2023

Instructions for Form 3468

Department of the Treasury Internal Revenue Service

Investment Credit

Section references are to the Internal Revenue Code unless otherwise noted.

Future Developments

For the latest information about developments related to Form 3468 and its instructions, such as legislation enacted after they were published, go to *IRS.gov/Form3468*.

What's New

2023 Form 3468. The form has been redesigned to support the provisions created by the Inflation Reduction Act of 2022 (IRA 2022) and the Creating Helpful Incentives to Produce Semiconductors Act of 2022 (CHIPS 2022).

Facility Information. Form 3468 and its instructions were changed to require separate information and computation of investment tax credit for each facility or property placed in service in 2023. See *Part I—Facility Information*.

Tax-exempt and governmental entities. For tax years beginning after 2022, applicable entities (such as certain tax-exempt and governmental entities) can elect to treat certain investment credits as a payment of income tax. See <u>Applicable Entities</u>, later.

Transfer of certain investment tax credits. For tax years beginning after 2022, eligible taxpayers, partnerships, and S corporations can elect to transfer all or part of the credit amount otherwise allowed as a general business credit to an unrelated third-party buyer in exchange for cash. Eligible taxpayers don't include applicable entities. See *Credit Transfers*, later.

Elective payment for advanced manufacturing investment credit. For a facility placed in service after 2022, eligible taxpayers, partnerships, and S corporations can elect to treat advanced manufacturing investment credit under CHIPS 2022 as a payment of tax. See <u>Elective Payment Under Section</u> 48D(d), later.

Pre-filing registration. The IRS has established a pre-filing registration process that must be completed prior to electing payment or transfer of the investment credit figured in Parts III, IV, and VI. See *Pre-filing Registration Requirement For Payments and Transfers*, later.

Reminders

Advanced manufacturing investment credit. CHIPS 2022 added a new investment credit equal to 25% of the qualified investment in any advanced manufacturing facility for the primary purpose of the manufacturing of semiconductors or semiconductor manufacturing equipment under section 48D. This credit applies to property placed in service after 2022, and, for any property that construction of which begins prior to 2023, only to the extent of the basis attributable to the construction, reconstruction, or erection after August 9, 2022. This credit is figured in Part IV.

New and modified energy investment credits. IRA 2022 modified and extended the following.

 Section 48C provides a tax credit of up to 30% of the qualified investment in an advanced energy project that meets the prevailing wage and apprenticeship requirements. IRA 2022 provides \$10 billion of allocations, directs a minimum share to section 48C(e) energy communities census tracts, and expands eligibility to new types of qualifying advanced energy projects. This credit is figured in Part III.

- Section 48 provides an energy credit for investment in energy property. This credit amount can be increased by 5 times for projects meeting prevailing wage and apprenticeship requirements or project requirements, including energy storage technology property, qualified biogas property, microgrid controllers property, and clean hydrogen production facilities elected to be treated as energy property. This credit is figured in Part VI.
- Section 48 also provides 3 bonus credits if certain conditions are met.
 - The energy credit is increased by up to 10% for projects meeting certain domestic content requirements for steel, iron, and manufactured products.
 - The energy credit is increased by up to 10% if located in an energy community.
 - The energy credit is increased by up to 20% on certain solar and wind facilities placed in service in connection with low-income communities.
- The energy credit and any increased or bonus amounts are figured in sections A-M of Part VI. See <u>Lines 7 and 8</u>, <u>Line 9</u>, <u>Line 10</u>, and <u>Lines 11 and 12</u>, for the requirements to claim these increased bonus amounts.

General Instructions

Purpose of Form

Use a separate Form 3468 to enter information and amounts in the appropriate parts to claim a credit for each investment property and any unused investment credit amount from cooperatives.

Complete a separate Form 3468 to claim an investment credit for each facility or property. You must complete Part I to report facility or property information and the appropriate part (Part II–VII) to compute your investment credit for such facility or property.

- Part II—Qualifying Advanced Coal Project Credit, section A;
- Part II—Qualifying Gasification Project Credit, section B;
- Part III—Qualifying Advanced Energy Project Credit;
- Part IV—Advanced Manufacturing Investment Credit;
- Part VI—Energy Credit, sections A through N; or
- Part VII—Rehabilitation Credit.

Patrons, including cooperatives that are patrons in other cooperatives, file a separate Form 3468 to enter any unused qualifying advanced coal project credit, qualifying gasification project credit, qualifying advanced energy project credit, advanced manufacturing investment credit, energy credit, or rehabilitation credits allocated from cooperatives. Enter "Unused Investment Credit from Cooperatives" on a separate Form 3468, Part I, line 1, and enter the total unused amounts (if any) on the applicable part below.

- Part II, line 6.
- Part III, line 2.
- Part IV, line 2.

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- Part VI, section N, line 31.
- Part VII, line 2.

Note. If you are an individual and file electronically, you must send in a paper Form 8453, U.S. Individual Income Tax Transmittal for an IRS e-file Return, if attachments are required for Form 3468.

Investment Credit Property

Investment credit property is any depreciable or amortizable property that qualifies for the qualifying advanced coal project credit, qualifying gasification project credit, qualifying advanced energy project credit, advanced manufacturing investment credit, energy credit, or rehabilitation credit.

You can't claim a credit for property that is:

- Used mainly outside the United States (except for property described in section 168(g)(4));
- Used by a governmental unit or foreign person or entity (see exceptions below);
- Used for lodging or in the furnishing of lodging (see section 50(b)(2) for exceptions); or
- Certain MACRS business property to the extent it has been expensed under section 179.

Exceptions

- Investment credit property used by a governmental unit or foreign person or entity for a qualified rehabilitated building leased to that unit, person, or entity; and property used under a lease with a term of less than 6 months;
- A tax-exempt organization or governmental entity which is generally unable to claim an investment credit must complete and attach Form 3468 and Form 3800 to Form 990-T, or other applicable income tax return, to claim a section 48C credit or section 48 credit for which an election is made under section 6417 for any tax year. See the Instructions for Form 3800, at IRS.gov/Form3800.

Qualified Progress Expenditures

Qualified progress expenditures are those expenditures made before the property is placed in service and for which the taxpayer has made an election to treat the expenditures as progress expenditures. Qualified progress expenditure property is any property that is being constructed by or for the taxpayer and which (a) has a normal construction period of 2 years or more, and (b) it is reasonable to believe that the property will be new investment credit property in the hands of the taxpayer when it is placed in service. The placed-in-service requirement doesn't apply to qualified progress expenditures.

Qualified progress expenditures for:

- Self-constructed property means the amount that is properly chargeable (during the tax year) to a capital account with respect to that property; or
- Non-self-constructed property means the lesser of (a) the amount paid (during the tax year) to another person for the construction of the property; or (b) the amount that represents the proportion of the overall cost to the taxpayer of the construction by the other person, which is properly attributable to that portion of the construction that is completed during the tax year.

For more information on qualified progress expenditures, see section 46(d) (as in effect on November 4, 1990). For details on qualified progress expenditures for the rehabilitation credit, see section 47(d).

For details on qualified progress expenditures for the advanced manufacturing investment credit, see section 48D(b) (5).

At-Risk Limit for Individuals and Closely Held Corporations

The cost or basis of property for investment credit purposes may be limited if you borrowed against the property and are protected against loss, or if you borrowed money from a person who is related or who has an interest (other than as a creditor) in the business activity. The cost or basis must be reduced by the amount of the nonqualified nonrecourse financing related to the property as of the close of the tax year in which the property is placed in service. If, at the close of a tax year following the year property was placed in service, the nonqualified nonrecourse financing for any property has increased or decreased, then the credit base for the property changes accordingly. The changes may result in an increased credit or a recapture of the credit in the year of the change. See sections 49 and 465 for details.

Recapture of Credit

You may have to refigure the investment credit and recapture all or a portion of it if:

- You dispose of investment credit property before the end of 5 full years after the property was placed in service (recapture period);
- You change the use of the property before the end of the recapture period so that it no longer qualifies as investment credit property;
- The business use of the property decreases before the end of the recapture period so that it no longer qualifies (in whole or in part) as investment credit property;
- Any building to which section 47(d) applies will no longer be a qualified rehabilitated building when placed in service;
- Any property to which section 48(b), 48A(b)(3), 48B(b)(3), 48C(b)(2), or 48D(b)(5) applies will no longer qualify as investment credit property when placed in service;
- Before the end of the recapture period, your proportionate interest is reduced by more than 1/3 in an S corporation, partnership, estate, or trust that allocated the cost or basis of property to you for which you claimed a credit;
- You return leased property (on which you claimed a credit) to the lessor before the end of the recapture period;
- A net increase in the amount of nonqualified nonrecourse financing occurs for any property to which section 49(a)(1) applied;
- You engage in an applicable transaction, as defined in section 50(a)(6)(D).

Exceptions to recapture. Recapture of the investment credit doesn't apply to any of the following.

- 1. A transfer due to the death of the taxpayer.
- A transfer between spouses or incident to divorce under section 1041. However, a later disposition by the transferee is subject to recapture to the same extent as if the transferor had disposed of the property at the later date.
- A transaction to which section 381(a) applies (relating to certain acquisitions of the assets of one corporation by another corporation).
- A mere change in the form of conducting a trade or business if:
 - a. The property is retained as investment credit property in that trade or business, and
 - The taxpayer retains a substantial interest in that trade or business.

A mere change in the form of conducting a trade or business includes a corporation that elects to be an S corporation and a corporation whose S election is revoked or terminated.

Any required recapture is reported on Form 4255, Recapture of Investment Credit. For more information, see the form and instructions for Form 4255.



See section 46(g)(4) (as in effect on November 4, 1990), and related regulations, if you made a withdrawal from a capital construction fund set up under the Merchant

Marine Act of 1936 to pay the principal of any debt incurred in connection with a vessel on which you claimed investment

Specific Instructions

S Corporations, Partnerships, **Estates, and Trusts**

Complete and attach a separate Form 3468 to your return for each facility or property that you use in your trade or business, even if the following apply.

- 1. You cannot claim the credit,
- 2. You didn't elect to treat section 48D credit as a payment under section 48D(d), or
- 3. You didn't elect to transfer section 48C credit or section 48 credit (or portion of such credits) under section 6418.

To figure the cost or basis of each facility or property to pass through to the individual shareholders, partners, or beneficiaries, complete required facility information lines of Part I and only the following.

- Part II, lines 1a, 2a, 3a, 4a, 5a, and 6 (if applicable).
- Part III, lines 1a, 1d, 1e, and 2 (if applicable).
- Part IV, lines 1a, 1b, and 2 (if applicable).
- Part VI, lines 1a, 3a, 3e, 5a, 5f, 5o, 7a, 7j, 9a, 9b, 11a, 11d, 11h, 13a, 15a, 17a, 17e, 19a, 21a, 23a, 23e, 25a, 25d, 25g, 25j, 29a, and 31 (if applicable).
- Part VII, lines 1a through 1g, 1k, and 2 (if applicable).

Attach a statement to Schedule K-1 that provides this necessary information and distributive share of amounts that each partner, shareholder, and beneficiary will need to compute their share of the credit related to investment property on their Form 3468. See the instructions for Form 1065, U.S. Return of Partnership Income; Form 1120-S, U.S. Income Tax Return for an S Corporation; Form 1041, U.S. Income Tax Return for Estates and Trusts; and Schedules K and K-1 for details.

