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2015 Credit for Renewable Energy Investment and Production for Self-Consumption by Manufacturers and International Operations Centers

CONTACTS FOR CREDIT FOR RENEWABLE ENGERY INVESTMENT AND PRODUCTION FOR SELF-CONSUMPTION BY MANUFACTURERS AND INTERNATIONAL OPERATIONS CENTERS

Arizona Department of Revenue

• Tax forms and instructions • Information and assistance

Website:	www.azdor.gov
Taxpayer assistance	(602) 255-3381
From area codes 520 and 928, toll-free	(800) 352-4090

General Information

Arizona Revised Statutes (A.R.S.) §§ 43-1083.04 and 43-1164.05 provide nonrefundable individual and corporate income tax credits for investment in new renewable energy facilities or for International Operations Centers that produce energy for self-consumption using renewable energy resources. The credit authorized is \$5 million per year for five years. The initial credit is claimed in the year the facility becomes operational.

Claiming this Credit

To claim this credit, a taxpayer must apply to the Arizona Department of Revenue (Department) for certification. The department reviews and pre-approves the taxpayer for the credit on a first come, first served basis. The maximum amount of this credit a taxpayer can receive is \$5,000,000 per tax year. The department may not authorize tax credits under A.R.S. §§ 43-1083.04 and 43-1164.05 that exceed, in the aggregate, a total of \$10 million for any calendar year.

The Taxpayer must submit a request for final certification to the department within 30 days after the renewable energy facility for which authorization was given becomes operational. See the program guidelines at www.azdor.gov under the "Tax Credits" section.

There are two means of qualifying for this credit: (a) as a manufacturing facility (Manufacturer), or, (b) as an International Operations Center (IOC).

To qualify as a manufacturer, a taxpayer must:

- Invest \$300 million in new renewable energy facilities in Arizona
- Those facilities *must* produce energy for selfconsumption using renewable energy resources
- The \$300 million investment must be completed within a 3-year period beginning on the date the initial application was received (by the Department) or by December 31, 2017, whichever is earlier.
- At least 90 percent of the energy produced at the facility must be used for self-consumption in Arizona

• The power generated is used primarily for manufacturing

Arizona Form

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To qualify as an IOC, a taxpayer must:

- Invest at least \$100 million in one or more renewable energy facilities in Arizona
- The minimum investment of \$100 million must be completed within a 3-year period beginning on the date the initial application is received (by the Department) or by December 31, 2018, whichever is earlier
- Invest \$1.25 billion in the IOC within 10 years after being certified by the Arizona Commerce Authority
- The energy produced must be used for selfconsumption
- By the fifth year the facility is in operation, at least 51 percent of the energy produced must be used for self-consumption in Arizona

This credit is available to corporate taxpayers, exempt organizations subject to unrelated business taxable income (UBTI), partners in a partnership, members of a limited liability company (LLC), and to individual shareholders of an S corporation. The total of the credits may not exceed the amount that would have been allowed for a sole owner of the business.

If the current taxable year's credit exceeds the taxpayer's tax liability for the taxable year, the taxpayer may carry forward the unused credit to the next five consecutive taxable years. No credit, other than carryovers generated properly, may be claimed for any taxable year beginning after December 31, 2025.

Credit Recapture

If a taxpayer fails to meet the required investment for a Manufacturer, the taxpayer must cease claiming any credits and recapture any and all credit(s) already claimed.

The recapture must be made on the taxpayer's income tax return for the taxable year in which it is first known that the required investment would not be made within the required time or the taxable year in which the certification was revoked.

If an IOC taxpayer fails to invest \$1.25 billion investment in the center within the 10 years after certification, this credit is recaptured in inverse proportion to the total capital investment made in the IOC by the \$1.25 billion. The recapture must be made on the taxpayer's income tax return for the taxable year in which it is first known that the required investment would not be made within the required time or the taxable year in which the certification was revoked.

