

BCSE Comments on Proposed Regulations Related to the Transfer of Credits Under the Inflation Reduction Act

August 14, 2023

Thank you for the opportunity for the Business Council for Sustainable Energy (BCSE) to provide its views in response to the release of proposed regulations related to implementation of Section 6418 Transfer of Credits, REG-101610-23.

The Council appreciates the work of the staff at the Department of the Treasury (Treasury) and Internal Revenue Service (IRS) to issue the proposed regulations and prioritize guidance that will maximize public benefit via the use of the transferability regime to propel investment in clean energy projects as provided in the Inflation Reduction Act of 2022 (IRA).¹

The BCSE advocates for energy and environmental policies that promote markets for clean, efficient, and sustainable energy products and services. Since its founding in 1992, BCSE has been focused on policy adoption that will increase the deployment of energy efficiency, natural gas, renewable energy, as well as energy storage, sustainable transportation, and emerging decarbonization technologies. As a diverse coalition, not all BCSE members take a position or endorse the issues discussed in this submission.

Provide Information on How to Expedite Eligible 30C Project Review to Facilitate Timely Infrastructure Deployment

The continued rapid build out of EV charging infrastructure is critical to achieving President Biden's goal of installing 500,000 chargers by 2030 and the 30C Alternative Fuel Infrastructure Tax Credit, as modified by the IRA, will be a key tool to help the U.S. reach that target.

The 30C credit is inherently different from many of the other tax credits affected by these proposed transferability provisions. Given there is likely to be a greater number of projects seeking to utilize the 30C credit relative to the others, we encourage the IRS to be thoughtful in how it could increase or reduce the administrative burden of 30C implementation, consistent with the intent of the Paperwork Reduction Act.

As proposed, a qualified taxpayer would be required to register and make an election on a property-by-property basis. In some cases, the transaction cost for completing a registration for each individual property, arranging for a credit transfer, and compiling the necessary paperwork could make the credit transaction cost prohibitive for organizations seeking to claim the 30C credit for multiple properties.

¹ Inflation Reduction Act of 2022, Pub. L. No. 117-169, 136 Stat. 1818 (August 16, 2022) (codified as amended in scattered sections across multiple U.S.C. titles).



BCSE requests the Treasury and the IRA provide more clarification on how it can streamline the registration and administrative processes related to accessing the 30C credit.

The risk of administrative delays creates uncertainty for taxpayers at a time of major momentum for sustainable transportation. Further, streamlining of processes for qualified 30C projects would also reduce the implementation burden on the IRS.

BCSE appreciates the opportunity to share its views in response to the request for comments on the proposed regulations related to the utilization of transferability of tax credits.

Please do not hesitate to contact BCSE President, [Lisa Jacobson](#) with any questions. Thank you for your consideration.