If you reported any unused investment credits allocated from cooperatives on a Form 3468, Part I, line 1, "Unused Investment Credit from Cooperatives," see the reporting instructions for Schedules K and K-1 of Form 1120-S, Form 1065, or Form 1041.

Note. If you're electing a payment under section 48D, Part IV; or electing to transfer a credit under section 48C, Part III; or electing a payment or transferring under section 48, Part VI, you must also report the current credit amount for such facility or property on the applicable total line of Form 3468 and the applicable line of Form 3800, Part III.



This information and the partner's, shareholder's, or beneficiary's distributive share of amounts should not CAUTION include any investment credits for which an elective

payment election was made under section 48D(d) or a transfer election was made under section 6418.

If you elected to treat section 48D credit as a payment under section 48D(d)(2)(A) or elected to transfer section 48C credit or section 48 credit (or a portion of such credits) under section 6418(c), you must complete all applicable parts and lines of Form 3468 (including the registration number on line 2a of Part I) to compute the credit amount with respect to the facility or property.

You must report any credit amount for a facility or property on Part III, line 3; Part IV, line 3; or Part VI, line 32 of Form 3468, on the applicable lines of Form 3800, Part III, and attach both to vour return.

See the Instructions for Form 3800 for determining credits allowed (in the case of estates and trusts), reporting of elective payment amount of section 48D credit and transferred amount and non-transferred amount (if any) of section 48C and section 48 credits on Schedules K and K-1 of Form 1065, Form 1120-S. and Form 1041.

Applicable Entities

For tax years beginning after 2022, applicable entities as defined under section 6417(d)(1)(A) that generally don't benefit from income tax credits can elect to treat the business credit under sections 48C and 48 as a payment of income tax. Resulting overpayments may result in refunds.

Applicable entities making the elective payment election for the investment credits under section 48C or section 48 must file the following.

- Form 3468 with any required statements;
- Form 3800, General Business Credit; and
- Form 990-T, Exempt Organization Business Income Tax Return, or other applicable tax return.

For a discussion of what is an applicable entity, see Applicable entity making elective payment election on IRA 2022 credits in the Instructions for Form 3800. For more information on elective payment elections under section 6417, see Elective Payment of Certain Business Credits Under Section 6417 or Section 48D in the Instructions for Form 3800.

Elective Payment Under Section 48D(d)

For qualified property placed in service after 2022 that is part of an advanced manufacturing facility, a taxpayer can elect to treat the credit as a payment against tax. A partnership or S corporation can elect to receive the credit as a payment. The following must be filed with your return to make an elective payment election under section 48D.

- Form 3468; and
- Form 3800.

For more information on elective payment elections under section 48D see Elective Payment of Certain Business Credits Under Section 6417 or Section 48D in the Instructions for Form

Credit Transfers

For tax years beginning after 2022, under section 6418, eligible taxpayers, partnerships, and S corporations can elect to transfer all or part of the credit figured in Part III and Part VI to an unrelated third-party buyer in exchange for cash. For more information on credit transfers, see Transfer of Eligible Credits Under Section 6418 in the Instructions for Form 3800.

Pre-filing Registration Requirement For Payments and Transfers

Before you file your tax return, if you intend to make an elective payment election or transfer election on Form 3800 for the credit in Part III, IV, or VI, you must complete a pre-filing registration for each property or facility. To register, go to IRS.gov/Register for elective payment or transfer of credits. See Pub. 5884, Inflation Reduction Act (IRA) and CHIPS Act of 2022 (CHIPS) Pre-Filing Registration Tool. Also see Registering For and Making Elective

Payment and Transfer Elections in the Instructions for Form 3800.

Part I—Facility Information

If you're claiming an investment credit with respect to a facility or property, use the table below to enter the facility information that corresponds to your credit(s).

If You Are Completing	Then Complete Part I
Part II	Lines 1-5, and 14
Part III	Lines 1-5, and 8
Part IV	Lines 1-5, and 14
Part VI	Lines 1–14 (and Line A for credit figured in section M)
Part VII	Lines 1–5, and 14

Line A

Provisional emissions rate. Indicate that you petitioned the Secretary for a provisional emissions rate (PER) by checking the box on Line A of Part I. As part of the process to petition for a PER, you must have submitted an application to the DOE for an emissions value that you used to figure your energy credit for a clean hydrogen production facilities as energy property, later, for reporting requirements.

Line 1

For Part II, Part III, and Part VI filers. Enter a detailed technical description of the facility or property that is an integral part of such facility.

For Part IV filers. Enter a detailed technical description of the manufacturing process(es) and end product(s) for the advanced manufacturing investment credit.

For Part VII filers. Enter a detailed description of the rehabilitated building.

Note. If the owner of the facility in Part II, III, IV, VI, or VII is different from the filer, also include the owner name and taxpayer identification number in the description.

Line 2a

If applicable, enter your pre-filing registration number for the facility or property that you received from the IRS prior to making an election under section 48D(d), section 6417, or section 6418.

Lines 3a and 3b

On line 3a, enter the address of the facility or property. If there is no address, enter the longitude and latitude coordinates of the facility or property on line 3b.

Lines 7 and 8

Notice 2022-61 explains how filers receive increased tax credit amounts under section 48C and section 48 by meeting the prevailing wage and apprenticeship requirements. The notice also provides guidance for determining the beginning of construction of a section 48 energy project. See <u>Notice 2022-61</u>, 2022-52 I.R.B. 560.

If you are claiming a credit in Part III or Part VI, see information below about which box to check.

Filers Completing Part III

For an increased tax credit under section 48C, a taxpayer must meet the prevailing wage and apprenticeship requirements with respect to any qualified advanced energy project.

As part of a section 48C(e) application, an applicant must confirm that it intends to meet the prevailing wage and apprenticeship requirements by filing the "Initial PWA Confirmation" statement with the Department of Energy (DOE). When the taxpayer notifies the DOE that it has placed the project in service, the taxpayer must also confirm that it met the prevailing wage and apprenticeship requirements by filing the "Final PWA Confirmation" statement with the DOE.

If a taxpayer doesn't provide an Initial and Final PWA Confirmation statement to the DOE, the taxpayer will be required to claim the section 48C credit at the 6% credit rate and the remainder of the section 48C credits allocated to the project will be forfeited.

See Notice 2022-61 and Notice 2023-18 for more detailed information. Also see <u>Frequently asked questions about the prevailing wage and apprenticeship under the Inflation Reduction Act</u>.

Prevailing wage requirements. In general, the taxpayer must ensure that laborers and mechanics employed by the taxpayer (or contractor or subcontractor) in the re-equipping, expansion, or establishment of a manufacturing facility are paid wages at rates not less than the prevailing rates for construction, alteration, or repair of similar character in the locality in which the project is located, as most recently determined by the Secretary of Labor.

See Notice 2022-61 and Notice 2023-18 for more information.

Apprenticeship requirements. Each taxpayer (or contractor or subcontractor) who employs four or more workers to perform construction, alteration, or repair work on a facility must employ one or more qualified apprentices from a registered apprenticeship program.

A minimum percentage of the total labor hours of the construction, alteration, or repair work must be performed by the qualified apprentices. This percentage is:

- 10% for facilities beginning construction before 2023,
- 12.5% for facilities beginning construction in 2023, and
- 15% for facilities beginning construction in 2024 or after.

Taxpayers (or contractors or subcontractors) must also ensure that any applicable ratios of apprentices to journeyworkers established by the registered apprenticeship program are met. An exception may apply when a taxpayer (or contractor or subcontractor) has requested qualified apprentices from a registered apprenticeship program and no apprentices are available. See sections 48C(e)(6), 45(b)(8), Notice 2022-61, and Notice 2023-18 for more detailed information.

Lines 7 and 8. For line 7, check box 7c. For line 8, check box 8a or 8c, as appropriate.

Filers Completing Part VI

For an increased tax credit under section 48(a)(9)(A)(i), a taxpayer needs to meet one of the project requirements in an energy project.

See Notice 2022-61 for more information. Also see Frequently asked questions about the prevailing wage and apprenticeship under the Inflation Reduction Act. **Energy project.** An energy project is a project consisting of one or more energy properties that are part of a single project under section 48.

A project meets the project requirements if it's any of the following.

- It has a maximum net output of less than 1 megawatt of electrical (as measured in alternating current) or thermal energy;
- 2. Construction began before January 29, 2023; or
- The energy project meets the prevailing wage and apprenticeship requirements in sections 48(a)(10)(A) and (11).

Beginning of construction. There are two methods that can be used to establish that construction of a qualified facility has started, the physical work test and the 5% safe harbor. Although both methods can be used, only one method is needed to establish that construction of a qualified facility has begun.

See <u>Notice 2018-59, 2018-28 I.R.B. 196</u>, and <u>Notice 2022-61, 2022-52 I.R.B. 560</u>, or its successor for more information.

Physical work test. Under this test, construction of a facility begins when physical work of a significant nature begins, provided that the filer maintains a continuous program of construction.

5% safe harbor. Using this safe harbor, construction of a facility will be considered as having begun if:

- A taxpayer pays or incurs (within the meaning of Regulations section 1.461-1(a)(1) and (2)) 5% or more of the total cost of the facility, and
- 2. Thereafter, the taxpayer makes continuous efforts to complete the facility.

Prevailing wage requirements. In general, the taxpayer must ensure, with respect to any energy project, that laborers and mechanics employed by the taxpayer or its contractor or subcontractor (and for the 5-year period beginning on the date such project is placed in service, the alteration or repair of the project) are paid the prevailing wages, which includes basic hourly rate and any fringe benefits rate, established by the Secretary of Labor when performing construction, alteration, or repair of a qualified facility, project, or property. See Notice 2022-61 for more information.

Apprenticeship requirements. Each taxpayer (or contractor or subcontractor) who employs four or more workers to perform construction, alteration, or repair work on a facility must employ one or more qualified apprentices from a registered apprenticeship program.

A minimum percentage of the total labor hours of the construction, alteration, or repair work must be performed by the qualified apprentices. This percentage is:

- 12.5% for facilities beginning construction in 2023, and
- 15% for facilities beginning construction in 2024 or after.

Taxpayers (or contractors or subcontractors) must also ensure that any applicable ratios of apprentices to journeyworkers established by the registered apprenticeship program are met. An exception may apply when a taxpayer (or contractor or subcontractor) has requested qualified apprentices from a registered apprenticeship program and no apprentices are available. See Notice 2022-61 for more information.

Lines 7 and 8. For line 7, if you are completing section M, check box 7c. If completing any other section of Part VI, check the applicable box.

For line 8, check box 8b or 8c, as appropriate.

Increased Credit Amount Statement

If you checked the box on line 7a or 8b to claim an increased tax credit amount in Part VI, you must also attach a statement for each facility or property, at the time of filing your return. The statement should include the following.