IOC Example:

Ten years after its certification, an IOC taxpayer invested \$900 million in its center and claimed \$25 million for this

credit (\$5,000,000 per year for 5 years.) The IOC taxpayer will determine its credit recapture by subtracting its total investment (\$900 million) from the required investment (\$1.25 billion) and dividing that amount by the required investment

IOC Example (Continued):

IOC Taxpayer invests \$900 million in 10 years; Required investment amount is \$1.25 billion

Required Investment	\$1,250,000,000
Total Investment	\$ 900,000,000
Amount not invested	\$ 350,000,000
Amount not invested	\$ 350,000,000
Required Investment	\$1,250,000,000
Percentage not invested	28%
Calculate Credit Recapture Total Credit Claimed	\$25,000,000

Total Credit Claimed Percentage (above) Amount to Recapture

28% **\$ 7,000,000**

The IOC taxpayer will report a Credit Recapture on its income tax return of \$7 million.

Specific Instructions

Complete the name and taxpayer identification number section at the top of the form. Indicate the period covered by the taxable year. Include the completed form and all supporting documentation with the tax return.

All returns, statements, and other documents filed with the department require a taxpayer identification number (TIN). The TIN for a corporation, an exempt organization with UBTI, an S corporation, or a partnership is the taxpayer's employer identification number. The TIN for an individual is the taxpayer's social security number or an Internal Revenue Service individual taxpayer identification number. Taxpayers that fail to include their taxpayer identification number may be subject to a penalty.

Part 1 – Qualification for and Current Taxable Year's Credit

Line 1

If you received any certificate(s) directly from the department, check the "Yes" box and include a copy of the certificate. If you did not, check the "No" box and skip to line 4.

Line 2

Enter the facility code for which you received the credit Line 3

Enter the total amount of the credit authorized by the certificate

Line 4

If you received a Form 351-S or a Form 351-P, check the "Yes" box and include a copy of the form. If you did not, check the "No" box and skip to Part 2.

Line 5

Enter the facility code indicated on Form 351-S or Form 351-P.

Line 6

Enter the name and Employer Identification Number (EIN) of the company passing the credit through to you

Line 7

Enter your portion of the credit indicated on Form 351-S or Form 351-P

Line 8

Add lines 3 and 7 and enter the total here.

NOTE: If you are a partner or shareholder in multiple entities receiving this tax credit, create a schedule detailing the amount of the credit recapture that was passed through to you from each partnership or S corporation, and include that schedule with your tax return.

Line 9

Enter the lesser of line 8 or \$5,000,000. This is your current year's total tax credit. This amount cannot exceed \$5 million.

NOTE: The maximum credit allowed per taxpayer per taxable year is \$5 million.

Part 2 – Credit Recapture

NOTE: If you are a partnership or S corporation that passed the credit through to partners or shareholders, do not complete Part 2. You will report the recapture to the partners or shareholders on either Form 351-P or Form 351-S.

Line 10

If you received a notice from the department that your credit is subject to recapture, check the "Yes" box, and include a copy of the notice. If you did not, check the "No" box and skip to line 17.

Line 11

Enter the facility code indicated on the certificate

Line 12

Enter the tax year(s) you claimed the credit

Line 13

Enter the credit amount previously authorized by the department

Line 14

Enter the amount of credit carryover that remains unused.

Line 15

Subtract line 14 from line 13 and enter the amount

Is line 15 less than zero?

If you subtract line 14 from line 13 and your result is less than zero, you may be eligible to use a portion of your credit carryforward.

To determine the amount of credit carryforward you can use, subtract line 13 from line 14. The result is the amount of this credit you can carry forward.

EXAMPLE:

On your Form 351, line 13 is 5,000,000 and line 14 is 4,000,000. If you subtract line 14 from line 13, the result is negative (1,000,000).

As instructed above, you then subtract line 13, \$5,000,000, from line 14, \$4,000,000. The result is \$1,000,000.

This is the amount of this credit you can carry forward.

Line 16

Enter the greater of line 15 or zero. This is the amount of your direct recapture.

NOTE: If you are a partner or shareholder in multiple entities receiving this tax credit, complete a schedule detailing the amount of the credit passed through from each partnership or S corporation, and include that schedule with your tax return.

Line 17

If you received a notice of recapture on Form 351-S or 351-P, check the "Yes" box and include a copy of the form. If you did not, check the "No" box and skip to Part 3.

