



The Honorable Charles Boustany  
Chairman  
Ways and Means Tax Policy Subcommittee  
1431 Longworth House Office Building  
United States House of Representatives  
Washington, D.C. 20515

The Honorable Richard Neal  
Ranking Member  
Ways and Means Tax Policy Subcommittee  
341 Cannon House Office Building  
United States House of Representatives  
Washington, D.C. 20515

May 25, 2016

Dear Chairman Boustany and Ranking Member Neal:

Thank you for your leadership in initiating a discussion of the direction and scope of U.S. tax policy. On behalf of the Pew Clean Energy Initiative, I am providing written testimony to urge your consideration and adoption of tax provisions that will help strengthen our nation's position in the burgeoning clean energy marketplace and our energy security.

Historically, tax policy has played a central role in encouraging U.S. energy innovation, production, deployment and trade. Some incentives have been in place for more than a century, encouraging the maturation of fossil resources, including coal, oil, and natural gas. Subsidies also helped spur the development of the nuclear industry in the United States. In recent years, tax incentives have advanced alternative energy sources like solar, wind, geothermal, fuel cells, and biomass. All of these efforts have created a stronger, more diverse energy portfolio for the United States and made us less dependent on foreign nations for fuel supplies. As a result, the country has a range of power options that make our electricity system more resilient, secure, and affordable.

It is in our national interest to continue developing innovative technologies in order to remain competitive in the global energy economy. According to the International Energy Agency, renewable generation will surpass that from natural gas and double the amount from nuclear power by 2016, becoming the second most important global electricity source. Over a longer timeframe, Pew research projects that worldwide electric generating capacity from renewable sources will grow nearly six-fold by 2030. Companies and countries are turning to these resources because they enhance energy security, protect the environment, and grow new industries.

Clean energy represents a significant economic opportunity for U.S. innovators, entrepreneurs, manufacturers, project developers and investors. In 2014, \$310 billion was invested worldwide in clean energy goods and services, growing almost 17 percent from 2013. By 2030, renewables

will attract approximately \$5 billion annually—or more than 65 percent of private investment in global power generation. Unfortunately, U.S. competitiveness in the sector is only as certain as our policies.

The Pew Clean Energy Initiative has undertaken research and worked closely with industry to understand the challenges that businesses are facing and how these impact the United States' competitive position in the clean energy marketplace. Time and again, experts have cited policy uncertainty as the overriding impediment to clean energy investment and progress by businesses and investors. The inconsistent nature of U.S. tax incentives makes it challenging for our companies to develop the supply chains and business models they need to succeed and for investors to have the assurance they require to deploy capital. Our annual research tracking clean energy investment and deployment trends clearly demonstrates that policy matters. Those countries with consistent, long-term energy and tax policy are most likely to attract private investment.

We urge you to consider several key principles and tax initiatives that the Pew Charitable Trusts supports in order to strengthen the United States' ability to capitalize on the emerging domestic and international clean energy markets:

**First, reinforce existing incentives for clean energy technologies.**

The Production Tax Credit and Investment Tax Credit, commonly referred to as the PTC and ITC respectively, have been cornerstones of U.S. energy policy for much of the past decade. These credits have helped stimulate investment, deployment, and manufacture of renewable and efficient products and processes, thereby driving down technology costs and encouraging deployment.

The Fiscal Year 2016 Consolidated and Further Continuing Appropriations Act, H.R. 2029, known as the 2016 omnibus package, provided extensions of tax incentives for wind and solar power, but omitted the inclusion of several other advanced energy technologies that are qualifying technologies under the ITC and have a place in the future of the U.S. power generation mix.

The omnibus phased out the PTC for wind, under Section 45 of the Internal Revenue Code, over a period of five years. The bill also phased out the 30 percent investment tax credits for solar power, both under the Section 48 investment tax credit and Section 25D residential incentive. However, the omnibus bill did not extend incentives for other technologies in Section 48, such as combined heat and power (CHP), fuel cells, geothermal, microturbines and small wind property. Nor did it provide extensions for non-solar technologies in Section 25D, such as fuel cells, geothermal heat pumps and small wind property.

I urge you to act immediately to extend the PTC and ITC across the board and establish parity for these technologies. The incentives are critical for reducing costs, allowing greater competition among all of our nation's energy sources, creating jobs, and diversifying our nation's energy mix.

**Additionally we recommend that the ITC provide parity to efficient industrial energy technologies.**

We must harness technologies that encourage power generation efficiency and resiliency, reduce pollution, and enhance productivity. Combined heat and power and waste heat to power (WHP) systems capture the wasted thermal output usually released into the atmosphere and use it to heat nearby buildings and/or to generate additional electricity. These units are typically fueled with natural gas, biomass, waste, wood, and sometimes coal. CHP and WHP systems can provide base load electricity generation with at least double the efficiency compared to typical grid power. If located on-site at a manufacturing facility, hospital, school, or residential building, these systems can also improve resiliency against power outages.

The ITC, as currently constructed, offers narrow capacity limits for CHP systems, disqualifying many worthy projects. We recommend that the ITC or any comparable credits in the future increase the credit from 10 to 30 percent of the capital costs of a project, increasing the project cap from the first 15 megawatts (MW) of the project to the first 25 MW, and eliminating the 50 MW system-wide cap.

Furthermore, waste heat to power installations could monetize 10 GW of clean electricity, heating, and cooling capabilities – yet they are excluded from the current definition of the ITC. Since there is no fuel used in capturing waste heat, this technology should be included in future tax incentives at the same rate as other renewable and efficient competitors.

The bipartisan POWER Act (H.R. 2657) would give CHP technologies parity with other low emission sources, remove restrictions that limit the full use of this efficient resource, and include waste heat to power as a qualifying technology under the ITC. We urge you to include this measure as part of any legislation aimed at improving the U.S. tax system.

**Our final recommendation concerns expanding Master Limited Partnerships (MLPs), to clean energy technologies.**

A wide variety of economic, regulatory, and legal barriers favor incumbent technologies. These barriers threaten the ability of new companies to gain a competitive foothold, diminish consumer choice, and inflate the prices of emerging technologies. Government tax policy should help break down barriers to competition. Expanding MLPs to clean energy technologies is a critical way to create greater parity in the tax code among energy resources.

MLPs are business structures that allow taxation at the stakeholder instead of corporate level and provide greater access to low-cost capital. They are a proven mechanism for leveraging financing for the traditional power sector, having attracted more than \$450 billion of investment to fossil fuel projects in the U.S. over the last 30 years. However, clean energy systems do not have access to these incentives, placing them at a financial disadvantage. Congress should pass the bipartisan MLP Parity Act (H.R. 2883) to extend MLPs to a broad suite of energy technologies, thereby allowing them to access a larger pool of private capital.

Thank you again for the opportunity to provide written testimony. We hope these recommendations give context to your work and demonstrate that the tax initiatives Congress

adopts will shape America's economic, environmental, and energy future for many years and decades to come. We look forward to working with you as Congress considers policy measures that will improve the U.S tax system for the energy industry.

Sincerely,

A handwritten signature in black ink, appearing to read "Phyllis Cuttino".

Phyllis Cuttino  
Director, Clean Energy Initiative  
The Pew Charitable Trusts