- Your name, taxpayer identification number, the facility description (including the owner information, if different from the filer), and, if applicable, the IRS-issued registration number from Part I, line 2a.
- 2. For the facility or property that began construction before January 29, 2023, indicate that you met the continuity requirement under the physical work test or the 5% safe harbor to establish the beginning of construction.
- 3. For the facility or property that began construction on or after January 29, 2023, include the following.
 - a. The applicable wage determinations (as defined below).
 - b. The wages paid (including any correction payments as defined in section 45(b)(7)(B)(i)(l)) and hours worked for each of the laborer or mechanic classifications engaged in the construction of the facility or property.
 - c. The number of workers who received correction payments.
 - d. The wages paid and hours worked by qualified apprentices for each of the laborer or mechanic classifications engaged in the construction of the facility or property.
 - The total labor hours for the construction of the facility or property by any laborer or mechanic employed by the taxpayer or any contractor or subcontractor.
- 4. A declaration, applicable to the statement and any accompanying documents, signed by you, or signed by a person currently authorized to bind you in such matters, in the following form: "Under penalties of perjury, I declare that I have examined this statement, including accompanying documents, and to the best of my knowledge and belief, the facts presented in support of this statement are true, correct, and complete."

Applicable wage determinations. Applicable wage determinations are the wage listed for a particular classification of laborer or mechanic for the type of construction and the geographic area, or other applicable wage as determined by the Secretary of Labor. See Notice 2022-61 for more information.

Line 9

Notice 2023-38 proposes rules for how filers receive a domestic content bonus credit amount for certain investments in section 48 energy projects. This notice describes certain rules regarding the domestic content bonus credit requirements, related recordkeeping, and certification requirements. It also describes a safe harbor regarding the classification of certain components in representative types of qualified facilities, energy projects, or energy storage technologies. See Notice 2023-38, 2023-22 I.R.B. 872.

Domestic content bonus credit amount. Section 48(a)(12) (C) provides a domestic content bonus credit amount for a section 48 energy project by increasing the energy percentage provided in section 48(a)(2), by 10% if the domestic content requirement is met **and** the requirement in either 2a, 2b, or 2c, below, is also met.

 The domestic content requirement is met with respect to any energy project under Notice 2023-38, if the taxpayer certified to the Secretary (see <u>Domestic Content</u> <u>Certification Statement</u>, later) that any steel, iron, or manufactured product that is a component of the facility (upon completion of construction) was produced in the United States. A qualified facility meets the domestic content requirement if the steel or iron requirements and the manufacturing products requirements are met. See Notice 2023-38 for definitions and more information.

- 2. Any of the following requirements is met:
 - a. The energy project has a maximum net output of less than 1 megawatt of electrical (as measured in alternating current or thermal energy);
 - b. Construction of the energy project began before January 29, 2023; or
 - The energy project meets the prevailing wage and apprenticeship requirements in sections 48(a)(10)(A) and (11).

Note. If the domestic content requirement in 2a, 2b, or 2c, above, is met, the energy percentage provided in section 48(a) (2) is increased by 2% instead of 10%.

Line 9. Check the appropriate box on line 9. If you checked line 9c, you can't claim the domestic content bonus credit amount.

Domestic Content Certification Statement

If you checked line 9a or 9b to claim a domestic content bonus credit amount in Part VI, you must also attach a domestic content certification statement to Form 3468 at the time of filing your return, for each applicable project. The domestic content certification statement should include the following.

- Your name and taxpayer identification number shown on the return.
- 2. The facility description (including the owner information, if different from the filer) and the IRS-issued registration number (if applicable) of the applicable project from Part I, line 2a.
- A statement that any steel, iron, or manufactured product that is a component of the facility (upon completion of construction) was produced in the United States (as determined under section 661 of Title 49, Code of Federal Regulations).
- 4. A declaration, applicable to the statement and any accompanying documents, signed by you, or signed by a person currently authorized to bind you in such matters, in the following form: "Under penalties of perjury I declare that I have examined the information contained in this Domestic Content Certification Statement and to the best of my knowledge and belief, it is true, correct, and complete."

Line 10

Notice 2023-29 proposes rules on how filers receive the energy community bonus credit rate for certain investments in section 48 energy property. The notice describes certain rules for determining what constitutes an energy community as defined in section 45(b)(11)(B) and as adopted by section 48(a)(14) and for determining whether an energy project, or an energy storage technology is located in an energy community. See Notice 2023-29, 2023-29 I.R.B. 1.

Notice 2023-45 clarifies section 5.02(3) of Notice 2023-29 which describes requirements for a brownfield site safe harbor for projects with a nameplate capacity of not greater than 5 megawatts in alternating current. This notice also describes a prior modification that was made via an online update pertaining

to the special rule for beginning of construction under section 4.01(2) of Notice 2023-29. See *Notice 2023-45, 2023-29 I.R.B.* 317.

Notice 2023-47 has information that taxpayers may use to determine whether they meet certain requirements under the Statistical Area Category or the Coal Closure Category as described in Notice 2023-29 to qualify for energy community bonus credit rates under section 48. See <u>Notice 2023-47</u>, 2023-29 I.R.B. 318.

Energy community bonus credit rate. An energy community bonus credit rate increase is allowed under section 48(a)(14) for an energy project eligible for the credit under section 48 that is placed in service during the tax year within an energy community (EC Project). For energy property that is part of an EC Project, the energy percentage of the basis of each energy property under section 48(a)(2) is increased by 2% if none of the following requirements are met, and by 10% if any one of the following requirements is met:

- The energy project has a maximum net output of less than 1 megawatt of electrical (as measured in alternating current) or thermal energy;
- 2. Construction of the energy project began before January 29, 2023; or
- 3. The energy project meets the prevailing wage and apprenticeship requirements in sections 48(a)(10)(A) and (11).

Energy community categories. Energy community means the following:

- A brownfield site as defined in subparagraphs (A), (B), and (D)(ii)(III) of section 101(39) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(39));
- 2. A metropolitan statistical or non-metropolitan statistical area that:
 - Has (or, at any time during the period beginning after 2009, had) .17% or greater direct employment or 25% or greater local tax revenues related to the extraction, processing, transport, or storage of coal, oil, or natural gas (as determined by the Secretary); and
 - b. Has an unemployment rate at or above the national average unemployment rate for the previous year (as determined by the Secretary); or
- 3. A census tract, or a census tract directly adjoining to such census tract in which:
 - a. After 1999, a coal mine has closed; or
 - After 2009, a coal-fired electric generating unit has been retired.

Line 10. Check the appropriate box on line 10. If you checked the box on line 10c, you can't claim the energy community bonus credit amount.

Lines 11 and 12

If you received an allocation and a control number under the low-income community program, you may increase the amount of your energy credit for a qualified solar or wind facility computed in Part VI, sections B, F, I, or L. Only filers who applied for and received an allocation of environmental justice solar and wind capacity limitation and properly placed in service a qualified solar or wind facility are eligible to claim an increased credit.

Notice 2023-17 establishes the program to allocate environmental justice solar and wind capacity limitation, as

required under section 48(e). This notice also provides initial program guidance for potential applicants for allocations of calendar year 2023 capacity limitation. See <u>Notice 2023-17</u>, 2023-10 I.R.B. 505.

Rev. Proc. 2023-27 provides the process under section 48(e) to apply for an allocation of environmental justice solar and wind capacity limitation. See *Rev. Proc. 2023-27, 2023-35 I.R.B. 655* and Regs 1.48(e)-1.

Low-income communities bonus credit amount. Section 48(e) provides a low-income community bonus credit for certain qualified solar and wind facility energy projects by increasing the energy percentage provided in section 48(a)(2), by either 10% or 20%, depending on the category of the facility.

Energy percentage. The increased energy percentage with respect to categories of eligible property and limitation is:

Percentage	For a
10%	Facility that is located in a low-income community (as defined in section 45D(e))
10%	Facility that is located on Indian land (as defined in section 2601(2) of the Energy Policy Act of 1992 (25 U.S.C. 3501(2)))
20%	Facility that is part of a qualified low-income residential building project
20%	Facility that is a qualified low-income economic benefit project

Credit reduction. The increase in the credit will not exceed the amount that bears the same ratio as the environmental justice solar and wind capacity limitation allocated to such facility, bears to the total megawatt nameplate capacity of such facility, as measured in direct current or in the case of wind, alternating current will be treated as direct current.

Eligible property and requirements. For purposes of this increase, eligible energy property includes:

- Wind facility property defined in section 45(d)(1) for which an election was made to treat qualified facilities as energy property;
- Solar energy property to generate electricity defined in section 48(a)(3)(i);
- Qualified small wind energy property defined in section 48(a)(3)(vi); and
- Energy storage technology described in section 48(a)(3)(A)
 (ix) installed in connection with the above facility properties.

The property also has to meet the following eligibility requirements:

- A maximum net output of less than 5 megawatts as measured in alternating current; and
- 2. The facility is one of the following:
 - a. Located in a low-income community (as defined in section 45D(e));
 - b. On Indian land (as defined in section 2601(2) of the Energy Policy Act of 1992 (25 U.S.C. 3501(2)));
 - Is part of a qualified low-income residential building project; or
 - d. A qualified low-income economic benefit project.

Lines 11 and 12. Check the appropriate box on line 11. If you checked the box on line 11a, 11b, 11c, or 11d, you must enter the section 48(e) control number on line 11e. Check the

appropriate box on line 12 and enter the nameplate capacity or storage capacity installed in connection with your property.

Line 14

Generally, for purposes of eligibility for and figuring the amount of the investment credit, a lessor of property may elect to treat the lessee as having acquired the property. Once the election is made, the lessee will be entitled to an investment credit for that property for the tax year in which the property is placed in service and the lessor will not be entitled to such a credit.

If the leased property is disposed of or otherwise ceases to be investment credit property, the property will generally be subject to the recapture rules for early dispositions.

The lessor will provide the lessee with all the information needed to complete Part VII, lines 1a through 1g, and 1k, if applicable.

For information on making the election, see section 48(d) (as in effect on November 4, 1990) and related regulations. For limitations, see sections 46(e)(3) and 48(d) (as in effect on November 4, 1990).

Line 14b

Enter the lessor's full address on line 14b. Enter the address of the lessor's principal office or place of business. Include the suite, room, or other unit number after the street address. If the post office doesn't deliver mail to the street address and the lessor has a P.O. box, show the box number instead.

Do not use the address of the registered agent for the state in which the lessor is incorporated. For example, if a business is incorporated in Delaware or Nevada and the lessor's principal place of business is located in Little Rock, AR, you should enter the Little Rock address.

If the lessor receives its mail in care of a third party (such as an accountant or attorney), enter on the street address line "C/O" followed by the third party's name and street address or P.O. box.

Part II—Qualifying Advanced Coal Project Credit and Qualifying Gasification Project Credit

Section A—Qualifying Advanced Coal Project Credit Under Section 48A

A qualifying advanced coal project is a project that:

- Uses advanced coal-based generation technology (as defined in section 48A(f)) to power a new electric generation unit or to refit or repower an existing electric generation unit (including an existing natural gas-fired combined cycle unit);
- Has fuel input that, when completed, will be at least 75% coal:
- Has an electric generation unit or units at the site that will generate at least 400 megawatts;
- Has a majority of the output that is reasonably expected to be acquired or utilized;
- Is to be constructed and operated on a long-term basis when the taxpayer provides evidence of ownership or control of a site of sufficient size;
- Will be located in the United States; and
- Includes equipment that separates and sequesters at least 65% (70% in the case of an application for reallocated credits) of the project's total carbon dioxide emissions for project applications described in section 48A(d)(2)(A)(ii).

For more information on the new allocation round for section 48A credits, see *Notice 2020-88, 2020-53 I.R.B. 1795*.

Basis. The qualified investment for any tax year is the basis of eligible property placed in service by the taxpayer during the tax year that is part of a qualifying advanced coal project. Eligible property is limited to property that can be depreciated or amortized and that was constructed, reconstructed, or erected and completed by the taxpayer; or that is acquired by the taxpayer if the original use of such property commences with the taxpayer.