Line 18

Enter the name and EIN of the partnership or S corporation who sent you the notice or recapture.

Line 19

Enter the tax year(s) you claimed the credit.

Line 20

Enter the total credit previously passed through to you on Form 351-S or 351-P that is subject to recapture.

Line 21

Enter the amount of the credit carryover that remains unused.

Line 22

Subtract line 21 from line 20 and enter the amount.

Is line 22 less than zero?

If you subtract line 21 from line 20 and your result is less than zero, you may be eligible to use a portion of your credit carryforward.

To determine the amount of credit carryforward you can use, subtract line 20 from line 21. The result is the amount of this credit you can carry forward.

EXAMPLE:

On your Form 351, line 21 is 5,000,000 and line 20 is 4,000,000. If you subtract line 21 from line 20, the result is negative (1,000,000).

As instructed above, you then subtract line 20, \$5,000,000, from line 21, \$4,000,000. The result is \$1,000,000.

This is the amount of credit you can carry forward.

Line 23

Enter the greater of line 22 or zero. This is the amount of the credit recapture passed through to you from an S corporation or a partnership.

Line 24

Add lines 16 and 23 and enter the amount.

This is your total recapture amount.

- Individuals enter this amount of Form 301, line 39.
- Corporations, exempt organizations with UBTI, and S corporations, who claimed this credit, enter this amount of Form 300, line 30.

Part 3 – Available Credit Carryover

Use Part 3 to figure your total available credit carryover from prior taxable years. Columns (a) through (e) represent the tax years for which you claimed this credit. Complete lines 25 through 29, columns (a) through (e), if you claimed the credit on a prior year's return and the credit exceeded your tax liability.

NOTE: This credit has a 5-year carryforward. You have 5 years in which to apply this credit to your Arizona taxes.

Line 25

Enter the amount of the credit originally computed for the first year you claimed the credit

Line 26

Enter the amount of the credit you previously claimed on an earlier tax return

Line 27

Subtract line 26 from line 25 and enter the amount. This is your net available credit carryover.

Line 28

Enter the amount of this credit carryover that was disqualified.

Line 29

Subtract line 28 from line 27 and enter the amount. This is your total available carryover for the next tax year.

Line 30

Add lines 29(a) through (e) and enter the amount. This is your total available credit carryover.

Part 4 – Total Available Credit

Line 31

Enter the amount from line 9. This is your total current year's credit. It is the sum of the current year's credit that you established and also the pass-through credit you received in the current year

- Individuals, also enter this amount on Form 301, line 32, column (a)
- Corporations, exempt organizations with UBTI, and S corporations claiming this credit, also enter this amount on Form 300, line 23, column (a)

Line 32

Enter the amount from Part 3, line 30. This is your total available credit carryover for renewable energy investment and production for self-consumption by manufacturers and international operations centers.

- Individuals, also enter this amount on Form 301, line 32, column (b).
- Corporations, exempt organizations with UBTI, and S corporations claiming this credit, also enter this amount of Form 300, line 23, column (b).

Line 33

Add line 31 and line 32, enter the total here. This is the total available credit that may be applied to the current year's tax liability.

- Individuals, also enter this amount on Form 301, line 32, column (c).
- Corporations, exempt organizations with UBTI, and S corporations claiming this credit, also enter this amount on Form 300, line 23, column(c).

Part 5 - S Corporation Credit Election

PASSING THIS CREDIT THROUGH TO INDIVIDUAL SHAREHOLDERS OF AN S CORPORATION

An S corporation may make an irrevocable election to pass this credit through to its individual shareholders.

NOTE: Trusts and estates which are shareholders of S corporations are NOT eligible to claim this credit on their Arizona returns.

An S corporation must complete its own Form 351, Parts 1 through 5 (as necessary) to pass this credit through to its individual shareholders.

- To Complete Part 5, the S corporation must:
 - Check the box indicating it is passing this credit through to its individual shareholders
 - Enter the ending date for this tax year
 - Have the form signed by an officer of the S corporation

NOTE: If you have more than 10 shareholders, create a similar schedule to divide the credit amount. Include that schedule with your return.

