

TLS, have you transmitted all R text files for this cycle update?

I.R.S. SPECIFICATIONS TO BE REMOVED BEFORE PRINTING INSTRUCTIONS TO PRINTERS SCHEDULE A (FORM 8836), PAGE 1 OF 2 MARGINS; TOP 13mm (1/2"), CENTER SIDES. PRINTS: HEAD TO HEAD PAPER: WHITE WRITING, SUB. 20. INK: BLACK FLAT SIZE: 8 1/2" x 11" PERFORATE: NONE DO NOT PRINT - DO NOT PRINT - DO NOT PRINT - DO NOT PRINT

Table with 3 columns: Action, Date, Signature. Rows: O.K. to print, Revised proofs requested.

SCHEDULE A (Form 8836)

Third Party Affidavit

OMB No. 1545-0074

Department of the Treasury Internal Revenue Service

Esta forma está disponible en español. Por favor, llame al 1-800-829-6088.

2005

See instructions on back.

Part I Taxpayer Information (to be completed by taxpayer)

Form fields for Taxpayer Information: Your first name and initial, Last name, Your social security number, and joint return information.

Part II Affidavit (to be completed by third party only)

Note. The IRS may contact you to verify this affidavit.

1 You must check one box, and only one box, below that best describes your relationship to the taxpayer. See the instructions to find out if you are eligible to complete Part II.

- Checkboxes for relationship types: Attorney, Court or placement agency official, Landlord or property manager, Childcare provider, Employer, Law enforcement officer, Clergy, Health-care provider, School official, Community-based organization official, Indian tribal official, Social service agency or other government official.

2 Child's name. Enter the name of the child who lived with the taxpayer.

Child 1 (first and last name)

Note. If this affidavit covers only one child, check here and do not enter a name on the line for Child 2 below.

Child 2 (first and last name)

3 Address. The child (or children) lived with a taxpayer (or both taxpayers) named in Part I at the following address. (If more than one address applies, see the instructions.)

Address (number and street)

City, town or post office, state, and ZIP code

4 Start date. This affidavit covers the time period in 2005 during which the child (or children) lived with a taxpayer (or both taxpayers) named in Part I. (If more than one period of time applies, see the instructions.)

Check the box that applies.

- (1) The child (or children) began living with the taxpayer before 2005. (2) The child (or children) began living with the taxpayer on / /2005.

5 End date. Check the box that applies.

- (1) The child (or children) has lived with the taxpayer at the above address since the start date. (2) The child (or children) lived with the taxpayer at the above address until / /2005.

Based on my records or personal knowledge, I certify that the child (or children) named in Part II lived with the taxpayer(s) named in Part I at the address shown above during the period of time shown.

Under penalties of perjury, I declare that I have examined this affidavit, and to the best of my knowledge and belief, it is true, correct, and complete.

Third Party Sign Here

Date

Your name (print or type) Title (if any)

Name of organization (if any)

Address (number and street)

City, town or post office, state, and ZIP code

Your daytime phone number Best time to call

I.R.S. SPECIFICATIONS TO BE REMOVED BEFORE PRINTING

INSTRUCTIONS TO PRINTERS
 SCHEDULE A (FORM 8836), PAGE 2 OF 2
 MARGINS: TOP 13mm (½"), CENTER SIDES. PRINTS: HEAD TO HEAD
 PAPER: WHITE WRITING, SUB. 20. INK: BLACK
 FLAT SIZE: 11"x17"; FOLD TO 216mm(8 5/8) x 279mm (11")
 PERFORATE: NONE

DO NOT PRINT — DO NOT PRINT — DO NOT PRINT — DO NOT PRINT

Instructions for Taxpayer

Purpose of Form

You may ask a third party to complete the affidavit on Schedule A (Form 8836) to show that you and your qualifying child lived together in the United States for part or all of 2005. Attach Schedule A to Form 8836, Qualifying Children Residency Statement. See Form 8836 for more details.

Who Is a Third Party?

A third party is anyone whose relationship to you or your child is listed on page 1 of Schedule A and who has records that show, or who personally knows, that you and your qualifying child lived together for part or all of 2005. A third party does not include you, your spouse, your dependent, your qualifying child (for the earned income credit), or a parent of that qualifying child.

How Many Schedules A Do You Need?

You may use as many Schedules A as you need (in combination with copies of records and letters on official letterhead), as long as they show, when taken together, that your child lived with you for more than half of 2005.

