



November 17, 2022

SUBMITTED ELECTRONICALLY

Internal Revenue Service
CC:PA:LPD:PR (Notice 2022-51)
Room 5203
P.O. Box 5203, Ben Franklin Station
Washington, D.C. 20044

RE: Request for Comments on Prevailing Wage, Apprenticeship, Domestic Content, and Energy Communities Requirements Under the Act Commonly Known as the Inflation Reduction Act of 2022, Notice 2022-51

Submitted electronically via <http://www.regulations.gov>

Thank you for the opportunity to comment on the Department's actions to implement the Inflation Reduction Act's (IRA) clean energy tax provisions. Headquartered in Richmond, Virginia, Dominion Energy (DEI) provides electricity and/or natural gas to more than 7 million customers in 15 states. The company is committed to safe, reliable, affordable and sustainable energy and to achieving Net Zero carbon and methane emissions for Scopes 1, 2 and material categories of Scope 3 by 2050.

We are pursuing several pathways to meet our goal: rapidly expanding our portfolio of renewable energy and storage, extending the licenses of our zero-carbon nuclear stations, investing in system resiliency, modernization and zero-carbon or carbon-beneficial technologies, including renewable natural gas, hydrogen, and more. Many of these pathways will greatly benefit from the provisions of the IRA. For example, our Coastal Virginia Offshore Wind project—the largest offshore wind project in the nation—will benefit from the offshore wind tax credits, reducing the cost of that project to our customers.

Our confidence that we can maintain reliability and affordability while progressing on our path to Net Zero is enhanced by the customer benefits associated with the tax credits contained in the IRA. We share your interest in implementing these tax provisions in a manner that benefits customers and that provides certainty and transparency for our clean energy investments throughout the value chain. Our comments are intended in furtherance of that goal, and we appreciate your consideration of these matters.

QUESTIONS RAISED BY TREASURY/IRS

1. Prevailing Wage Requirement

Q3. Verification and Documentation.

What documentation or substantiation should be required to show compliance with the prevailing wage requirements?

DEI requests that the IRS issue guidance under which the Secretary of Labor may certify that a project has satisfied the prevailing wage requirements for purposes of the IRA. Certification would be based on a review of the books and records of the taxpayer, contractors, or subcontractors and may be similar to the process used for a project wage determination under the Davis-Bacon regulations.¹ Certification would provide certainty to agents and taxpayers, particularly those participating in the Compliance Assurance Process (CAP) program. It would also allow taxpayers to avoid the risks of potentially being charged with storing personally identifiable information or producing information from contractors or subcontractors that may be inaccessible after the completion of a project.

2. Apprenticeship Requirement

Q3. Verification and Documentation.

What documentation or substantiation do taxpayers maintain or could they create to demonstrate compliance with the apprenticeship requirements in § 45(b)(8)(A), (B), and (C), or the good faith effort exception?

DEI requests that the IRS provide a certification process for the apprenticeship requirements like the one described above for prevailing wages.

Thank you for the opportunity to comment on these matters critical to the implementation of the Inflation Reduction Act. We appreciate the transparency afforded by the public comment period and would be pleased to provide additional information on the matters raised in these comments if such a dialogue would be helpful.

Sincerely,



Alma W. Showalter

¹ See 29 C.F.R. § 1.5; 48 C.F.R. § 22.404-1.