To pass this credit amount through to your individual shareholders:

1. Enter the Tax Year(s) on the notice you received from the Department or from Forms 351-P or 351-S you received.

Using the table below, complete lines 1 – 10 as follows:

- 2. Enter each shareholder's name in column (a)
- **3.** Enter the shareholder's corresponding ownership percentage of the S corporation in column (b)
- **4.** Enter the total credit amount from the certificate or Form 351 you received in each line of the worksheet
- 5. Multiply column (b) by column (c) enter that amount in column (d) for each shareholder
 The amounts indicated in column (d) are the respective individual shareholder's portion of this credit.
 Enter the amount here in each respective individual shareholder's Form 351-S, line 3(c).

Total

6. Add the amounts in column (d) and enter the amount here. This amount should equal the credit amount on the certificate you received from the Department.

To complete the transfer of this credit, the S corporation:

- Complete Form 351-S for each individual shareholder
 - Provide each individual shareholder with their respective copy of Form 351-S
 - File a copy of each completed Form 351-S with its tax return
 - Keep a copy of each Form 351-S for its records.

The individual shareholder will then complete his or her own Form 351 to claim this credit.

NOTE: Each S corporation shareholder is entitled to only a pro rata share of pass-through credit based on ownership interest in the S corporation. The total of the credit allowed to all shareholders may not exceed the amount that would have been allowed for a sole owner.

Use this form to determine the amount of the credit to be passed through to each individual shareholder.

Tax Year				
	(a)	(b)	(c)	(d)
	Shareholder	Ownership %	Credit Amount	Shareholder's Portion
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
Total				\$

RECAPTURE OF THIS CREDIT PASSED THROUGH TO INDIVIDUAL SHAREHOLDERS OF AN S CORPORATION

If you passed this credit through to your individual shareholders in a previous tax year and then received a notice from the Arizona Department of Revenue that your credit is subject to recapture during this year, you must pass the amount(s) subject to recapture through to your individual shareholders who received the original credit.

This credit was passed through to your individual shareholders based on their ownership percentage (per year). The recapture amount is based on a percentage of the total credit passed through to all individual shareholders. You will receive a notice of recapture from the Department indicating the percentage of this credit that is subject to recapture. You must notify your individual shareholders of their portion of this amount.

To notify your individual shareholders of their respective amount(s) of this credit that is subject to recapture from them:

- A. Determine the amount of credit passed through to each individual shareholder for all years of the credit
- B. Multiply the amount in A (above) by the recapture percentage (provided by Arizona Department of Revenue)
- C. Complete Part 2 of Form 351-S for each individual shareholder informing him/her of the amount of this credit subject to recapture.

Example:

S Corporation claimed this credit for five years, 1 through 5. Each year, S Corporation claimed the maximum amount, \$5M. The total credit claimed was \$25M. During the time S Corporation claimed this credit, it had 5 individual shareholders:

- Shareholder A owned 20% of S Corporation for each year, 1 through 5
- Shareholder B owned 20% of S Corporation for each year 1 through 5
- Shareholder C owned 20% of S Corporation for years 1 through 3; in year 4, Shareholder C sold his ownership percentage of S Corporation to Shareholder D
- Shareholder D owned 20% of S Corporation for years 1 through 3; for years 4 and 5, Shareholder D owned 40% of Partnership
- Shareholder E owned 20% of Partnership for each year 1 through 5.

During year 7, S Corporation received a notice from the Department indicating 40%, or \$10M of its credit is subject to recapture.

Using the 351-S Forms it completed for years 1 through 5, S Corporation determined it passed through the following amounts of credits to each of its individual shareholders for these years:

Shareholder	Total Credit Passed Through
Shareholder A	\$ 5,000,000
Shareholder B	\$ 5,000,000
Shareholder C	\$ 3,000,000
Shareholder D	\$ 7,000,000
Shareholder E	\$ 5,000,000
Total Credit	\$25,000,000

Multiplying each individual shareholder's amount of credit "passed through" by the recapture percentage, 40%, S Corporation determined the credit amount(s) subject to recapture for each individual shareholder is:

Shareholder:	Credit Passed Through	Recapture %	Shareholder Credit Subject to Recapture	
Shareholder A	\$ 5,000,000	40%	\$ 2,000,000	
Shareholder B	\$ 5,000,000	40%	\$ 2,000,000	
Shareholder C	\$ 3,000,000	40%	\$ 1,200,000	
Shareholder D	\$ 7,000,000	40%	\$ 2,800,000	
Shareholder E	\$ 5,000,000	40%	\$ 2,000,000	
Total Credit	\$25,000,000	40%	\$10,000,000	

S Corporation completed Form 351-S for each individual shareholder above informing him or her of the amount of this credit that is subject to recapture.

