

# Business Energy Tax Credit Application for Final Certification

1. When the project is finished, the project owner should complete this application. The project owner's name must be the same name as on the Preliminary Certificate. The person signing for the project owner must be the owner or an owner, partner, managing member or shareholder of the project owner.
2. Please complete all questions. Incomplete applications will cause a delay in the issuance of your final tax certificate.
3. Include verification of your **total** project costs. Final eligible certified costs may not exceed the preliminary certified costs unless you have submitted your project changes in writing and received approval from the Oregon Department of Energy before you completed your project. (Cost increases alone are **not** sufficient for the Oregon Department of Energy to issue a revised Preliminary Certification.)
  - If the final total project costs are less than \$50,000, include copies of canceled checks (copy both sides) **or** the contractor's or vendor's invoices/receipts. If you send copies of the invoices/receipts, please make sure they show the date of purchase or installation and the date of payment, are clearly marked "PAID in full" and are identified as from the contractor or vendor.
  - If the final total project costs are \$50,000 or more, send a letter signed by a Certified Public Accountant (CPA) *who is not an employee of your business*. Information concerning the CPA letter available on our Web site. (([www.oregon.gov/ENERGY/CONS/BUS/docs/CPA.pdf](http://www.oregon.gov/ENERGY/CONS/BUS/docs/CPA.pdf)))
4. If part of the project included equipment that is leased, include a copy of the lease in the cost verification. If contractors, etc. were paid with loan proceeds, include a copy of the loan document. You must submit documentation from your lender that the loan is current and not in default.
5. Subtract any federal **grants** from the project costs to arrive at the total project costs. American Recovery and Reinvestment Act 2009 stimulus funds are considered federal grants.
6. List any utility, Energy Trust of Oregon and other financial incentives and federal tax credits you receive (or expect to receive) for this project. These incentives and tax credits should **not** be deducted, but must be listed. The total of your financial incentives and federal tax credit and the Business Energy Tax Credit may **not** exceed the final eligible project costs.
7. Project owners, except for transportation projects, must submit documentation from the county property tax assessor that the property taxes on the property where the facility is located are current.
8. Project owners must submit documentation regarding applicable permits and licenses required by the facility and compliance with land use laws, if applicable.
9. Project owners must report the number of jobs created or eliminated at their business by the installation of this project.
10. The project owner must complete and sign the Project Owner Statement. The Project Owner must be exactly the same as that issued on the Preliminary Certificate. If there has been a change in ownership, please contact the Oregon Department of Energy at 1-800-221-8035.

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11. List the names and other information for all tax credit recipients. Each tax credit recipient must sign the Tax Credit Recipient Statement. Tax credit recipients must be the same as the project owner or certify that they are owners, partners, members or shareholders in the project owner. If a tax credit recipient is not one of those entities, they are not eligible for a direct tax credit and must use a Pass-through Option. Contact the Oregon Department of Energy at 1-800-221-8035. If the project owner and tax credit recipient is an LLC, LLP or Partnership, the managing member may sign for the entity.

12. Mail the completed original final application to:  
Oregon Department of Energy  
625 Marion St. N.E.  
Salem, OR 97301-3737

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

**Questions?** For questions on claiming the tax credit, contact the Oregon Department of Revenue ([www.oregon.gov/DOR](http://www.oregon.gov/DOR)) or call 1-800-356-4222. Call the Oregon Department of Energy at 1-800-221-8035 (toll-free in Oregon) or (503) 378-4040 (Salem). Or visit our Web site ([www.oregon.gov/energy](http://www.oregon.gov/energy)).

# Business Energy Tax Credit

## Application for Final Certification

### For office use only

Application #:

Date received:

Final certified cost:

### Application must be complete

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

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

<b>3. Permits and licenses (Check one)</b>
<input type="checkbox"/> I have submitted copies of all applicable permits and licenses required for my facility under local and state laws
<input type="checkbox"/> My facility did not require any permits or licenses under local and state laws

<b>4. Compliance with land use laws of city and/or county (Check one)</b>
<input type="checkbox"/> I have submitted copies of documents demonstrating that this facility complies with or has a variance from the land use laws of the city/county where the facility is located
<input type="checkbox"/> Compliance with land use laws was not applicable to my facility

<b>5. Facility property taxes</b>
<input type="checkbox"/> I have submitted documentation from the county where the facility is located that the facility property taxes are current (not applicable to transportation projects)

## 6. Business plan

As project owner, I intend to maintain and operate this business for at least 5 years?

Yes       No

Have you received or applied for other Business Energy Tax Credits for this facility or other facilities?  Yes       No

If YES, please list the BETC application numbers: \_\_\_\_\_

Number of jobs created by project? \_\_\_\_\_

Number of jobs eliminated by project? \_\_\_\_\_

## 7. Project cost

Final project costs

(Regardless if these costs are eligible costs for the Business Energy Tax Credit)

I have enclosed a CPA letter if final project costs are \$50,000 or more

\$

Subtract any federal grants

Is this part of the 2009 federal stimulus package?  Yes       No

\$

Total final project costs

\$

**Other incentives:** Please list any utility, Energy Trust of Oregon, or other organization rebates or incentives (not loans) or any federal tax credits that you received (or expect to receive) for this project. List the name of the group and the amount received. If there are none, state "none." (**This is a required field.**) These financial incentives and any federal tax credits will not be deducted from your final eligible project costs, however, the sum of all financial incentives and a federal tax credit and the Business Energy Tax Credit may not exceed 100 percent of the final eligible project costs.

\$

\$

\$

**Loan contracts or binding agreements:** If your project was paid for with loan agreements or binding contracts, you must provide documentation from the lender that your loan/contract is not in default. Please check one.

Yes – I have a loan agreement or binding contract to pay for this project. I have included **required** documentation from the lender that my loan/contract is current and not in default.

Amount of loan: \_\_\_\_\_

Lender: \_\_\_\_\_

No – I did not have a loan agreement or binding contract to pay for this project.

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

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

<b>Project Owner Name:</b> (Must be the same as the Preliminary Certificate)	Application #
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Mailing address: \_\_\_\_\_

City/state/zip: \_\_\_\_\_

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

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

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

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

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

<b>Tax Credit Recipient (All fields must be completed. Please print)</b>		<b>Application #</b>
Name of project owner (must be the same as the Preliminary Certificate):		
Tax credit recipient name:		
Recipient SSN or Tax I.D. #:		Tax credit share:            %
By signing this Statement, I certify that I am the above named project owner or an owner, partner, member or shareholder of the above named project owner.*		
Recipient mailing address:		
City/state/zip:		
Recipient phone:		Recipient E-mail:
By signing this statement, I acknowledge that I have read and agree with the terms and conditions of the Tax Credit Recipient Statement above and have not altered it in any way.		
Signature of tax credit recipient:		Date:

\* Tax credit recipients who are not the project owner or owners, partners, members or shareholders of the project owner must use the Pass-through Option to obtain a tax credit. Information will be shared with the Oregon Department of Revenue to administer state tax law. Please contact the Oregon Department of Energy at 1-800-221-8035 for more information on the Pass-through Option.