

## Comment from Electrify America

### Electrify America - RFI Response

Re: Notice 2022 – 51: 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



November 4<sup>th</sup>, 2022

The Honorable Janet Yellen  
Secretary  
U.S. Dept. of Treasury  
Internal Revenue Service  
1500 Pennsylvania Ave NW  
Washington, DC 20220

**Re: Notice 2022 – 51: 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**

Secretary Yellen,

Electrify America appreciates the opportunity to comment on IRS's Request for Information on Prevailing Wage and Apprenticeship requirements in § 30C. Electrify America has the largest network of open, ultra-fast and hyper-fast DC chargers in the nation, with 791 stations in 48 states and Washington D.C., offering 3,435 chargers.

As a critical tool for incentivizing EV charging infrastructure, Electrify America thanks Congress for extending § 30C and welcomes the Treasury Department's implementation of the credit. As such, Electrify America offers the following recommendations and responses:

**Prevailing Wage Requirement**

**(1) Is guidance necessary to clarify how the Davis-Bacon prevailing wage requirements apply for purposes of § 45(b)(7)(A)?**

Yes, Electrify America requests guidance on the application of Davis-Bacon requirements.

**(2) Section 45(b)(7)(B)(i) generally provides a correction and penalty mechanism for failure to satisfy prevailing wage requirements. What should the Treasury Department and the IRS consider in developing rules for taxpayers to correct a deficiency for failure to satisfy prevailing wage requirements?**

Electrify America recommends that IRS waive all penalties for reasonable cause.

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

Electrify America recommends that a statement from the relevant contractor serve as sufficient substantiation to demonstrate prevailing wage compliance.

(4) Is guidance for purposes of § 45(b)(7)(A) needed to clarify the treatment of a qualified facility that has been placed in service but does not undergo alteration or repair during a year in which the prevailing wage requirements apply?

Yes, guidance is requested to clarify treatment of a qualified facility under these circumstances.

(5) Please provide comments on any other topics relating to the prevailing wage requirements for purposes of § 45(b)(7)(A) that may require guidance.

Electrify America recommends that firms below a certain size, whether based on sales or number of employees, not be subject to these requirements as it may pose a compliance burden for small businesses.

### **Apprenticeship Requirement**

(1) Section 45(b)(8)(C) provides that each taxpayer, contractor, or subcontractor who employs four or more individuals to perform construction, alteration, or repair work with respect to a qualified facility must employ one or more qualified apprentices from a registered apprenticeship program to perform that work.

What factors should the Treasury Department and the IRS consider regarding the appropriate duration of employment of individuals for construction, alteration, or repair work for purposes of this requirement?

In order to optimize the efficacy of the credit in the current EV labor marketplace, Electrify America recommends that small businesses with a low number of employees be exempt from this requirement.

(2) Question 2 omitted.

(3) 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?

Electrify America recommends that a statement from the relevant contractor serve as sufficient substantiation to demonstrate prevailing wage compliance.

Thank you for your consideration of these responses and recommendations.

Kind Regards,

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