



November 4, 2022

Internal Revenue Service
CC:PA:LPD:PR (Notice 2022-50)
Room 5203
P.O. Box 7604, Ben Franklin Station
Washington, DC 20044

Re: Request for Comments on Elective Payment of Applicable Credits and Transfer of Certain Credits

To Whom It May Concern,

I am submitting these comments on behalf of the California Solar & Storage Association (CALSSA), a trade association of nearly 700 businesses involved in the local solar and storage industry in California. CALSSA's membership comprises installers, manufacturers, financiers, distributors and others across the solar industry in California, which employ over 86,000 people.

.01 Elective Payment of Applicable Credits (§ 6417).

(1) What, if any, guidance is needed to clarify the meaning of certain terms in § 6417, such as applicable credit and excessive payment? Is there any term not defined in § 6417 that should be defined in future guidance? If so, what is the term and how should it be defined?

Can the IRS define "excessive payment" and give an example?

.02 Transfer of Certain Credits (§ 6418).

(12) Please provide comments on any other topics that may require guidance.

CALSSA offers the following general questions about transferability that require additional guidance as well:

- What are the timing and due date considerations for making the election to transfer the credits for both the transferor and the transferee? Can an example be given?
- What documentation would the IRS require for transferability of credits?
- Is MACRS and / or Investment tax credits subject to Alternative Tax Minimum rules?
- What are the restrictions (if there are any) on the ability of the sponsor to transfer the credits?
- Will one be allowed to transfer credits from one project to multiple parties?
- Will one be allowed to "pool" credits?
- In the event of a recapture, who is liable, the transferee or the transferor?

Respectfully,

Joshua Buswell-Charkow

Deputy Director, California Solar & Storage Association
josh@calssa.org