Basis reduction for certain financing. If property is financed in whole or in part by subsidized energy financing or by tax-exempt private activity bonds, the amount that you can claim as basis is the basis that would otherwise be allowed multiplied by a fraction that is 1 reduced by a second fraction, the numerator of which is that portion of the basis allocable to such financing or proceeds, and the denominator of which is the basis of the property.

For example, if the basis of the property is \$100,000 and the portion allocable to such financing or proceeds is \$20,000, the fraction of the basis that you may claim the credit on is ⁴/₅ (that is, 1 minus \$20,000/\$100,000).

Subsidized energy financing means financing provided under a federal, state, or local program, a principal purpose of which is to provide subsidized financing for projects designed to conserve or produce energy.

Line 1a

Enter the qualified investment in integrated gasification combined cycle property placed in service during the tax year for projects described in section 48A(d)(3)(B)(i). Eligible property is any property that is part of a qualifying advanced coal project using an integrated gasification combined cycle and is necessary for the gasification of coal, including any coal handling and gas separation equipment.

Integrated gasification combined cycle is an electric generation unit that produces electricity by converting coal to synthesis gas, which in turn is used to fuel a combined cycle plant to produce electricity from both a combustion turbine (including a combustion turbine/fuel cell hybrid) and a steam turbine.

Line 2a

Enter the qualified investment in advanced coal-based generation technology property placed in service during the tax year for projects described in section 48A(d)(3)(B)(ii). Eligible property is any property that is part of a qualifying advanced coal project (defined earlier) not using an integrated gasification combined cycle.

Line 3a

Enter the qualified investment in advanced coal-based generation technology property placed in service during the tax year for projects described in section 48A(d)(3)(B)(iii). Eligible property is any certified property located in the United States and that is part of a qualifying advanced coal project (defined earlier) that has equipment that separates and sequesters at least 65% of the project's total carbon dioxide emissions. This percentage increases to 70% if the credits are later reallocated by the IRS.

The credit will be recaptured if a project fails to attain or maintain the carbon dioxide separation and sequestration requirements. For details, see section 48A(i) and *Notice* 2011-24, 2011-14 I.R.B. 603.

Section B—Qualifying Gasification Project Credit Under Section 48B

A qualifying gasification project is a project that:

- Employs gasification technology (as defined in section 48B(c)(2)),
- Is carried out by an eligible entity (as defined in section 48B(c)(7)), and
- Includes a qualified investment of which an amount not to exceed \$650 million is certified under the qualifying gasification program as eligible for credit.

The total amount of credits that may be allocated under the qualifying gasification project program may not exceed \$600 million.

For more information on the qualifying gasification project and the qualifying gasification program, see <u>Notice 2009-23</u>, <u>2009-16 I.R.B. 802</u>, which is amplified by <u>Notice 2014-81</u>, <u>2014-53 I.R.B. 1001</u>. Also, see <u>Notice 2011-24</u>, <u>2011-14 I.R.B.</u> 603.

Basis reduction. If property is financed in whole or in part by subsidized energy financing or by tax-exempt private activity bonds, figure the credit by using the basis of such property reduced under the rules described in <u>Basis reduction for certain financing</u>, earlier.

Line 4a

Enter the qualified investment in qualifying gasification project property placed in service during the tax year for which credits were allocated or reallocated after October 3, 2008, and that includes equipment that separates and sequesters at least 75% of the project's carbon dioxide emissions. Qualified investment is the basis of eligible property placed in service during the tax year that is part of a qualifying gasification project.

For purposes of this credit, eligible property includes any property that is part of a qualifying gasification project and necessary for the gasification technology of such project. The IRS is required to recapture the benefit of any allocated credit if a project fails to attain or maintain these carbon dioxide separation and sequestration requirements. See section 48B(f) and <u>Notice</u> 2011-14, 2011-11 I.R.B. 554.

Line 5a

Enter the qualified investment, other than any amount included in line 4a, in qualifying gasification project property (defined earlier) placed in service during the tax year.

Line 6

Patrons, including cooperatives that are patrons in other cooperatives, enter the unused investment credit from the qualifying advanced coal project credit or qualifying gasification project credit allocated from cooperatives. If you are a cooperative, see the instructions for Form 3800, Part III, line 1a, for allocating the investment credit to your patrons.



See General Instructions for filing Form 3468 to report any unused credits from cooperatives.

Part III—Qualifying Advanced Energy Project Credit Under Section 48C

Qualifying advanced energy project means a project that:

- Re-equips, expands, or establishes an industrial or a manufacturing facility for the production or recycling of specified advanced energy property;
- Re-equips any industrial or manufacturing facility, with equipment designed to reduce greenhouse gas emissions by at least 20% through the installation of:
 - Low- or zero-carbon process heat systems;
 - Carbon capture, transport, utilization, and storage systems;
 - Energy efficiency and reduction in waste from industrial processes; or
 - Any other industrial technology designed to reduce greenhouse gas emissions, as determined by the Secretary;
- Re-equips, expands or establishes an industrial facility for the processing, refining or recycling of critical materials (as defined in section 7002(a) of the Energy Act of 2020);
- The Secretary has certified per section 48C(e)(3) that part or all of the qualified investment in the qualifying advanced energy project is eligible for a section 48C credit; and
- The project does not include any portion of a project for the production of any property that is used in the refining or blending of any transportation fuels (other than renewable fuels).

Specified advanced energy property. The term specified advanced energy property means any of the following:

- Property designed for use in the production of energy from the sun, water, wind, geothermal deposits (within the meaning of section 613(e)(2)), or other renewable resources;
- Fuel cells, microturbines, or energy storage systems and components;
- Electric grid modernization equipment or components;
- Property designed to capture, remove, use, or sequester carbon oxide emissions;
- Equipment designed to refine, electrolyze, or blend any fuel, chemical, or product which is renewable, or low-carbon and low-emission;
- Property designed to produce energy conservation technologies (including residential, commercial, and industrial applications):
- Light-, medium-, or heavy-duty electric or fuel cell vehicles, as well as technologies, components, or materials for such vehicles, and associated charging or refueling infrastructure;
- Hybrid vehicles with a gross vehicle weight rating of not less than 14,000 pounds as well as technologies, components, or materials for such vehicles; or
- Other advanced energy property designed to reduce greenhouse gas emissions as may be determined by the Secretary.

Eligible property. Eligible property is property that:

- Is necessary for the production or recycling of property described in section 48C(c)(1)(A)(i); re-equipping an industrial or manufacturing facility described in section 48C(c)(1)(A)(ii); or re-equipping, expanding, or establishing an industrial facility described in section 48C(c)(1)(A)(iii);
- Which depreciation or amortization is allowable;
- Is tangible personal property or other tangible property (not including a building or its structural components), but only if the property is used as an integral part of the qualifying advanced energy project; and

 Was not placed in service prior to being awarded an allocation of section 48C credits under the section 48(c) program. See Notice 2023-44, 2023-25 I.R.B. 924.

Certification. To be eligible for the qualifying advanced energy project credit, some or all of the qualified investment in the qualifying advanced energy project must be certified by the IRS under section 48C(d). See *Notice 2023-18, 2023-10 I.R.B. 508*, for more information on the certification and program.

See Notice 2023-44 for additional guidance for applicants seeking section 48C credit allocations in the qualifying advanced energy project credit allocation program under IRA 2022. See *Notice 2023-44, 2023-25 I.R.B. 924*.

Line 1a

Enter the qualified investment in qualifying advanced energy project property placed in service during the tax year. Qualified investment is the basis of eligible property placed in service during the tax year that is part of a qualifying advanced energy project.

Line 1b

If you met the prevailing wage and apprenticeship requirements described earlier, and the certification for prevailing wage and apprenticeship requirements was met, as part of the 48C(e) application per Notice 2023-18, section 5.07, then enter 30%. Otherwise, enter 6%.

Line 1d

Enter your 48C allocation control number for the qualifying advanced energy property.

Line 2

Patrons, including cooperatives that are patrons in other cooperatives, enter the unused investment credit from the qualifying advanced energy property credit allocated from cooperatives. If you are a cooperative, see the instructions for Form 3800, Part III, line 1d, for allocating the investment credit to your patrons.



See General Instructions for filing Form 3468 to report any unused credits from cooperatives.

Line 3

If you're a partnership or S corporation requesting an election to transfer a qualifying advanced energy credit with respect to a project (or portion of) under section 6418(c), you must report the total credit amount on line 3 and Form 3800, Part III, line 1d.

Part IV—Advanced Manufacturing Investment Credit Under Section 48D

The advanced manufacturing investment credit is equal to 25% of the qualified investment with respect to any advanced manufacturing facility of an eligible taxpayer in the tax year.

Eligible taxpayer. An eligible taxpayer is a taxpayer who isn't a foreign entity of concern (as defined in section 9901(6) of P. L. 116-283), and hasn't made an applicable transaction (as defined in section 50(a)) during the tax year.

Qualified investment. The qualified investment for any advanced manufacturing facility is the basis of any qualified property placed in service by the taxpayer during the tax year that is part of an advanced manufacturing facility.

Advanced manufacturing facility. Advanced manufacturing facility means a facility whose primary purpose is the

manufacturing of semiconductors or semiconductor manufacturing equipment.

Qualified property. Qualified property includes any building or its structural components and all of the following.

- Property that is tangible property.
- Property that is allowed depreciation or amortization.
- Property that is constructed, reconstructed, or erected by the taxpayer or acquired by the taxpayer if the original use of the property commences with the taxpayer.
- Property that is integral to the operation of the advanced manufacturing facility.

Exception. Qualified property doesn't include a building or a portion of a building used for offices, administrative services, or other functions unrelated to manufacturing.

Coordination with rehabilitation credit. The qualified investment with respect to any advanced manufacturing facility for any tax year can't include the portion of the basis of any property that is attributable to qualified rehabilitation expenditures (as defined in section 47(c)(2)).

Certain progress expenditure rules made applicable. Rules similar to the rules of section 46(c)(4) and 46(d) (as in effect on the day before the date of the enactment of P.L. 101-158) apply for purposes of the advanced manufacturing investment credit.

Line 1b

Enter the basis in qualified property as part of the advanced manufacturing facility (defined above) placed in service during the tax year.



The basis of property placed in service during the tax year, but the construction of which began prior to 2023, includes the portion of basis attributable to the

construction, reconstruction, or erection after August 9, 2022.

Line 2

Patrons, including cooperatives that are patrons in other cooperatives, enter the unused investment credit from the advanced manufacturing investment credit allocated from cooperatives. If you are a cooperative, see the instructions for Form 3800, Part III, line 1o, for allocating the investment credit to your patrons.



See General Instructions for filing Form 3468 to report any unused credits from cooperatives.

Line 3

If you are a partnership or S corporation requesting elective payment with respect to the advanced manufacturing investment credit under section 48D(d)(2)(A), you must report the credit amount on line 3 and Form 3800, Part III, line 1o.

Part VI—Energy Credit Under Section

The energy credit for the tax year is the energy percentage of the basis of each energy property placed in service during the tax year. The energy properties include the following.

- Geothermal energy property.
- Solar energy property to generate electricity, or solar energy property to illuminate.
- Qualified fuel cell property.
- Qualified microturbine property.
- Combined heat and power system property.
- Qualified small wind energy property.
- Waste energy recovery property.
- Geothermal heat pump system property.