Do not use Schedule A if the records or letters you are submitting with Form 8836 already show your child lived with you for more than half the year in 2005. Do not attach Schedules A for children not listed on Form 8836. If we decide that one or both of the children you list on this schedule is not a qualifying child, we will contact you and give you the opportunity to send us information about another child. See Form 8836 for more details.

What Do You Need To Tell the Third Party?

Before giving Schedule A to the third party, complete your name, and your spouse's name (if you are filing a joint return for 2005) at the top of the schedule. You must also enter your social security number, but you can wait until after the third party completes the affidavit.

Ask the third party to completely fill in all applicable entry spaces on the affidavit and sign and date it. If you have more than two children, and the third party has information relating to more than two of your children, be sure to tell the third party the names of the two qualifying children you are claiming on Form 8836.

If the third party does not complete all applicable information, the affidavit may not be accepted.

Instructions for Third Party

The taxpayer has given you this affidavit to verify the period during 2005 that the taxpayer and one or two of his or her children lived together in the United States. If you fill out this affidavit, then you must complete all applicable information on the affidavit based on your records or personal knowledge and sign it under penalties of perjury. After completing and signing the affidavit, return it to the taxpayer. Do not send it to the IRS. Criminal penalties may be imposed for knowingly making a false statement.

Who Is Eligible To Complete Part II?

You are eligible to complete Part II only if your relationship to the taxpayer is listed below. You may not complete the affidavit if you are the taxpayer's spouse, dependent, or qualifying child (for the earned income credit), or you are a parent of that qualifying child.

- Attorney who handled the taxpayer's divorce or child custody case.
- Childcare provider if you are at least age 18 (such as a babysitter or daycare provider).
- Member of the clergy (including a minister, priest, rabbi, or imam).
- Community-based organization official (including an official from the YMCA, YWCA, Boy Scouts, Girl Scouts, Boys and Girls Clubs, 4-H, Little League, Police Athletic League, immigrant advocacy groups, neighborhood associations, homeowners and condominium associations, and other nonprofit groups).
- Official of the court or agency that issued a decision or order involving the taxpayer's divorce or custody, support, or placement of the taxpayer's child.
- Employer (such as a personnel official, supervisor, or work leader).
- Health-care provider (including a doctor, nurse practitioner, or clinic official).
- Indian tribal official.
- Landlord or property manager (including a building superintendent, public housing official, or rental agent).
- Law enforcement officer (such as a police officer or parole officer).
- School official (including a teacher, principal, or administrative assistant). A school includes Head Start, pre-K programs, and before or after school care provided by the school.
- Social service agency or other government official (including a social worker, case worker at a public assistance office, or operator of a homeless shelter).

More Than One Address or Period

If the taxpayer and child (or children) lived together at more than one address or during two or more separate periods during 2005, you must either:

- Complete a separate Schedule A for each address and time period, or
- Enter "see attached" on line 3 and to the right of lines 4 and 5 and attach a separate statement (which can be typed or written on a plain piece of paper) listing the taxpayer's name and addresses and time periods that the taxpayer and child (or children) lived at each address. You must also sign the attached statement.

How To Get Help

If you need assistance completing this schedule, call 1-800-829-6088. Assistance is available Monday through Friday from 8:00 a.m. to 8:00 p.m. local time.

Part III. Administrative, Procedural, and Miscellaneous

Deduction for Energy Efficient Commercial Buildings

Notice 2006-52

SECTION 1. PURPOSE

This notice sets forth interim guidance, pending the issuance of regulations, relating to the deduction for energy efficient commercial buildings under § 179D of the Internal Revenue Code. Specifically, this notice sets forth a process that allows a taxpayer who owns, or is a lessee of, a commercial building and installs property as part of the commercial building's interior lighting systems, heating, cooling, ventilation, and hot water systems, or building envelope to obtain a certification that the property satisfies the energy efficiency requirements of § 179D(c)(1) and (d). This notice also provides for a public list of software programs that must be used in calculating energy and power consumption for purposes of § 179D. The Internal Revenue Service and the Treasury Department expect that the rules set forth in this notice will be incorporated in regulations.

