



North Carolina Department of Revenue

Pat McCrory
Governor

Jeffrey M. Epstein
Secretary

December 28, 2016

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Re: [REDACTED] - Request for Expedited Private Letter Ruling - Credit for Investing in Renewable Energy Property - N.C. Gen. Stat. § 105-129.16A

Dear [REDACTED]:

This letter is in response to your letter dated [REDACTED], wherein you requested on behalf of your client, [REDACTED], that the North Carolina Department of Revenue ("Department") provide an expedited private letter ruling regarding credits for investing in renewable energy property pursuant to N.C. Gen. Stat. § 105-129.16A.

This request for ruling addresses the same issue presented in a private letter ruling issued by the Department on [REDACTED] and, according to your email dated [REDACTED], all of the transactions included in your original statement of facts have transpired. The only change in the facts from the prior ruling is that [REDACTED] will acquire a [REDACTED] interest in [REDACTED] from a limited partner who initially holds a [REDACTED] interest on [REDACTED], instead of acquiring a [REDACTED] interest directly from [REDACTED]. Based on this change in the facts, [REDACTED] is now requesting the following rulings:

- [REDACTED] will be entitled to a full year's share (i.e., [REDACTED]) of the credits under N.C. Gen. Stat. § 105-129.16A properly allocated to [REDACTED] in [REDACTED] notwithstanding [REDACTED]'s acquiring its interest in [REDACTED] late in the year rather than on the date [REDACTED] is formed. This ruling is consistent with Q&A-13 in the Guidelines issued by the Department on October 1, 2014.
- The credits under N.C. Gen. Stat. § 105.129.16A will be allocated based on how the partnerships allocate their general profits, consistent with how federal energy credits are allocated pursuant to Reg. § 1.46-3(f)(2) and Reg. § 1.704-1(b)(4)(ii).

Based on our review of the revised facts, [REDACTED] will be entitled to a full year's share of the credit provided under N.C. Gen. Stat. § 105-129.16A, even though it acquired its [REDACTED] interest in [REDACTED] late in the year. As stated in our response to your original request for a ruling, if [REDACTED]