- · Energy storage technology property.
- Qualified biogas property.
- Microgrid controllers property.
- Qualified investment credit facility treated as energy property under section 48(a)(5).
- Clean hydrogen production facility treated as energy property under section 48(a)(15).

Property requirements. To qualify as energy property as defined in section 48(a)(3), it must:

- 1. Meet the performance and quality standards, if any, that have been prescribed by regulations and are in effect at the time the property is acquired;
- 2. Be property for which depreciation (or amortization in lieu of depreciation) is allowable; and
- 3. Be property either:
 - a. The construction, reconstruction, or erection of which is completed by the taxpayer; or
 - b. Acquired by the taxpayer if the original use of such property commences with the taxpayer.

Energy property doesn't include any property that is part of a production credit under section 45 for the tax year or any prior

Energy property doesn't include any property acquired before February 14, 2008, or to the extent of basis attributable to construction, reconstruction, or erection before February 14, 2008, that is public utility property, as defined by section 46(f)(5) (as in effect on November 4, 1990), and related regulations.

You must reduce the basis of energy property by 50% of the energy credit determined.

You must reduce the basis of energy property used for figuring the credit by any amount attributable to qualified rehabilitation expenditures.

Basis reduction. If energy property (acquired before 2009, or to the extent of its basis attributable to construction, reconstruction, or erection before 2009) is financed in whole or in part by subsidized energy financing or by tax-exempt private activity bonds, reduce the basis of such property under the rules described in Basis reduction for certain financing, earlier.

For energy property which was constructed, reconstructed, or erected after August 16, 2022, see the instructions for section N to reduce the amount of the credit with respect to any facility for tax-exempt bonds.

Coordination with Department of Treasury grants. In the case of any property where the Secretary makes a grant under section 1603 of the American Recovery and Reinvestment Tax Act of 2009, no credit will be determined under section 48 or section 45 with respect to the property for the tax year in which the grant is made or any subsequent tax year.

Recapture. If a credit was determined with respect to a property for any tax year ending before the grant is made:

- The tax imposed on the taxpayer for the tax year in which the grant is made will be increased by the credit amount allowed under section 38,
- The general business carryforwards under section 39 will be adjusted to recapture the portion of the credit that was not allowed, and
- The amount of the grant will be determined without regard to any reduction in the basis of the property by the credit.

Treatment of grants. Any grant will not be included in the gross income or alternative minimum taxable income of the taxpayer, but will be taken into account in determining the basis of the property to which the grant relates, except that the basis of such property will be reduced under section 50(c) in the same manner as a credit allowed.

Interconnection property. For purposes of determining the energy credit, energy property shall include amounts paid or incurred by the taxpayer for qualified interconnection property in connection with the installation of energy property placed in service during the tax year that:

- Has a maximum net output of not greater than 5 megawatts (as measured in alternating current), to provide for the transmission or distribution of the electricity produced or stored by such property; and
- Are properly chargeable to the capital account of the taxpayer.

Qualified interconnection property. Qualified interconnection property is, with respect to an energy project that isn't a microgrid controller, any tangible property that:

- Is part of an addition, modification, or upgrade to a transmission or distribution system that is required at or beyond the point at which the energy project interconnects to such transmission or distribution system in order to accommodate such interconnection;
- Is either constructed, reconstructed, or erected by the taxpayer, or that the cost with respect to the construction, reconstruction, or erection of such property is paid or incurred by the taxpayer; and
- The original use, pursuant to an interconnection agreement, commences with a utility.

Interconnection agreement. Interconnection agreement means an agreement with a utility for the purposes of interconnecting the energy property owned by the taxpayer to the transmission or distribution system of the utility.

Utility. For the purposes of section 48(a)(8), utility means the owner or operator of an electrical transmission or distribution system that is subject to the regulatory authority of any the following.

- A state or political subdivision thereof.
- Any agency or instrumentality of the United States.
- A public service or public utility commission or other similar body of any state or political subdivision thereof.
- The governing or ratemaking body of an electric cooperative.

Special rule for interconnection property. In the case of expenses paid or incurred for interconnection property, amounts otherwise chargeable to a capital account with respect to such expenses will be reduced under rules similar to the rules of section 50(c).

Section A—Geothermal Energy Credit

Geothermal energy. Geothermal energy property is used to produce, distribute, or use energy derived from a geothermal deposit (within the meaning of section 613(e)(2)). For electricity produced by geothermal power, equipment qualifies only up to, but not including, the electrical transmission stage.

Line 1b

Enter your applicable energy percentage. See <u>Increased Credit</u> <u>Amount Statement</u>, in Part I, lines 7 and 8, earlier, for more information.

Line 1d

Enter your applicable domestic content bonus credit percentage. See *Domestic Content Certification Statement*, in Part I, line 9, earlier, for more information.

If the facility or property did not meet the requirements for the domestic content bonus credit, leave line 1d blank, skip line 1e, and go to line 1f.

Line 1f

Enter your applicable energy community bonus credit percentage. See *Energy community bonus credit rate*, in Part I, line 10, for more information.

If the facility or property was not placed in service within an energy community, leave line 1f blank, skip line 1g, and go to line 2.

Section B—Solar Energy Credit

Solar energy. Solar energy property is property that has the following.

- Equipment that uses solar energy to illuminate the inside of a structure using fiber-optic distributed sunlight.
- Electrochromic glass that uses electricity to change its light transmittance properties in order to heat or cool a structure.
- 3. Equipment that uses solar energy to:
 - a. Generate electricity,
 - b. Heat or cool (or provide hot water for use in) a structure, or
 - Provide solar process heat (but not to heat a swimming pool).

Line 3b

Enter your applicable energy percentage. See <u>Increased Credit Amount Statement</u>, in Part I, lines 7 and 8, earlier, for more information.

Line 3d

Enter your applicable low-income community bonus credit percentage in connection with your solar energy facility. However, if you checked the box for Part I, line 11f; or Part I, line 12e (in relation to Part I, lines 11a, 11b, 11c, or 11d) you do not qualify for the low-income community bonus credit in connection with a solar energy facility. Enter -0- (zero) on lines 3d and 3j, and go to line 3k.

See <u>Low-income communities bonus credit amount</u>, in Part I, lines 11 and 12, earlier, for more information.

Line 3k

Enter the applicable domestic content bonus credit percentage. See *Domestic Content Certification Statement*, in Part I, line 9, earlier, for more information.

If the facility or property did not meet the requirements for the domestic content bonus credit, leave line 3k blank, skip line 3l, and go to line 3m.

Line 3m

Enter the applicable energy community bonus credit percentage. See *Energy community bonus credit rate*, in Part I, line 10, earlier, for more information.

If the facility or property was not placed in service within an energy community, leave line 3m blank, skip line 3n, and go to line 4.

Section C—Qualified Fuel Cell Property

Qualified fuel cell property. Qualified fuel cell property is a fuel cell power plant that has a nameplate capacity of at least 0.5 kilowatts (1 kilowatt in the case of a fuel cell plant with a linear generator assembly) of electricity using an electrochemical or electromechanical process and has electricity-only generation efficiency greater than 30%. See section 48(c)(1) for further details.

Fuel cell power plant. Fuel cell power plant means an integrated system comprised of a fuel cell stack assembly or linear generator assembly, and associated balance of plant components that converts a fuel into electricity using electrochemical or electromechanical means.

Linear generator assembly. Linear generator assembly doesn't include any assembly that contains rotating parts.



Qualified fuel cell property that uses electromechanical process or a fuel cell power plant that is comprised of a Linear generator assembly are for property placed in service after 2022.

Line 5a

Enter the basis, attributable to periods after 2005 and before October 4, 2008, of any qualified fuel cell property placed in service during the tax year, if the property was acquired after 2005 and before October 4, 2008, or to the extent of basis attributable to construction, reconstruction, or erection by the taxpayer after 2005 and before October 4, 2008.

Line 5c

Enter the applicable number of kilowatts of capacity attributable to the basis on line 5a. This entry must be a whole number.

Line 5f

Enter the basis, attributable to periods after October 3, 2008, and the construction of which began before 2021 or after 2022, of any qualified fuel cell property placed in service during the tax year.

See Qualified fuel cell property and Beginning of construction, earlier.



Basis is attributable to periods after October 3, 2008, if the property was acquired after October 3, 2008, or to the extent of basis attributable to construction,

reconstruction, or erection by the taxpayer after October 3, 2008.

Line 5g

Enter your applicable energy percentage. See *Increased Credit* Amount Statement, in Part I, lines 7 and 8, earlier, for more information.

Line 5i

Enter your applicable domestic content bonus credit percentage. See Domestic Content Certification Statement, in Part I, line 9, earlier, for more information.

If the facility or property did not meet the requirements for the domestic content bonus credit, leave line 5i blank, skip line 5j, and go to line 51.

Line 51

Enter the applicable energy community bonus credit percentage. See Energy community bonus credit rate, in Part I, line 10, earlier, for more information.

If the facility or property was not placed in service within an energy community, leave line 5l blank, skip line 5m, and go to line 5n.

Line 50

Enter the applicable number of kilowatts of capacity attributable to the basis on line 5f. This entry must be a whole number.

Section D—Qualified Microturbine Property

Qualified microturbine property. Qualified microturbine property is a stationary microturbine power plant that has a nameplate capacity of less than 2,000 kilowatts and has an electricity-only generation efficiency of not less than 26% at International Standard Organization conditions. See section 48(c)(2) for further details.

Stationary microturbine power plant. Stationary microturbine power plant means an integrated system comprised of a gas turbine engine, a combustor, a recuperator or regenerator, a generator or alternator, and associated balance of plant components that converts a fuel into electricity and thermal energy. It also includes all secondary components located between the existing infrastructure for fuel delivery and the existing infrastructure for power distribution, including equipment and controls for meeting relevant power standards, such as voltage, frequency, and power factors.

Line 7a

Enter the basis, attributable to periods after 2005, of any qualified microturbine property placed in service during the tax year, if the property was acquired after 2005, or to the extent of basis attributable to construction, reconstruction, or erection by the taxpayer after 2005.

Line 7b

Enter your applicable energy percentage. See *Increased Credit* Amount Statement, in Part I, lines 7 and 8, earlier, for more information.

Line 7d

Enter your applicable domestic content bonus credit percentage. See <u>Domestic Content Certification Statement</u>, in Part I, line 9, earlier, for more information.

If the facility or property did not meet the requirements for the domestic content bonus credit, leave line 7d blank, skip line 7e, and go to line 7g.

Line 7g

Enter the applicable energy community bonus credit percentage. See *Energy community bonus credit rate*, in Part I, line 10, earlier, for more information.

If the facility or property was not placed in service within an energy community, leave line 7g blank, skip line 7h, and go to line 7i.

Line 7j

Enter the applicable number of kilowatts of capacity attributable to the basis on line 7a. This entry must be a whole number.

Section E—Combined Heat and Power System **Property**

Combined heat and power system property. Combined heat and power system property means property comprising a system that:

- 1. Uses the same energy source for the simultaneous or sequential generation of electrical power, mechanical shaft power, or both; in combination with the generation of steam or other forms of useful thermal energy (including heating and cooling applications); and
- 2. Has an energy efficiency percentage determined on a British thermal unit (BTU) basis over 60% and it produces:
 - a. At least 20% (determined on a BTU basis) of its total useful energy in the form of thermal energy that isn't used to produce electrical and/or mechanical power,
 - b. At least 20% (determined on a BTU basis) of its total useful energy in the form of electrical and/or mechanical power.

