



FINANCE
NEW • YORK

NYC ECS

NEW YORK CITY DEPARTMENT OF FINANCE CLAIM FOR ENERGY COST SAVINGS PROGRAM CREDIT

Under Sections 11.503(h), 11-604.16, 11-643.5(c), 11-704.1 and Ch. 6 of
Title 22 of the Administrative Code

FOR DEPARTMENT USE ONLY

A

B

C

APPLIED TO GENERAL CORPORATION TAX, UNINCORPORATED BUSINESS TAX,
BANKING CORPORATION TAX AND/OR COMMERCIAL RENT OR OCCUPANCY TAX

For CALENDAR YEAR _____ or FISCAL YEAR beginning _____ and ending _____

ATTACH THIS FORM TO YOUR APPLICABLE NYC TAX RETURN

PRINT OR TYPE ▼

Name as shown on tax return ▼

SOCIAL SECURITY NUMBER ▶

□ □ □ - □ □ - □ □ □ □ □ □

OR

EMPLOYER IDENTIFICATION NUMBER ▶

□ □ - □ □ □ □ □ □ □ □ □ □

INFORMATION REQUIRED FROM ELIGIBLE ENERGY USERS

- Have you established your eligibility with the New York City energy cost savings program? YES NO
IF YOU HAVE CHECKED 'NO', DO NOT CONTINUE. YOU ARE NOT ELIGIBLE FOR THIS CREDIT. YOU MUST FIRST APPLY TO THE ADMINISTRATOR OF THE NEW YORK CITY ENERGY COSTS SAVINGS PROGRAM. (SEE INSTRUCTIONS)
- Enter name as shown on energy cost savings program certificate _____
- Date certificate issued □ □ □ □ □ □ □ □ □ □
- Certificate number _____
- Percentage of electricity bill or usage eligible from certificate _____ %
- Annual maximum credit allowable from certificate \$ _____
- I purchase electricity from: (check one) a landlord or a co-generator
- Enter name and address of supplier _____

IF YOU PURCHASE YOUR ELECTRICITY DIRECTLY FROM A UTILITY SUPERVISED BY THE PUBLIC SERVICE COMMISSION, YOU DO NOT QUALIFY FOR THIS CREDIT. APPLY TO THE NEW YORK CITY ENERGY COST SAVINGS PROGRAM TO QUALIFY INSTEAD FOR A MONTHLY REBATE FROM YOUR UTILITY COMPANY. DO NOT COMPLETE THIS FORM.

SCHEDULE A Calculation of Available Credit

| | | | |
|--|----|--|--|
| 1. Current year's credit of energy user (page 2, Schedule B or C, line 15)..... | 1. | | |
| 2. Current year's credit of fuel service supplier (see instructions)..... | 2. | | |
| 3. Carryover of prior year's excess credit | 3. | | |
| 4. Total allowable credit (line 1 or line 2 plus line 3)..... | 4. | | |
| 5. Credits applied to other eligible taxes (see instructions)..... | 5. | | |
| 6. Balance (line 4 less line 5) | 6. | | |
| 7. Limitation (see instructions and limitation table below)..... | 7. | | |
| 8. Available energy credit (amount from line 6 or line 7, whichever is less) | 8. | | |
| 9. Excess energy credit carryover (line 6 less line 8) | 9. | | |

LIMITATION TABLE

| RETURN | LIMITATION |
|---------------------|---|
| NYC-202 | Schedule A, line 21 less line 22a |
| NYC-204 | Schedule A, line 23 less line 24a |
| NYC-3L | Schedule A, line 11 less lines 9a, 9b, and 12a |
| NYC-3A | Schedule A, line 13 less lines 11a, 11b and 14a |
| NYC-1 | Schedule A, line 7 less line 10b |
| NYC-1A | Schedule A, line 9 less line 12b |
| CR-Q and CR-A | line 7 |