SECTION 2. BACKGROUND

.01 *In General.* Section 1331 of the Energy Policy Act of 2005, Pub. L. No. 109-58, 119 Stat. 594 (2005), enacted § 179D of the Code, which provides a deduction with respect to energy efficient commercial buildings. Section 179D(a) allows a deduction to a taxpayer for part or all of the cost of energy efficient commercial building property that the taxpayer places in service after December 31, 2005, and before January 1, 2008. (See section 2.02 of this notice.) Sections 179D(d)(1) and 179D(f) allow a deduction to a taxpayer for part or all of the cost of certain partially qualifying commercial building property that the taxpayer places in service after December 31, 2005, and before January 1, 2008. (See sections 2.03, 2.04, and 2.05 of this notice.) For purposes of this notice partially qualifying commercial building property is property that would be energy efficient commercial building property but for the failure to achieve the 50-percent reduction in energy and power

costs required under section 2.02(1)(c) of this notice.

.02 *Energy Efficient Commercial Building Property.*

(1) *In General.* Energy efficient commercial building property is depreciable property that satisfies each of the following conditions:

(a) The property is installed on or in any building that is located in the United States and is within the scope of Standard 90.1-2001. (See section 5.02 of this notice for the description of buildings within the scope of Standard 90.1-2001 and section 5.06 of this notice for the complete description of Standard 90.1-2001.)

(b) The property is installed as part of—
(i) the interior lighting systems,
(ii) the heating, cooling, ventilation, and hot water systems, or
(iii) the building envelope.

(c) It is certified that the interior lighting systems, heating, cooling, ventilation, and hot water systems, and building envelope that have been incorporated into the building, or that the taxpayer plans to incorporate into the building subsequent to the installation of such property, will reduce the total annual energy and power costs with respect to combined usage of the building's heating, cooling, ventilation, hot water, and interior lighting systems by 50 percent or more as compared to a Reference Building that meets the minimum requirements of Standard 90.1-2001. The required 50-percent reduction must be accomplished solely through energy and power cost reductions for the heating, cooling, ventilation, hot water, and interior lighting systems. Reductions in any other energy uses, such as receptacles, process loads, refrigeration, cooking, and elevators, are not taken into account in determining whether the 50-percent reduction is achieved.

(2) *Maximum Amount of Deduction.*

(a) *In General.* The deduction for the cost of energy efficient commercial building property installed on or in a building shall not exceed the excess (if any) of—

(i) the product of \$1.80 and the square footage of the building, over

(ii) the aggregate amount of the § 179D deductions allowed with respect to the building for all prior taxable years.

(b) *Application to Multiple Taxpayers.*

If two or more taxpayers install energy efficient commercial building property on or in the same building, the aggregate amount of the § 179D deductions allowed to all such taxpayers with respect to the building shall not exceed the amount determined under section 2.02(2)(a) of this notice.

.03 *Partially Qualifying Property: Energy Efficient Lighting Property.*

(1) *In General.* Energy efficient lighting property is partially qualifying property, within the meaning of section 2.01 of this notice, that is subject to either the permanent rule in section 2.03(1)(a) of this notice or the interim rule in section 2.03(1)(b) of this notice.

(a) *Permanent Rule.* Partially qualifying property is subject to the permanent rule if it is installed as part of the interior lighting systems of a building and it is certified that the interior lighting systems that have been incorporated into the building, or that the taxpayer plans to incorporate into the building subsequent to the installation of such property, will reduce the total annual energy and power costs with respect to combined usage of the building's heating, cooling, ventilation, hot water, and interior lighting systems by $16\frac{2}{3}$ percent or more as compared to a Reference Building that meets the minimum requirements of Standard 90.1-2001. The required $16\frac{2}{3}$ -percent reduction must be accomplished solely through energy and power cost reductions for the heating, cooling, ventilation, hot water, and interior lighting systems. Reductions in any other energy uses, such as receptacles, process loads, refrigeration, cooking, and elevators, are not taken into account in determining whether the $16\frac{2}{3}$ -percent reduction is achieved.

(b) *Interim Rule.* Partially qualifying property, within the meaning of section 2.01 of this notice, is subject to the interim rule if it is not subject to the permanent rule in section 2.03(1)(a) of this notice, if it is installed as part of the interior lighting systems of a building before the date on which final regulations under section 179D are published in the Federal Register, and it is certified that the interior lighting systems that have been incorporated into the build-

ing, or that the taxpayer plans to incorporate into the building,—

(i) Achieve a reduction in lighting power density of at least 25 percent (50 percent in the case of a warehouse) of the minimum requirements in Table 9.3.1.1 or Table 9.3.1.2 (not including additional interior lighting power allowances) of Standard 90.1–2001;

(ii) Have controls and circuiting that comply fully with the mandatory and prescriptive requirements of Standard 90.1–2001;

(iii) Include provision for bi-level switching in all occupancies except hotel and motel guest rooms, store rooms, restrooms, and public lobbies; and

(iv) Meet the minimum requirements for calculated lighting levels as set forth in the IESNA Lighting Handbook, Performance and Application, Ninth Edition, 2000.