For details, see section 48(c)(3).



Taxpayers cannot take a credit for both combined heat and power system property and waste energy recovery CAUTION property for the same property. Taxpayers must elect not

to treat such property as combined heat and power system property for section 48 purposes.

Limitation. In the case of combined heat and power system property with an electrical capacity in excess of the applicable capacity placed in service during the tax year, the credit for that year shall be equal to the amount that bears the same ratio to the credit as the applicable capacity bears to the capacity of such

Applicable capacity. Applicable capacity means the following:

- 15 megawatts;
- A mechanical energy capacity of more than 20,000 horsepower: or
- An equivalent combination of electrical and mechanical energy capacities.

Maximum capacity. Combined heat and power system property shall not include any property comprising a system if:

- The system has a capacity of more than 50 megawatts,
- A mechanical energy capacity of more than 67,000 horsepower, or
- An equivalent combination of electrical and mechanical energy capacities.

Energy efficiency percentage. The energy efficiency percentage of a combined heat and power system property is the fraction of which the numerator is the total useful electrical, thermal, and mechanical power produced by the system at normal operating rates (and expected to be consumed in its normal application), and the denominator is the lower heating value of the fuel sources for the system.

Combined heat and power system property doesn't include property used to transport the energy source to the facility or to distribute energy produced by the facility.

Biomass systems. Systems designed to use biomass for at least 90% of the energy source are eligible for a credit that is reduced in proportion to the degree to which the system fails to meet the efficiency standard. For more information, see section 48(c)(3)(D).

Line 9d

Enter your applicable energy percentage. See *Increased Credit* Amount Statement, in Part I, lines 7 and 8, earlier, for more information.

Line 9f

Enter your applicable domestic content bonus credit percentage. See Domestic Content Certification Statement, in Part I, line 9, earlier, for more information.

If the facility or property did not meet the requirements for the domestic content bonus credit, leave line 9f blank, skip line 9g, and go to line 9h.

Line 9h

Enter the applicable energy community bonus credit percentage. See Energy community bonus credit rate, in Part I, line 10, earlier, for more information.

If the facility or property was not placed in service within an energy community, leave line 9h blank, skip line 9i, and go to line 10.

Section F—Qualified Small Wind Energy **Property**

Qualified small wind energy property. Qualified small wind energy property means property that uses a qualifying small wind turbine to generate electricity. For this purpose, a qualifying small wind turbine means a wind turbine that has a nameplate capacity of not more than 100 kilowatts. For details, see section 48(c)(4). In addition, for small wind energy property acquired (or placed in service in the case of property constructed, reconstructed, or erected) after February 2, 2015, see Notice 2015-4, 2015-5 I.R.B. 407, as modified by Notice 2015-51, 2015-31 I.R.B. 133, for performance and quality standards that small wind energy property must meet to qualify for the energy credit.

Line 11a

Enter the basis, attributable to periods after October 3, 2008, and before 2009, of any qualified small wind energy property placed in service during the tax year, if the property was acquired after October 3, 2008, and before 2009, or to the extent of basis attributable to construction, reconstruction, or erection by the taxpayer after October 3, 2008, and before 2009.

Line 11d

Enter the basis, attributable to periods after 2008 and the construction of which began before 2021 or after 2022, of any qualified small wind energy property placed in service during the tax year, if the property was acquired by the taxpayer or the basis is attributable to construction, reconstruction, or erection by the taxpayer.

Line 11e

Enter your applicable energy percentage. See Increased Credit Amount Statement, in Part I, lines 7 and 8, earlier, for more information.

Line 11q

Enter your applicable low-income community bonus credit percentage in connection with your small wind energy facility. However, if you checked the box for Part I, line 11f, or you checked the box for Part I, line 12e (in relation to Part I, lines 11a, 11b, 11c, or 11d) you don't qualify for the low-income community business credit in connection with a small energy wind facility. Enter -0- (zero) on lines 11g and 11m, and go to line 11n.

See Low-income communities bonus credit amount, earlier, for more information.

Line 11n

Enter your applicable domestic content bonus credit percentage. See Domestic Content Certification Statement, in Part I, line 9, earlier, for more information.

If the facility or property did not meet the requirements for the domestic content bonus credit, leave line 11n blank, skip line 11o, and go to line 11p.

Line 11p

Enter the applicable energy community bonus credit percentage. See Energy community bonus credit rate, in Part I, line 10, earlier, for more information.

If the facility or property was not placed in service within an energy community, leave line 11p blank, skip line 11q, and go to line 12.

Section G—Waste Energy Recovery Property

Waste energy recovery property. Qualified waste energy recovery property means property that generates electricity solely from heat from buildings or equipment if the primary purpose of such building or equipment is not the generation of electricity. The term "waste energy recovery property" shall not include any property that has a capacity in excess of 50 megawatts. For details, see section 48(c)(5).



Taxpayers cannot take a credit for both combined heat and power system property and waste energy recovery CAUTION property for the same property. Taxpayers must elect not

to treat such property as combined heat and power system property for section 48 purposes.

Note. The transitional rules of section 48(m) (as in effect on November 4, 1990) apply to waste energy recovery property for periods after 2020.

Line 13b

Enter your applicable energy percentage. See *Increased Credit* Amount Statement, in Part I, lines 7 and 8, earlier, for more information.

Line 13d

Enter your applicable domestic content bonus credit percentage. See Domestic Content Certification Statement, in Part I, line 9, earlier, for more information.

If the facility or property did not meet the requirements for the domestic content bonus credit, leave line 13d blank, skip line 13e, and go to line 13f.

Line 13f

Enter the applicable energy community bonus credit percentage. See Energy community bonus credit rate, in Part I, line 10, earlier, for more information.

If the facility or property was not placed in service within an energy community, leave line 13f blank, skip line 13g, and go to line 14.

Section H—Geothermal Heat Pump Systems

Geothermal heat pump systems. Geothermal heat pump systems constitute equipment that uses the ground or ground water as a thermal energy source to heat a structure or as a thermal energy sink to cool a structure. For details, see section 48(a)(3)(A)(vii).

Line 15b

Enter your applicable energy percentage. See *Increased Credit* Amount Statement, in Part I, lines 7 and 8, earlier, for more information.

Line 15d

Enter your applicable domestic content bonus credit percentage. See Domestic Content Certification Statement, in Part I, line 9, earlier, for more information.

If the facility or property did not meet the requirements for the domestic content bonus credit, leave line 15d blank, skip line 15e, and go to line 15f.

Line 15f

Enter the applicable energy community bonus credit percentage. See Energy community bonus credit rate, in Part I, line 10, earlier, for more information.

If the facility or property was not placed in service within an energy community, leave line 15f blank, skip line 15g, and go to line 16.

Section I—Energy Storage Technology Property

Energy storage technology. Energy storage technology is:

- Property (other than property primarily used in the transportation of goods or individuals and not for the production of electricity) that receives, stores, and delivers energy for conversion to electricity (or, in the case of hydrogen, stores energy), and has a nameplate capacity of not less than 5 kilowatt hours; and
- Thermal energy storage property.

Modifications of certain property. In the case of any energy storage technology property described above that was either (1) placed in service before August 16, 2022, and that has a capacity of less than 5 kilowatt hours and is modified to where the property has a nameplate capacity of at least 5 kilowatt

hours; or (2) is modified in a manner that increases the nameplate capacity to at least 5 kilowatt hours, the modified property will be treated as energy storage technology property, except for the treatment of the basis of the existing property prior to the modification.

Thermal energy storage property. Thermal energy storage property is property comprising a system that:

- Is directly connected to a heating, ventilation, or air conditioning system;
- Removes heat from, or adds heat to, a storage medium for subsequent use; and
- Provides energy for the heating or cooling of the interior of a residential or commercial building.

Thermal energy storage property doesn't include:

- A swimming pool,
- · Combined heat and power system property, or
- A building or its structural components.

Line 17a

Enter the basis of any energy storage technology property placed in service during the tax year, to the extent of basis attributable to construction, reconstruction, or erection by the taxpayer.

Line 17b

Enter your applicable energy percentage. See <u>Increased Credit</u> <u>Amount Statement</u>, in Part I, lines 7 and 8, earlier, for more information.

Line 17d

Enter your applicable low-income community bonus credit percentage in connection with your solar or wind facility. However, if you checked the box for Part I, line 11f, or you checked the box for Part I, line 12e (in relation to Part I, lines 11a, 11b, 11c, or 11d) you don't qualify for the low-income community business credit in connection to a solar or wind energy facility. Enter -0- (zero) on lines 17d and 17j and go to line 17k.

See <u>Low-income communities bonus credit amount</u>, described in Part I, lines 11 and 12, earlier, for more information.

Line 17k

Enter your applicable domestic content bonus credit percentage. See <u>Domestic Content Certification Statement</u>, in Part I, line 9, earlier, for more information.

If the facility or property did not meet the requirements for the domestic content bonus credit, leave line 17k blank, skip line 17l, and go to line 17m.

Line 17m

Enter the applicable energy community bonus credit percentage. See *Energy community bonus credit rate*, in Part I, line 10, earlier, for more information.

If the facility or property was not placed in service within an energy community, leave line 17m blank, skip line 17n, and go to line 18.

Section J—Qualified Biogas Property

Qualified biogas property. Qualified biogas property is property comprising a system that:

- Converts biomass (as defined in section 45K(c)(3), as in effect on August 16, 2022), into a gas that:
 - a. Consists of not less than 52% methane by volume, or
 - b. Is concentrated by such system into a gas that consists of not less than 52% methane, and
- Captures such gas for sale or productive use, and not for disposal by means of combustion.

Qualified biogas property includes any property, described above, that is part of a system that cleans or conditions gas.

Line 19a

Enter the basis of any qualified biogas energy property placed in service during the tax year, to the extent of basis attributable to construction, reconstruction, or erection by the taxpayer.

Line 19b

Enter your applicable energy percentage. See <u>Increased Credit</u> <u>Amount Statement</u>, in Part I, lines 7 and 8, earlier, for more information.

Line 19d

Enter your applicable domestic content bonus credit percentage. See <u>Domestic Content Certification Statement</u>, in Part I, line 9, earlier, for more information.

If the facility or property did not meet the requirements for the domestic content bonus credit, leave line 19d blank, skip line 19e, and go to line 19f.

Line 19f

Enter the applicable energy community bonus credit percentage. See *Energy community bonus credit rate*, in Part I, line 10, earlier, for more information.

If the facility or property was not placed in service within an energy community, leave line 19f blank, skip line 19g, and go to line 20.

Section K—Microgrid Controllers Property

Microgrid controller. Microgrid controller means equipment that is:

- · Part of a qualified microgrid, and
- Designed and used to monitor and control the energy resources and loads on such microgrid.

Qualified microgrid. A qualified microgrid is an electrical system that:

- Includes equipment that is capable of generating not less than 4 kilowatts and not more than 20 megawatts of electricity;
- 2. Is capable of operating:
 - In connection with the electrical grid and as a single controllable entity with respect to such grid,
 - b. Independently (and disconnected) from such grid, and
- 3. Is not part of a bulk-power system (as defined in section 215 of the Federal Power Act (16 U.S.C. 824o)).