AFTER YOU HAVE COMPLETED SCHEDULE A, TRANSFER THE AMOUNT ON LINE 8 AS FOLLOWS:

| | |
|--------------------|----------------------|
| Form NYC-202 | transfer to line 22b |
| Form NYC-204 | transfer to line 24b |
| Form NYC-3L | transfer to line 12b |
| Form NYC-3A | transfer to line 14b |
| Form NYC-1 | transfer to line 10a |
| Form NYC-1A | transfer to line 12a |
| Form CR-A | transfer to line 8 |
| Form CR-Q | transfer to line 8 |

ENERGY COST SAVINGS PROGRAM CREDIT COMPUTATION - FOR ELIGIBLE ENERGY USERS

COMPLETE EITHER SCHEDULE B IF YOU PURCHASE YOUR ELECTRICITY FROM A LANDLORD OR SCHEDULE C IF YOU PURCHASE YOUR ELECTRICITY FROM A CO-GENERATOR.
IMPORTANT: YOU MUST SUBMIT ADEQUATE SUBSTANTIATION, SUCH AS PHOTOCOPIES OR INVOICES, FOR AMOUNTS ENTERED IN COLUMN B OF SCHEDULE B OR SCHEDULE C.

| SCHEDULE B | | Computation of Credit for Electric Energy Purchased from a Landlord | | | | |
|---|------------------------|--|---|--------------------------------------|--|--|
| A | B | C | D | E | F | |
| MONTH/YEAR | TOTAL ELECTRIC CHARGES | % ELIGIBLE FOR CREDIT FROM PAGE 1, LINE 5 | NET ELIGIBLE AMOUNT COLUMN B X COLUMN C | BENEFIT FACTOR (FROM TABLE 1, BELOW) | CREDIT CALCULATION COLUMN D X COLUMN E | |
| 1. | | | | | | |
| 2. | | | | | | |
| 3. | | | | | | |
| 4. | | | | | | |
| 5. | | | | | | |
| 6. | | | | | | |
| 7. | | | | | | |
| 8. | | | | | | |
| 9. | | | | | | |
| 10. | | | | | | |
| 11. | | | | | | |
| 12. | | | | | | |
| 13. TOTAL | | | | | | |
| 14. Enter maximum credit allowable | | | | | | |
| 15. CURRENT YEAR'S TAX CREDIT: The credit allowed is the lower amount of the credit calculated or the maximum credit allowable. Transfer this amount to Schedule A, line 1. | | | | | | |

| SCHEDULE C | | Computation of Credit for Electric Energy Purchased from a Co-Generator | | | | |
|---|--------------------------|--|---|---|--|---|
| A | B | C | D | E | F | G |
| MONTH/YEAR | KILOWATT HOURS PURCHASED | % ELIGIBLE FOR CREDIT FROM PAGE 1, LINE 5 | NET ELIGIBLE KILOWATT HOURS COLUMN B X COLUMN C | BASE ADJUSTMENT FACTOR (FROM TABLE 2) (FACTOR INCREASES EACH JANUARY 1) | ELIGIBILITY FACTOR (FROM TABLE 3, BELOW) | CREDIT CALCULATION COLUMN D X COLUMN E X COLUMN F |
| 1. | | | | | | |
| 2. | | | | | | |
| 3. | | | | | | |
| 4. | | | | | | |
| 5. | | | | | | |
| 6. | | | | | | |
| 7. | | | | | | |
| 8. | | | | | | |
| 9. | | | | | | |
| 10. | | | | | | |
| 11. | | | | | | |
| 12. | | | | | | |
| 13. TOTAL | | | | | | |
| 14. Enter maximum credit allowable | | | | | | |
| 15. CURRENT YEAR'S TAX CREDIT: The credit allowed is the lower amount of the credit calculated or the maximum credit allowable. Transfer this amount to Schedule A, line 1. | | | | | | |