(2) *Maximum Amount of Deduction.*

(a) *Property subject to the permanent rule.*

(i) *In General.* If the energy efficient lighting property installed on or in a building is subject to the permanent rule in section 2.03(1)(a) of this notice, the deduction for the cost of the property shall not exceed the excess (if any) of—

(A) the product of \$0.60 and the square footage of the building, over

(B) the aggregate amount of the § 179D deductions allowed with respect to energy efficient lighting property installed on or in the building for all prior taxable years.

(ii) *Application to Multiple Taxpayers.* If two or more taxpayers install energy efficient lighting property on or in the same building and the property is subject to the permanent rule in section 2.03(1)(a) of this notice, the aggregate amount of the § 179D deductions allowed to all such taxpayers with respect to the building shall not exceed the amount determined under section 2.03(2)(a)(i) of this notice.

(b) *Property subject to the interim rule.*

(i) *In General.* If the energy efficient lighting property installed on or in a building is subject to the interim rule in section 2.03(1)(b) of this notice, the deduction for the cost of the property is equal to the applicable percentage of the deduction that would be allowed if the property were subject to the permanent rule. In addition, the deduction for the cost of the property shall not exceed the excess (if any) of—

(A) the applicable percentage of the product of \$0.60 and the square footage of the building, over

(B) the aggregate amount of the § 179D deductions allowed with respect to energy efficient lighting property installed on or in the building for all prior taxable years.

(ii) *Applicable percentage.* If the interior lighting systems of the building achieve a reduction in lighting power density of at least 40 percent, the applicable percentage for the building is 100 percent. If the interior lighting systems of the building achieve a reduction in lighting power density of less than 40 percent, the applicable percentage for the building is 100 percent reduced at a rate of $3\frac{1}{3}$ percentage points per percentage point by which 40 percent exceeds the percentage reduction in lighting power density. For example, if the interior lighting systems achieve a reduction in lighting power density of 32.5 percent, the applicable percentage is 75 percent ($100 - (3\frac{1}{3} \times (40 - 32.5))$).

(iii) *Application to Multiple Taxpayers.* If two or more taxpayers install energy efficient lighting property on or in the same building and the property is subject to the interim rule in section 2.03(1)(b) of this notice, the aggregate amount of the § 179D deductions allowed to all such taxpayers with respect to the building shall not exceed the amount determined under section 2.03(2)(b)(i) of this notice.

.04 *Partially Qualifying Property: Energy Efficient Heating, Cooling, Ventilation, and Hot Water Property.*

(1) *In General.* Energy efficient heating, cooling, ventilation, and hot water property is partially qualifying property, within the meaning of section 2.01 of this notice, that satisfies both of the following conditions:

(a) The property is installed as part of the heating, cooling, ventilation, and hot water systems of a building; and

(b) It is certified that the heating, cooling, ventilation, and hot water systems that have been incorporated into the building, or that the taxpayer plans to incorporate into the building subsequent to the installation of such property, will reduce the total annual energy and power costs with respect to combined usage of the building's heating, cooling, ventilation, hot water, and interior lighting systems by $16\frac{2}{3}$ percent or more as compared to a Reference Building that meets the mini-

imum requirements of Standard 90.1–2001. The required $16\frac{2}{3}$ -percent reduction must be accomplished solely through energy and power cost reductions for the heating, cooling, ventilation, and hot water systems. Reductions in any other energy uses, such as receptacles, process loads, refrigeration, cooking, and elevators, are not taken into account in determining whether the $16\frac{2}{3}$ -percent reduction is achieved.

(2) *Maximum Amount of Deduction.*

(a) *In General.* The deduction for the cost of energy efficient heating, cooling, ventilation, and hot water property installed on or in a building shall not exceed the excess (if any) of—

(i) the product of \$0.60 and the square footage of the building, over

(ii) the aggregate amount of the § 179D deductions allowed with respect to energy efficient heating, cooling, ventilation, and hot water property installed on or in the building for all prior taxable years.

(b) *Application to Multiple Taxpayers.* If two or more taxpayers install energy efficient heating, cooling, ventilation, and hot water property on or in the same building, the aggregate amount of the § 179D deductions allowed to all such taxpayers with respect to the building shall not exceed the amount determined under section 2.04(2)(a) of this notice.

