



November 4, 2022

The Honorable Lilly Batchelder
Assistant Secretary
Department of Treasury
Washington, DC 20220

The Honorable Charles Rettig
Commissioner
Internal Revenue Service
Washington, DC 20224

Re: Notice 2022-50, Request for Comments on Elective Payment of Applicable Credits and Transfer of Certain Credits

Filed via email: www.regulations.gov

Dear Assistant Secretary Batchelder and Commissioner Rettig:

Summary

Utah Associated Municipal Power Association (“UAMPS”) appreciates this opportunity to provide feedback in response to the Department of Treasury (“Treasury”) and Internal Revenue Service (“IRS”) Notice 2022-50 Request for Comments on Elective Payment of Applicable Credits and Transfer of Certain Credits (“Notice”). UAMPS also joins and supports the comments submitted on the Notice by the American Public Power Association (“APPA”).

About UAMPS

UAMPS is a political subdivision of the State of Utah headquartered in Salt Lake City, whose membership consists of 50 municipal and other community-owned electric utilities located in seven western states 37 of which are located in Utah. UAMPS is a joint action agency (“JAA”); a JAA is an entity formed to provide services, including the sale of wholesale power, to member public power utilities (and, in some instances, electric cooperative utilities). Most UAMPS members own and operate a local electric utility system that provides integrated retail

electric service to residential, commercial, and industrial customers. UAMPS partners with its members to ensure that electricity is affordable and reliable.

UAMPS currently manages 17 separate projects that provide power supply, transmission, and other services to participating members. In addition to owning interests in or directly operating power plants and other sources of electrical power, UAMPS and its members regularly purchase power off the grid, and are, therefore, sensitive to market and regulatory forces that impact electricity affordability and reliability.

UAMPS supports the education and outreach that APPA has provided on the Inflation Reduction Act (“IRA”) and volunteers its expertise in developing energy projects on behalf of a diverse group of publicly owned electric utilities to IRS and Treasury as they implement the objectives of the IRA.

.01 Elective Payment of Applicable Credits (§ 6417)

(7) Section 6417(d)(3)(A)(i)(I) provides that, in the case of any government, or political subdivision, described in § 6417(d)(1), and for which no return is required under § 6011 or 6033(a), any election made by these applicable entities under § 6417(a) must be made no later than such date as is determined appropriate by the Secretary. What factors should the Treasury Department and the IRS consider when providing guidance on the due date of the election for these applicable entities?

UAMPS supports APPA’s comments on this second request for comment.¹

(8) Section 6417(d)(4)(A) provides that, in the case of any government, or political subdivision described in § 6417(d)(1), and for which no return is required under § 6011 or 6033(a), the payment described in § 6417(a) is treated as made on the later of the date that a return would be due under § 6033(a) if such government or subdivision were described in § 6033 or the date on which such government or subdivision submits a claim for credit or refund at such time and in such manner as the Secretary provides. What factors should the Treasury Department and the IRS consider when providing guidance to clarify the timing and manner of a payment made by these governments or political subdivisions?

UAMPS supports APPA’s comments on this second request for comment.²

¹ APPA Comment Notice 2022-50, Request for Comments on Elective Payment of Applicable Credits and Transfer of Certain Credits, p. 2-3 (November 4, 2022).

² *Id.* at 3.