TABLE 1

TABLE 2

TABLE 3

| BENEFIT FACTOR | | BASE ADJUSTMENT FACTOR | | ELIGIBILITY FACTOR | |
|---------------------------|--------|-------------------------------|---------|---------------------------|--------|
| YEAR | FACTOR | CALENDAR YEAR | FACTOR | YEAR | FACTOR |
| 1ST THROUGH THE 8TH | .3 | 1986 | \$.03* | 1ST THROUGH THE 8TH | 1.00 |
| 9TH | .24 | 1987 | \$.03 | 9TH | 0.8 |
| 10TH | .18 | 1988 | \$.0309 | 10TH | 0.6 |
| 11TH | .12 | 1989 | \$.0318 | 11TH | 0.4 |
| 12TH AND FINAL | .06 | 1990 | \$.0327 | 12TH AND FINAL | 0.2 |
| | | 1991 | \$.0336 | | |
| | | 1992 | \$.0345 | | |
| | | 1993 | \$.0354 | | |
| | | 1994 | \$.0363 | | |
| | | 1995 | \$.0381 | | |

Each year after 1986 the base adjustment factor increases by \$.0009 (.09%). *From January 1986 through June 1986, apply a factor of \$.0257 (2.57%)

GENERAL INFORMATION

Under a program established by the State and City, certain industrial and commercial users of electricity or natural gas who relocate to or expand operations in New York City can qualify for reductions in their electric or gas bills. (Special limitations apply to companies located south of 96th street in Manhattan, in Long Island City and the Fulton Ferry district of Brooklyn.) To qualify for the reduction, a company must meet various statutory requirements and its eligibility must be certified by the New York City energy cost savings program. A certified company that purchases electricity or gas from a utility supervised by the Public Service Commission can receive from the utility special rebates that reduce its monthly utility bills in accordance with statutory formulas. A certified company that purchases electricity or gas from a vendor of energy services (such as a landlord or co-generator who is not subject to PSC supervision) may also receive special rebates if the vendor elects to participate in the program.

If the vendor does not provide the special rebates, a certified company can qualify for a tax credit against its Unincorporated Business Tax, General Corporation Tax, Banking Corporation Tax or Commercial Rent or Occupancy Tax liability. The credit may be claimed by taxpayers who meet the requirements for the special rebates and are certified as eligible by the New York City energy cost savings program.

Suppliers of Fuel Services. A taxpayer that is a supplier of fuel services (as defined in Section 22-601 of the Administrative Code) and that has

made discounts to vendors of energy services may claim a credit against its Unincorporated Business Tax, General Corporation Tax, Banking Corporation Tax or Commercial Rent or Occupancy Tax liability for the amount of the discounts made during the taxable year.

For information and applications concerning eligibility, contact:

**Energy Cost Savings Program
New York City Department of
Business Services
110 William Street 3rd Floor
New York, NY 10038
(212) 696 - 2442**

SPECIFIC INSTRUCTIONS

Form NYC-ECS must be attached to and submitted with the taxpayer's applicable New York City tax return in which the credit is claimed:

- **UNINCORPORATED BUSINESS TAX**
Form NYC-202 or NYC-204 (partnerships)
- **GENERAL CORPORATION TAX**
Form NYC-3L or NYC-3A
- **BANKING CORPORATION TAX**
Form NYC-1 or NYC-1A
- **COMMERCIAL RENT OR OCCUPANCY TAX**
Form CR-Q or CR-A

ADDBACK OF CREDIT

Taxpayers claiming this credit must adjust their entire net income or taxable income for purposes of the Unincorporated Business Tax, General Corporation Tax or Banking Corporation Tax. The amount of credit allowed must be added to the entire net income or

taxable income if an exclusion or deduction for energy charges was taken in computing federal taxable income.

SCHEDULE A LINE 2 SUPPLIERS OF FUEL SERVICES

Suppliers of fuel services must attach a rider listing the names and addresses of the vendors of energy services to whom discounts were provided and the amounts of the discounts provided to each vendor. Copies of the certificates furnished by the vendors to the supplier, certifying the amounts of special rebates made to eligible energy users, must be attached to the rider.