.05 *Partially Qualifying Property: Energy Efficient Building Envelope Property.*

(1) *In General.* Energy efficient building envelope property is partially qualifying property, within the meaning of section 2.01 of this notice, that satisfies both of the following conditions:

(a) The property is installed as part of the building envelope of a building; and

(b) It is certified that the building envelope that has been incorporated into the building, or that the taxpayer plans to incorporate into the building subsequent to the installation of such property, will reduce the total annual energy and power costs with respect to combined usage of the building's heating, cooling, ventilation, hot water, and interior lighting systems by $16\frac{2}{3}$ percent or more as compared to a Reference Building that meets the minimum requirements of Standard 90.1–2001. The required $16\frac{2}{3}$ -percent reduction must be accomplished solely through energy and power cost reductions for the heating, cooling, ventilation, hot

water, and interior lighting systems. Reductions in any other energy uses, such as receptacles, process loads, refrigeration, cooking, and elevators, are not taken into account in determining whether the 16²/₃-percent reduction is achieved.

(2) *Maximum Amount of Deduction.*

(a) *In General.* The deduction for the cost of energy efficient building envelope property installed on or in a building shall not exceed the excess (if any) of—

(i) the product of \$0.60 and the square footage of the building, over

(ii) the aggregate amount of the § 179D deductions allowed with respect to energy efficient building envelope property installed on or in the building for all prior taxable years.

(b) *Application to Multiple Taxpayers.*

If two or more taxpayers install energy efficient building envelope property on or in the same building, the aggregate amount of the § 179D deductions allowed to all such taxpayers with respect to the building shall not exceed the amount determined under section 2.05(2)(a) of this notice.

SECTION 3. METHOD OF COMPUTATION

.01 *In General.* The Performance Rating Method (PRM) must be used to compute the percentage reduction in the total annual energy and power costs with respect to combined usage of a building's heating, cooling, ventilation, hot water, and interior lighting systems as compared to a Reference Building that meets the minimum requirements of Standard 90.1–2001.

.02 *Performance Rating Method (PRM).* For purposes of this notice, the PRM includes the following computations:

(1) Reference Building Energy and Power Costs equal the sum of the energy and power costs for the following components of the Reference Building:

- (a) Interior Lighting,
- (b) Heating,
- (c) Cooling,
- (d) Ventilation, and
- (e) Hot Water.

(2) Proposed Building Energy and Power Costs equal the sum of the energy and power costs for the same components of the Proposed Building.

(3) Percentage Reduction in Energy and Power Costs is determined by—

(a) Subtracting Proposed Building Energy and Power Costs from Reference Building Energy and Power Costs; and

(b) Expressing the difference as a percentage of Reference Building Energy and Power Costs.

.03 *Reference Building.* For purposes of this notice, the Reference Building is a building that is located in the same climate zone as the taxpayer's building and is otherwise comparable to the taxpayer's building except that its interior lighting systems, heating, cooling, ventilation, and hot water systems, and building envelope meet the minimum requirements of Standard 90.1–2001. The energy performance of the Reference Building shall be determined by following the methods for baseline building performance in the PRM in Appendix G of Standard 90.1–2004. In calculating baseline building performance, the Reference Building shall use the following additional requirements from the 2005 California Title 24 Nonresidential Alternative Calculation Method (ACM) Approval Manual:

(1) Number of occupants, occupant sensible and latent heat loads, receptacle loads, and hot water loads from ACM Tables N2–2 for whole building values and Table N2–3 for building area values appropriate for mixed use buildings;

(2) Occupancy, HVAC, fans, infiltration, hot water, lighting, and equipment schedules from ACM Tables N2–4 through N2–9;

(3) Infiltration modeled following ACM Section 2.4.1.6;

(4) Luminaire power for interior lighting systems from the 2005 California Title 24 Nonresidential ACM Appendix NB or from manufacturers data.

.04 *Proposed Building.*

(1) *Energy Efficient Commercial Building Property.* In computing energy and power cost savings for purposes of section 2.02 (relating to energy efficient commercial building property), the Proposed Building is a building that contains the interior lighting systems, heating, cooling, ventilation, and hot water systems, and building envelope that have been incorporated, or that the taxpayer plans to incorporate, into the taxpayer's building but that is otherwise identical to the Reference Building.

(2) *Energy Efficient Lighting Property.*

In computing energy and power cost savings for purposes of section 2.03 (relating to energy efficient lighting property), the Proposed Building is a building that contains the interior lighting systems that have been incorporated (or that the taxpayer plans to incorporate) into the taxpayer's building but that is otherwise identical to the Reference Building.

