
Will the equipment protect the developer as well as the utility?

16. Project description (continued). Attach separate pages if needed.

d. Describe any needed distribution system. Is it overhead or buried? Describe installation of the lines.

e. If the utility's system must be upgraded, explain. Who will pay for the upgrade? Who will own the utility upgrading hardware that you pay for?

17. Licenses and permits—List all federal, state, and local licenses and permits the project requires.

License/permit type	Issuing agency	Status of application (check all that apply)				
		Developed	Applied	Approved	Denied	Appealed
		Developed	Applied	Approved	Denied	Appealed
		Developed	Applied	Approved	Denied	Appealed
		Developed	Applied	Approved	Denied	Appealed
		Developed	Applied	Approved	Denied	Appealed

18. Estimated project costs—Attach separate pages if needed.

Materials:	Estimated cost
	\$
Labor:	Estimated cost
	\$

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18. Estimated project costs continued —Attach separate pages if needed.	
Engineering:	Estimated cost:
Other: (Do not include Business Energy Tax Credit review costs)	Estimated cost:
Total of Estimated Costs from above:	A. \$
Deduct any federal grants: Note: OAR 330-090-0110 (19) (m) The sum of any rebates or cash payments under ORS 469.631 to 469.645, 469.649 to 469.659, 469.673 to 469.683, or 757.612(5)(a), or from a public purpose organization and the Business Energy Tax Credit may not exceed eligible costs.	B. \$
TOTAL Estimated Project Cost Take A and subtract B to get the Total Estimated Project Cost (C)	C. \$

19. Payback period —Calculate how long the project will take to pay for itself through its energy savings). To qualify, the payback must be between 1 year and the expected life of the equipment installed. Projects with simple payback over 15 years will have eligible costs prorated accordingly.	
19a. Total estimated cost (see 18C)	\$
19b. Project value (Enter zero for any item below that does not apply to your project.)	\$
1. Cost savings per year (See # 14) \$ _____	
2. Total average annual revenue (see #15) \$ _____	
3. Total project value (Add 1 and 2) = _____	
Simple payback (19a divided by 19b)	years

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20. Business Energy Tax Credit review charge

Applications will **not** be reviewed until review charge is paid in full.

Total estimated project cost (See 18C) _____ x .0060 = \$ _____

Your required review charge is the amount calculated above, unless your calculated amount is less than \$30 or more than \$35,000. If your calculated review charge is less than \$30, you are required to pay \$30. If your calculated review charge is more than \$35,000, you should pay \$35,000. Please make your check payable to the Oregon Department of Energy and include with this application. You may also pay by Visa or MasterCard.

I want to pay by Visa/MasterCard. Please contact me at this phone number: _____.

If all or a portion of your application is denied, or if a change in your project results in lower costs, a portion up to 75 percent of this payment may be refunded within two years of pre-certification. If you add to your approved project, you must send a written description of the additions and the costs to be eligible for a tax credit. If the Oregon Department of Energy approves the additional estimated costs, an additional payment may be required. For more information, see Oregon Administrative Rule 330-090-0150(2).

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21. Project Owner Preliminary Statement

1. 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.
2. I agree that the project will comply with all local, state and federal requirements. I will obtain all necessary permits.
3. I will permit the Oregon Department of Energy or its agents to inspect the project at its discretion to make sure the project qualifies for the tax credit. I understand that if I give false information about the project, or if I refuse to permit the Oregon Department of Energy to inspect the project, I will not receive the tax credit.
4. 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.
5. 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.
6. 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).
7. I understand that the sum of all financial incentives and the tax credit can not exceed the total eligible project cost.
8. I have enclosed a check to the Oregon Department of Energy or will pay by Visa or MasterCard for the review charge.
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.
10. I have completed this form to the best of my knowledge and have not altered any part of the statement.
11. I certify that I am the project owner or the authorized agent.

By signing this Statement, I acknowledge that I have read and agree with the terms and conditions of the Project Owner Preliminary Certification Statement and have not altered any part of the Statement.

Signature: _____ Title: _____

Print Name: _____ Date: _____

Send completed application with full review charge to: **Oregon Department of Energy, 625 Marion St. NE, Salem, OR 97301-3737**. If you have questions, call: **1-800-221-8035 (toll-free in Oregon)**. Applications that are incomplete will be returned.