Line 21a

Enter the basis of any qualified microgrid controller property placed in service during the tax year, to the extent of basis attributable to construction, reconstruction, or erection by the taxpayer.

Line 21b

Enter your applicable energy percentage. See <u>Increased Credit</u> <u>Amount Statement</u>, in Part I, lines 7 and 8, earlier, for more information.

Line 21d

Enter your applicable domestic content bonus credit percentage. See *Domestic Content Certification Statement*, in Part I, line 9, earlier, for more information.

If the facility or property did not meet the requirements for the domestic content bonus credit, leave line 21d blank, skip line 21e, and go to line 21f.

Line 21f

Enter the applicable energy community bonus credit percentage. See *Energy community bonus credit rate*, in Part I, line 10, earlier, for more information.

If the facility or property was not placed in service within an energy community, leave line 21f blank, skip line 21g, and go to line 22.

Section L—Qualified Investment Credit Facility Property

Qualified investment credit facility property. Qualified investment credit facility property is property:

- That is tangible personal property or other tangible property (not including a building or its structural components), but only if the property is used as an integral part of the qualified investment credit facility;
- That is constructed, reconstructed, erected, or acquired by the taxpayer;
- With respect to which depreciation or amortization is allowable; and
- For which the original use begins with the taxpayer.

See section 48(a)(5) for details.

Note. The transitional rules of section 48(m) (as in effect on November 4, 1990) apply to offshore wind facilities for periods after 2016. Under the transitional rules of section 48(m) (as in effect on November 4, 1990), the phaseout of the section 48 credit provided for other types of qualified investment credit facilities under section 48(a)(5)(E), does not apply to qualified offshore wind facilities.

Qualified investment credit facility. A qualified investment credit facility is a facility that:

- Is one of the following qualified facilities that is placed in service after 2008. See <u>Beginning of construction</u>, earlier.
 - a. Wind facility under section 45(d)(1).
 - b. Closed-loop biomass facility under section 45(d)(2).
 - c. Open-loop biomass facility under section 45(d)(3).
 - d. Geothermal or solar energy facility under section 45(d) (4).
 - e. Landfill gas facility under section 45(d)(6).

- f. Trash facility under section 45(d)(7).
- g. Qualified hydropower facility under section 45(d)(9).
- Marine and hydrokinetic renewable energy facility under section 45(d)(11).
- Is a qualified offshore wind facility. See <u>Notice 2021-5</u>, <u>2021-03 I.R.B. 479</u>, for more information on beginning of construction requirements applied to offshore and federal land projects.
- No credit has been allowed under section 45 for that facility (see *Note* below); and
- 3. An irrevocable election was made to treat the facility as energy property.

Note. If a taxpayer retrofits an energy property that previously received a credit under section 45 by meeting the 80/20 Rule provided in section 7.05 of *Notice 2018-59, 2018-28 I.R.B. 196*, the taxpayer may claim an investment tax credit based on its investment. However, if the energy property is within the recapture period for the section 45 credit, the taxpayer may have to recapture all or part of such section 45 credit accordingly.

Qualified offshore wind facility. For purposes of section 48(a)(5), qualified offshore wind facility means a qualified facility (within the meaning of section 45(d)(1)) that is located in the inland navigable waters of the United States or in the coastal waters of the United States.

Section 48(a)(5) Election Statement

If you are electing to treat a qualified investment credit facility as energy property, you must attach an election statement to Form 3468 for each qualified facility. The election statement must include the following information.

- Your name and taxpayer identification number shown on the return.
- 2. For each qualified facility, include the following:
 - a. The facility description (including the owner information, if different from the filer) and the IRS-issued registration number (if applicable) of the qualified facility from Part I, line 2a.
 - b. An accounting of your basis in the energy property.
 - A depreciation schedule reflecting your remaining basis in the energy property after the energy credit is claimed.
- A statement that you haven't and won't claim a section 1603 grant for new investment in the property for which you are claiming the energy credit.
- 4. A declaration, applicable to the statement and any accompanying documents, signed by you, or signed by a person currently authorized to bind you in such matters that states the following: "Under penalties of perjury, I declare that I have examined this statement, including accompanying documents, and to the best of my knowledge and belief, the facts presented in support of this statement are true, correct, and complete."

Line 23b

Enter your applicable energy percentage. See <u>Increased Credit</u> <u>Amount Statement</u>, in Part I, lines 7 and 8, earlier, for more information.

Line 23d

Enter your applicable low-income community bonus credit percentage in connection with your wind facility. However, if you checked the box for Part I, line 11f, or you checked the box for Part I, line 12e (in relation to Part I, lines 11a, 11b, 11c, or 11d) you don't qualify for the low-income community bonus credit in connection with a wind facility. Enter -0- (zero) on lines 23d and 23j and go to line 23k.

See <u>Low-income communities bonus credit amount</u>, in Part I, lines 11 and 12, earlier, for more information.

Line 23k

Enter your applicable domestic content bonus credit percentage. See *Domestic Content Certification Statement*, in Part I, line 9, earlier, for more information.

If the facility or property did not meet the requirements for the domestic content bonus credit, leave line 23k blank, skip line 23l, and go to line 23m.

Line 23m

Enter the applicable energy community bonus credit percentage. See *Energy community bonus credit rate*, in Part I, line 10, earlier, for more information.

If the facility or property was not placed in service within an energy community, leave line 23m blank, skip line 23n, and go to line 24.

Section M—Clean Hydrogen Production Facilities as Energy Property

Election to treat clean hydrogen production facilities as energy property. In the case of any qualified property (as defined in section 48(a)(5)(D)) that is part of a specified clean hydrogen production facility, such property will be treated as energy property for purposes of this section, and the energy percentage with respect to such property is as follows.

- 1.2% in the case of a facility that is designed and reasonably expected to produce qualified clean hydrogen that is described in section 45V(b)(2)(A).
- 1.5% in the case of a facility that is designed and reasonably expected to produce qualified clean hydrogen that is described in section 45V(b)(2)(B).
- 2% in the case of a facility that is designed and reasonably expected to produce qualified clean hydrogen that is described in section 45V(b)(2)(C).
- 6% in the case of a facility that is designed and reasonably expected to produce qualified clean hydrogen that is described in section 45V(b)(2)(D).

Denial of production credit. No credit will be allowed under section 45V or section 45Q for any tax year with respect to any specified clean hydrogen production facility or any carbon capture equipment included at such facility.

Specified clean hydrogen production facility. Specified clean hydrogen production facility means any qualified clean hydrogen production facility that meets the following.

- Owned by the taxpayer.
- Produces qualified clean hydrogen.
- Construction begins before 2033.
- Is placed in service after 2022.
- No credit has been allowed under section 45V or 45Q.
- The taxpayer makes an irrevocable election to treat clean hydrogen production facility as energy property under section 48(a)(15).

 An unrelated third party has verified (in such form or manner as the Secretary may prescribe) that such facility produces hydrogen through a process that results in lifecycle greenhouse gas emissions that are consistent with the hydrogen that the facility was designed and expected to produce as specified in the <u>Section 48(a)(15) Election</u> <u>Statement</u>, described below.

Qualified clean hydrogen. Qualified clean hydrogen means hydrogen that is produced through a process that results in a lifecycle greenhouse gas emissions rate of not greater than 4 kilograms of CO2e per kilogram of hydrogen.

Qualified clean hydrogen also requires the following.

- Hydrogen is produced in the United States (as defined in section 638(1)) or a territory of the United States (as defined in section 638(2)).
- Hydrogen is produced in the ordinary course of a trade or business of the taxpayer.
- Hydrogen is produced for sale or use.
- The production and sale or use of such hydrogen is verified by an unrelated party.

Section 48(a)(15) Election Statement

If you are electing to treat qualified property that is part of a specified clean hydrogen production facility as energy property, you must attach a statement to Form 3468 for each qualified facility. The election statement must include the following information.

- Your name and taxpayer identification number shown on the return.
- 2. For each qualified facility, include the following:
 - a. The facility description (including the owner information, if different from the filer) and the IRS-issued registration number (if applicable) of the qualified facility from Part I, line 2a.
 - The lifecycle greenhouse gas (GHG) emission rate of the facility for the tax year.
 - c. A copy of the required verification report and if you are petitioning for a provisional emissions rate, a copy of the documentation obtained from the Department of Energy providing an emissions value.
- An attestation that the facility produced hydrogen through a
 process that results in a lifecycle GHG emissions rate that is
 consistent with, or lower than, the lifecycle GHG emissions
 rate of the hydrogen that such facility was designed and
 expected to produce.
- A statement that you haven't and won't claim a section 45V or 45Q credit for the facility which you are claiming the energy credit.
- 5. A declaration, applicable to the statement and any accompanying documents, signed by you, or signed by a person currently authorized to bind you in such matters that states the following: "Under penalties of perjury, I declare that I have examined this statement, including accompanying documents, and to the best of my knowledge and belief, the facts presented in support of this statement are true, correct, and complete."

Line 25a

Enter the basis of property placed in service during the tax year for the facility that is designed and reasonably expected to produce, through a process, qualified clean hydrogen that results in a lifecycle greenhouse gas emission rate no greater than 4 kilograms of CO2e per kilogram of hydrogen and not less than 2.5 kilograms as described in section 45V(b)(2)(A).

Line 25b

Enter your applicable energy percentage. See <u>Increased Credit</u> <u>Amount Statement</u>, in Part I, lines 7 and 8, earlier, for more information.

Line 25d

Enter the basis of property placed in service during the tax year for the facility that is designed and reasonably expected to produce, through a process, qualified clean hydrogen that results in a lifecycle greenhouse gas emission rate less than 2.5 kilograms of CO2e per kilogram of hydrogen and not less than 1.5 kilograms as described in section 45V(b)(2)(B).

Line 25e

Enter your applicable energy percentage. See <u>Increased Credit</u> <u>Amount Statement</u>, in Part I, lines 7 and 8, earlier, for more information.

Line 25g

Enter the basis of property placed in service during the tax year for the facility that is designed and reasonably expected to produce, through a process, qualified clean hydrogen that results in a lifecycle greenhouse gas emission rate less than 1.5 kilograms of CO2e per kilogram of hydrogen and not less than 0.45 kilograms as described in section 45V(b)(2)(C).

Line 25h

Enter your applicable energy percentage. See <u>Increased Credit</u> <u>Amount Statement</u>, in Part I, lines 7 and 8, earlier, for more information.

Line 25j

Enter the basis of property placed in service during the tax year for the facility that is designed and reasonably expected to produce, through a process, qualified clean hydrogen that results in a lifecycle greenhouse gas emission rate less than 0.45 kilograms of CO2e per kilogram of hydrogen as described in section 45V(b)(2)(D).

Line 25k

Enter your applicable energy percentage. See <u>Increased Credit</u> <u>Amount Statement</u>, in Part I, lines 7 and 8, earlier, for more information.

Section N—Totals and Credit Reduction for Tax Exempt

Line 28

If proceeds of tax-exempt bonds were used to finance your facility, continue to line 29. If proceeds were not used to finance your facility, skip lines 29a through 29e, and go to line 30.

Line 29

Credit reduced for tax-exempt bonds. The amount of the credit with respect to any facility for any tax year will be reduced

by the amount that is the product of the amount so determined for such year and the lesser of one of the following.

