

SUMMARY OF  
REVISIONS TO SECTION 1603 PROGRAM GUIDANCE  
APRIL 2011

- 1) Change dates. Section 707 of the Tax Relief, Unemployment Insurance Reauthorization and Job Creation Act of 2010 extends, for one year, certain program deadlines. The Guidance has been revised to reflect these new dates.
- 2) Eliminate requirement that property be located on-site. The Guidance has been revised to remove a requirement that only property located at a single site can be included as “specified energy property” eligible for a Section 1603 payment (see also Frequently Asked Questions).
- 3) Clarify that if a facility uses a gas or liquid derived from open-loop biomass, closed-loop biomass, or municipal solid waste to produce electricity, equipment used to produce and process such gas or liquid may be an integral part of the facility.
- 3) Clarify what property is considered part of a qualified facility under section 45 of the Internal Revenue Code. The guidance adds a definition of “qualified facility property.”
- 4) Miscellaneous. Conforming and minor changes have been made including changes to correct technical inaccuracies in the description of a unit of property (pg. 7-8) and costs that may be included in determining whether or not a 5% safe harbor requirement related to the beginning of construction has been met (pg.10).