LINE 5 CREDIT APPLIED TO OTHER TAXES

The amount claimed as an ECS credit for the taxable year against one tax may not be claimed again as a credit against any other tax. A rider must be attached to each Form NYC-ECS showing how the total allowable ECS credit for the taxable year has been credited against your liability for Unincorporated Business Tax, General Corporation Tax, Banking Corporation Tax and Commercial Rent Tax. A separate form NYC-ECS must be attached to the return for each tax against which a credit is claimed. Enter on line 5 the amount of ECS credit from the attached rider claimed or to be claimed against all taxes other than the tax with respect to which this form NYC-ECS is being filed.

LINE 7 LIMITATION ON CREDIT

The credit can be taken only after all other permissible credits against the tax have been taken, and if the credit exceeds the tax liability for

the year, the excess must be carried forward to future years or applied against any of the other eligible taxes (refer to limitation table).

SCHEDULE B

Computation of Credit for Electrical Energy Purchased from a Landlord

Where a taxpayer purchases electricity from a landlord, the credit can be no greater than the special rebate the taxpayer would have received had it purchased the electricity from a PSC-supervised utility. A purchaser of electricity from a landlord is not eligible for a credit, unless its consumption is individually and accurately metered and the price charged and other terms of sale are controlled by a contract or lease that limits the rates charged to those which the taxpayer would have paid had it purchased the electricity directly from its producer.

Enter in column B the total electrical charges paid during each of the months of the taxable year, beginning with the month immediately following the date of certification of eligibility.

Enter in column C the percentage of electrical charges eligible for credit. This is the percentage shown on the New York City energy cost savings program eligibility certificate.

“Eligible charges” means that portion of charges for electricity and all taxes payable thereon excluding those charges related to:

- 1) energy used in the production of electricity;
- 2) portions of the premises that have not been deemed eligible by the administrator of the New York City energy cost

- savings program;
- 3) energy used for heating premises;
- 4) any special charges on utility bills relating to energy, including but not limited to collection charges, late payment charges or excess distribution charges;
- 5) energy that is resold; and
- 6) energy sold directly by the Power Authority of the State of New York to an eligible energy user.

Multiply column B by the percentage amounts entered in column C and enter the products in column D.

The amount allowed as a credit is calculated by multiplying the amount of eligible charges (column D) by a benefit factor (refer to table 1).

Enter the appropriate benefit factor in column E, multiply column D by column E and enter the products in column F. In column F, add lines 1 through 12 and enter the total in line 13.

If the eligibility certification limits the total amount of credit allowable for a 12-month period, enter the credit limit in line 14, column F. The credit allowed is the lower of either the total credit amount calculated or the maximum credit allowable for the 12-month period.

SCHEDULE C

Computation of Credit for Electrical Energy Purchased from Co-Generator

Where a taxpayer purchases electricity from a co-generator, a formula determines the amount of the credit.

Enter in column B the total number of kilowatt hours of electricity purchased during each of the months of the taxable year, beginning with the month immediately following the date of certification of eligibility.

Enter in column C the percentage of electrical usage eligible for credit. This is the percentage shown on the New York City energy cost savings program eligibility certificate.

Multiply column B by the percentage amounts entered in column C and enter the product in column D.

The amount allowed as a credit is calculated by multiplying the amount of kilowatt hours eligible for credit (column D) by a base adjustment factor (refer to table 2) and by the eligibility factor (refer to table 3).

Enter the appropriate base adjustment factor in column E and the appropriate eligibility factor in column F; multiply column D by column E; and multiply the product of columns D and E by column F and enter the product in column G. Add up column G lines 1 through 12 and enter the total in line 13.

If the eligibility certification limits the total amount of credit allowable for a 12-month period, enter the credit limit in line 14, column G. The credit allowed is the lower of either the credit amount calculated or the maximum credit allowable for a 12-month period.