Part 6 - Partner's Portion of Credit

PASSING THIS CREDIT THROUGH TO PARTNERS OF A PARTNERSHIP

Partnerships can pass this credit through to its individual and/or corporate partners. To pass this credit through to its partners, the partnership must complete its own Form 351, Parts 1 through 4, as necessary.

NOTE: If you have more than 10 partners, create a similar schedule to divide the credit amount. Include that amount with your return.

To pass this credit amount through to your partners:

1. Enter the Tax Year(s) on the notice you received from the Department or from Forms 351-P you received.

Using the table below, complete lines 1 – 10 as follows:

- 2. Enter each partner's name in column (a)
- **3.** Enter the partner's corresponding ownership percentage of the S corporation in column (b)
- **4.** Enter the total credit amount from the certificate or Form 351 you received in each line of the worksheet
- 5. Multiply column (b) by column (c) enter that amount in column (d) for each partner
 The amounts indicated in column (d) are the respective partner's portion of this credit.
 Enter the amount here in each respective partner's Form 351-P, line 3(c).

Total:

6. Add the amounts in column (d) and enter the amount here. This amount should equal the credit amount on the certificate you received from the Department.

To complete the transfer of this credit, the partnership:

- Complete Form 351-P for each partner
 - Provide each partner with their respective copy of Form 351-P
 - File a copy of each completed Form 351-P with its tax return
 - Keep a copy of each completed Form 351-P for its records

The partner will then complete its own Form 351 to claim this credit.

NOTE: Each partner is entitled to only a pro rata share of the credit based on the partner's ownership interest in the partnership. The total of the credit allowed to all partners may not exceed the amount that would have been allowed for a sole owner.

Use this form to determine the amount of the credit to be passed through to each partner.

Tax Year				
	(a)	(b)	(c)	(d)
	Partner	Ownership %	Credit Amount	Partner's Portion
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
Total				\$

RECAPTURE OF THIS CREDIT PASSED THROUGH TO PARTNERS OF A PARTNERSHIP

If you passed this credit through to your partners in a previous tax year and then received a notice from the Arizona Department of Revenue that your credit is subject to recapture during this year, you must pass the amount(s) subject to recapture through to your partners that received the credit.

This credit was passed through to your partners based on their ownership percentage (per year). The recapture amount is based on a percentage of the total credit passed through to all partners. You will receive a notice of recapture from the Department indicating the percentage of this credit that is subject to recapture. You must notify your individual shareholders of their portion of this amount.

To notify your partners of their respective amount(s) of this credit that is subject to recapture from them:

- A. Determine the amount of credit passed through to each partner for all years of the credit
- B. Multiply the amount in A (above) by the recapture percentage (provided by Arizona Department of Revenue)
- C. Complete Part 2 of Form 351-P for each partner informing him/her of the amount of this credit subject to recapture.

Example:

Partnership claimed this credit for five years, 1 through 5. Each year, Partnership claimed the maximum amount, \$5M. The total credit claimed was \$25M. During the time Partnership claimed this credit, it had 5 Partners:

- Partner A owned 20% of Partnership for each year, 1 through 5
- Partner B owned 20% of Partnership for each year 1 through 5
- Partner C owned 20% of Partnership for years 1 through 3; in year 4, Partner C sold his ownership percentage of Partnership to Partner D
- Partner D owned 20% of Partnership for years 1 through 3; for years 4 and 5, Partner D owned 40% of Partnership
- Partner E owned 20% of Partnership for each year 1 through 5.

During year 7, Partnership received a notice from the Department indicating 40%, or \$10M of its credit is subject to recapture.