- 15%, or
- A fraction, which the numerator is the sum for the tax year and all prior tax years, of proceeds of an issue of any obligations the interest on which is exempt from tax under section 103 and that is used to provide financing for the qualified facility over the denominator, which is the aggregate amount of additions to the capital account for the qualified facility for the tax year and all prior tax years as of the close of the tax year.

Note. The credit reduced for tax-exempt bonds, lines 29a through 29e, applies to construction, reconstruction, or erection of an energy property which began after August 16, 2022.

Line 31

Patrons, including cooperatives that are patrons in other cooperatives, enter the unused investment credit from the energy credit allocated from cooperatives. If you are a cooperative, see the instructions for Form 3800, Part III, line 4a, for allocating the investment credit to your patrons.



See General Instructions for filing Form 3468 to report any unused credits from cooperatives.

Line 32

Elective payment phaseout for applicable entities. If you are making an elective payment election for a facility whose construction began in calendar year 2024, and the facility does not satisfy the rules of section 48(a)(12)(B) or does not have a maximum net output of less than 1 megawatt (as measured in alternating current), multiply line 30 by 90% (0.90) and enter the amount on line 32.

Exception to elective payment phaseout. For facilities whose construction began during calendar year 2024, Notice 2024-09 provides transitional procedures to claim the statutory exceptions to the elective payment phaseout related to the domestic content requirement.

To substantiate your claim of exception to the elective payment phaseout, you must complete and attach a statement to Form 3468. The statement must say, under penalties of perjury, that you have reviewed the requirements for the increased cost exception and the non-availability exception under section 45(b) (10)(D), and have made a good faith determination that the qualified facility meets the requirements for the increased cost exception and/or the non-availability exception, as applicable. The statement must be signed by a person with the legal authority to bind the applicable entity in federal tax matters. For more information, see *Notice 2024-09, 2024-02 I.R.B. 358*.

Partnership or S corporation. If you are a partnership or S corporation electing to transfer the energy credit with respect to a facility or property (or portion of) under section 6418(c), you must report the total credit amount with respect to your facility on line 32 and Form 3800, Part III, line 4a.

Part VII—Rehabilitation Credit Under Section 47

You are allowed a credit for qualified rehabilitation expenditures made for any qualified rehabilitated building. You must reduce your basis by the amount of the credit determined for the tax year. See Regulations section 1.47-7.

If the adjusted basis of the building is determined in whole or in part by reference to the adjusted basis of a person other than the taxpayer, see Regulations section 1.48-12(b)(2)(viii) for additional information that must be attached.

Qualified rehabilitated building. To be a qualified rehabilitated building, your building must meet all five of the following requirements.

- The building must be a certified historic structure. A certified historic structure is any building:
 - a. Listed in the National Register of Historic Places, or
 - b. Located in a registered historic district (as defined in section 47(c)(3)(B)) and certified by the Secretary of the Interior as being of historic significance to the district.

Certification requests are made through your State Historic Preservation Officer on National Park Service (NPS) Form 10-168, Historic Preservation Certification Application. The request for certification should be made prior to physical work beginning on the building. For pre-1936 buildings under the transition rule, see *Transitional rule for amounts paid or incurred after 2017*, later.

- 2. The building must be substantially rehabilitated. A building is considered substantially rehabilitated if your qualified rehabilitation expenditures during a self-selected 24-month period that ends with or within your tax year are more than the greater of \$5,000 or your adjusted basis in the building and its structural components. Figure adjusted basis on the first day of the 24-month period or the first day of your holding period, whichever is later. If you are rehabilitating the building in phases under a written architectural plan and specifications that were completed before the rehabilitation began, substitute "60-month period" for "24-month period."
- 3. Depreciation must be allowable with respect to the building. Depreciation isn't allowable if the building is permanently retired from service. If the building is damaged, it isn't considered permanently retired from service where the taxpayer repairs and restores the building and returns it to actual service within a reasonable period of time.
- 4. The building must have been placed in service before the beginning of rehabilitation. This requirement is met if the building was placed in service by any person at any time before the rehabilitation began.
- 5. For a building under the transition rule:
 - a. At least 75% of the external walls must be retained with 50% or more kept in place as external walls, and
 - b. At least 75% of the existing internal structural framework of the building must be retained in place.

Qualified rehabilitation expenditures. To be qualified rehabilitation expenditures, your expenditures must meet all six of the following requirements.

- 1. The expenditures must be for:
 - a. Nonresidential real property,
 - b. Residential rental property (but only if a certified historic structure; see Regulations section 1.48-1(h)), or
 - Real property that has a class life of more than 12.5 years.
- 2. The expenditures must be incurred in connection with the rehabilitation of a qualified rehabilitated building.
- 3. The expenditures must be capitalized and depreciated using the straight line method.
- The expenditures can't include the costs of acquiring or enlarging any building.

- 5. If the expenditures are in connection with the rehabilitation of a certified historic structure or a building in a registered historic district, the rehabilitation must be certified by the Secretary of the Interior as being consistent with the historic character of the property or district in which the property is located. This requirement doesn't apply to a building in a registered historic district if:
 - a. The building isn't a certified historic structure;
 - b. The Secretary of the Interior certifies that the building isn't of historic significance to the district; and
 - c. If the certification in (b) occurs after the rehabilitation began, the taxpayer certifies in good faith that the taxpayer wasn't aware of that certification requirement at the time the rehabilitation began.
- 6. The expenditures can't include any costs allocable to the part of the property that is (or may reasonably be expected to be) tax-exempt use property (as defined in section 168(h) except that "50%" shall be substituted for "35%" in paragraph (1)(B)(iii)). This exclusion doesn't apply for line 1f.

Line 1a

Check the appropriate box whether there was any charitable conservation contribution deduction under section 170(h) claimed for the property on which you are claiming a credit for a certified historic structure.

Line 1b

If you checked "Yes" to line 1a, you must provide the NPS project number. The NPS project number is assigned:

- By NPS to a certified historic structure;
- To a building on a property that has multiple buildings which is individually listed in the National Register of Historic Places referenced in section 170(h)(4)(C)(i); or
- To a building that is in a historic district referenced in section 170(h)(4)(C)(ii).

If the property is a single building individually listed in the National Register of Historic Places, enter five zeros ("00000") in the NPS project number field. For more details on the NPS project number for easements on certified historic structures, see the Instructions for Form 8283, Noncash Charitable Contributions. For more information on charitable conservation contribution deduction of certified historic structures, see Pub. 526, Charitable Contributions.

Line 1c

For credit purposes, the expenditures are generally taken into account for the tax year in which the qualified rehabilitated building is placed in service. However, with certain exceptions, you may elect to take the expenditures into account for the tax year in which they were paid (or, for a self-rehabilitated building, when capitalized) if:

- The normal rehabilitation period for the building is at least 2 years, and
- It is reasonable to expect that the building will be a qualified rehabilitated building when placed in service.

For details, see section 47(d). To make this election, check the box on line 1c. The credit, as a percent of expenditures paid or incurred during the tax year for any qualified rehabilitated building, depends on the type of structure and its location.

Lines 1h, 1i, and 1j

Transitional rule for amounts paid or incurred after 2017. The 10% credit for pre-1936 buildings no longer applies and the 20% credit for a certified historic structure is generally modified to allow 100% of qualified rehabilitation expenditures ratably

over a 5-year period for amounts paid or incurred after 2017. For qualified rehabilitation expenditures paid or incurred during the transitional period stated below, the taxpayer can claim the 10% credit for pre-1936 buildings and the 20% credit for a certified historic structure (under section 47(a), as in effect before December 22, 2017). The transitional rule applies to amounts paid or incurred as follows.

In the case of qualified rehabilitation expenditures with respect to any building (a) owned or leased by the taxpayer during the entirety of the period after 2017; and (b) with respect to the 24-month period selected by the taxpayer under section 47(c)(1)(B)(i) (as in effect after December 21, 2017) (or the 60-month period applicable under section 47(c)(1)(B)(ii)), which begins no later than 180 days after December 22, 2017, the transitional rule applies to expenditures paid or incurred after the end of the tax year in which the 24-month period (or the 60-month period) ends.

If you have more than one property that qualifies for the rehabilitation credit, attach a schedule showing the type of property (pre-1936 building or certified historic structure), NPS number, date of final certification, and the partnership employer identification number (EIN), if applicable. Also, indicate if the transitional rule applies.

Line 1k

If you are claiming a credit for a certified historic structure on line 1i or 1j, enter the assigned NPS project number on line 1k.

If the qualified rehabilitation expenditures are from an S corporation, partnership, estate, or trust, enter on line 1k the EIN of the pass-through entity instead of the assigned NPS project number, and skip the second line assigned for the date on line 1k.

The lessor will provide the lessee with the NPS project number to enter on line 1k.

For the second line on line 1k, enter the date of the final certification of completed work received from the Secretary of the Interior.

Certification of completed work not received by time of filing. If the final certification hasn't been received by the time the tax return is filed for a year in which the credit is claimed, attach a copy of the first page of NPS Form 10-168, Historic Preservation Certification Application (Part 2—Description of Rehabilitation), with an indication that it was received by the Department of the Interior or the State Historic Preservation

Officer, together with proof that the building is a certified historic structure (or that such status has been requested).

After the final certification of completed work has been received, file Form 3468 with the first income tax return filed after receipt of the certification and enter the assigned NPS project number and the date of the final certification of completed work on the appropriate lines on the form. Also, attach an explanation and indicate the amount of credit claimed in prior years.

Failure to receive final certification of completed work within 30 months. If you didn't receive final certification of completed work prior to the date that is 30 months after the date that you filed the tax return on which the credit was claimed, you must submit, before the last day of the 30th month, a written statement to the IRS stating that fact. You will be asked to consent to an agreement under section 6501(c)(4) extending the period of assessment for any tax relating to the time for which the credit was claimed.

Mail the written statement to:

Internal Revenue Service **Technical Services** 31 Hopkins Plaza, Room 1108 Baltimore, MD 21201

Final certification of completed work. You must retain a copy of the final certification of completed work as long as its contents may be needed for the administration of any provision of the Code.



If the final certification is denied by the Department of the Interior, the credit is disallowed for any tax year in CAUTION which it was claimed, and you must file an amended

return if necessary. See Regulations section 1.48-12(d)(7)(ii) for details.

Line 2

Patrons, including cooperatives that are patrons in other cooperatives, enter the unused investment credit from the rehabilitation investment credit allocated from cooperatives. If you are a cooperative, see the instructions for Form 3800, Part III, line 4k, for allocating the investment credit to your patrons.



See General Instructions for filing Form 3468 to report any unused credits from cooperatives.

Paperwork Reduction Act Notice. We ask for the information on this form to carry out the Internal Revenue laws of the United States. You are required to give us the information. We need it to ensure that you are complying with these laws and to allow us to figure and collect the right amount of tax.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential, as required by section 6103.

The time needed to complete and file this form will vary depending on individual circumstances. The estimated burden for individual and business taxpayers filing this form is approved under OMB control number 1545-0074 and 1545-0123 and is included in the estimates shown in the instructions for their individual and business income tax return. The estimated burden for all other taxpayers who file this form is shown below.

Recordkeeping	18 hr., 39 min.
Learning about the law or the form.	6 hr., 21 min.
Preparing and sending the form to the IRS	10 hr., 55 min.

If you have comments concerning the accuracy of these time estimates or suggestions for making this form simpler, we would be happy to hear from you. See the instructions for the tax return with which this form is filed.