Using the 351-P Forms it completed for years 1 through 5, Partnership determined it passed through the following amounts of credits to each of its partners for these years:

Partner	Credit Amount
Partner A	\$ 5,000,000
Partner B	\$ 5,000,000
Partner C	\$ 3,000,000
Partner D	\$ 7,000,000
Partner E	\$ 5,000,000
Total Credit	\$25,000,000

Multiplying each Partner's amount of credit "passed through" by the recapture percentage, 40%, Partnership determined the credit amount(s) subject to recapture for each individual Partner is:

Partner:	Credit Amount	Recapture %	Subject to Recapture	
Partner A	\$ 5,000,000	40%	\$ 2,000,000	
Partner B	\$ 5,000,000	40%	\$ 2,000,000	
Partner C	\$ 3,000,000	40%	\$ 1,200,000	
Partner D	\$ 7,000,000	40%	\$ 2,800,000	
Partner E	\$ 5,000,000	40%	\$ 2,000,000	
Total Credit	\$25,000,000	40%	\$10,000,000	

Partnership completed Form 351-P for each Partner above informing him or her of the amount of this credit that is subject to recapture.

Form 351-S, S Corporation Individual Shareholder's Portion of the Credit

Enter the tax year at the top of Form 351-S. If you are filing a calendar year tax return, check the box labeled "year 2015". If you are a fiscal year filer, indicate the beginning and ending dates for your tax years. Enter the dates in MM/DD/YYYY format.

NOTE: Form 351-S can be used to distribute the S corporation's share of this credit to its shareholders, or it can be used distribute the amount of the credit to be recaptured to its shareholders.

To distribute the credit to the S corporation shareholders (complete lines 1 through 3):

Line 1

- a) Enter the S corporation name
- b) Enter the S corporation's EIN
- c) Enter the facility code for which this credit was received.

Line 2

- a) Enter the shareholder's name
- b) Enter the shareholder's TIN

Line 3

- a) Enter the amount of this credit for which the S corporation was approved
- b) Enter the shareholder's ownership percentage
- c) Multiply line 3(a) by line 3(b) and enter the amount.

This is the shareholder's portion of this credit.

To distribute the recapture amount to the S corporation shareholders (complete lines 4 through 7):

Line 4

- a) Enter the S corporation name
- b) Enter the S corporation EIN

Line 5

- a) Enter the shareholder's name
- b) Enter the shareholder's TIN

Line 6

- a) Enter the facility code for which this credit was originally approved
- b) Enter the tax year(s) for which this credit was originally approved

Line 7

Enter the individual shareholder's portion of the credit subject to recapture from the worksheet in the instructions.

This is the shareholder's amount of the credit subject to recapture.

Form 351-P, Partner's Portion of the Credit

Enter the tax year at the top of Form 351-P. If you are filing a calendar year tax return, check the box labeled "year 2015". If you are a fiscal year filer, indicate the beginning and ending dates for your tax years. Enter the dates in MM/DD/YYYY format.

NOTE: Form 351-P can be used to distribute the partnership's share of this credit to its partners, or it can be used distribute the amount of the credit to be recaptured to its partners.

To distribute the credit to the partners of the partnership (complete lines 1 through 3):

Line 1

- a) Enter the partnership name
- b) Enter the partnership's EIN
- c) Enter the facility code for which this credit was received.

Line 2

- a) Enter the partner's name
- b) Enter the partner's TIN

Line 3

- a) Enter the amount of this credit for which the partnership was approved
- b) Enter the partner's ownership percentage
- c) Multiply line 3(a) by line 3(b) and enter the amount.

This is the partner's portion of this credit.

To distribute the recapture amount to the partners of the partnership (complete lines 4 through 7):

Line 4

- a) Enter the partnership name
- b) Enter the partnership EIN
- Line 5
 - a) Enter the partner's name
 - b) Enter the partner's TIN

Line 6

- a) Enter the facility code for which this credit was originally approved
- b) Enter the tax year(s) for which this credit was originally approved

Line 7

Enter the partner's portion of the credit subject to recapture from the worksheet in the instructions.

This is the partner's amount of the credit subject to recapture.