(3) *Energy Efficient Heating, Cooling, Ventilation, and Hot Water Property.* In computing energy and power cost savings for purposes of section 2.04 (relating to energy efficient heating, cooling, ventilation, and hot water property), the Proposed Building is a building that contains the heating, cooling, ventilation, and hot water systems that have been incorporated, or that the taxpayer plans to incorporate, into the taxpayer's building but that is otherwise identical to the Reference Building.

(4) *Energy Efficient Building Envelope Property.* In computing energy and power cost savings for purposes of section 2.05 (relating to energy efficient building envelope property), the Proposed Building is a building that contains the building envelope that has been incorporated, or that the taxpayer plans to incorporate, into the taxpayer's building but that is otherwise identical to the Reference Building.

SECTION 4. CERTIFICATION

Before a taxpayer may claim the § 179D deduction with respect to property installed on or in a commercial building, the taxpayer must obtain a certification with respect to the property. The certification must be provided by a qualified individual and satisfy the requirements of § 179D(c)(1). A taxpayer is not required to attach the certification to the return on which the deduction is taken. However, § 1.6001–1(a) of the Income Tax Regulations requires that taxpayers maintain such books and records as are sufficient to establish the entitlement to, and amount of, any deduction claimed by the taxpayer. Accordingly, a taxpayer claiming a deduction under § 179D should retain the certification as part of the taxpayer's records for purposes of § 1.6001–1(a) of the Income Tax Regulations. A certification will be treated as satisfying the requirements of § 179D(c)(1) if the certification contains all of the following:

.01 The name, address, and telephone number of the qualified individual.

.02 The address of the building to which the certification applies.

.03 One of the following statements by the qualified individual:

(1) Statement for energy efficient commercial building property: The interior lighting systems, heating, cooling, ventilation and hot water systems, and building envelope that have been, or are planned to be, incorporated into the building will reduce the total annual energy and power costs with respect to combined usage of the building's heating, cooling, ventilation, hot water, and interior lighting systems by 50 percent or more as compared to a Reference Building that meets the minimum requirements of Standard 90.1-2001.

(2) Statement for energy efficient lighting property that satisfies the requirements of the permanent rule of section 2.03(1)(a) of this notice: The interior lighting systems that have been, or are planned to be, incorporated into the building will reduce the total annual energy and power costs with respect to combined usage of the building's heating, cooling, ventilation, hot water, and interior lighting systems by 16²/₃ percent or more as compared to a Reference Building that meets the minimum requirements of Standard 90.1-2001.

(3) Statement for energy efficient lighting property that satisfies the requirements of the interim rule of section 2.03(1)(b) of this notice: The interior lighting systems that have been, or are planned to be, incorporated into the building satisfy the requirements of the interim rule of section 2.03(1)(b) of Notice 2006-52.

(4) Statement for energy efficient heating, cooling, ventilation, and hot water property: The heating, cooling, ventilation, and hot water systems that have been, or are planned to be incorporated into the building will reduce the total annual energy and power costs with respect to combined usage of the building's heating, cooling, ventilation, hot water, and interior lighting systems by 16²/₃ percent or more as compared to a Reference Building that meets the minimum requirements of Standard 90.1-2001.

(5) Statement for energy efficient building envelope property: The building envelope that has been, or is planned to be, incorporated into the building will reduce the total annual energy and power costs with

respect to combined usage of the building's heating, cooling, ventilation, hot water, and interior lighting systems by 16²/₃ percent or more as compared to a Reference Building that meets the minimum requirements of Standard 90.1-2001.

.04 A statement by the qualified individual that the amount of such reduction has been determined under the rules of Notice 2006-52.

.05 A statement by the qualified individual that field inspections of the building performed by a qualified individual after the property has been placed in service have confirmed that the building has met, or will meet, the energy-saving targets contained in the design plans and specifications, and that the field inspections were performed in accordance with any inspection and testing procedures that (1) have been prescribed by the National Renewable Energy Laboratory (NREL) as Energy Savings Modeling and Inspection Guidelines for Commercial Building Federal Tax Deductions and (2) are in effect at the time the certification is given.

.06 A statement that the building owner has received an explanation of the energy efficiency features of the building and its projected annual energy costs;

.07 A statement that qualified computer software was used to calculate energy and power consumption and costs and identification of the qualified computer software used (see section 6 of this notice).

.08 A list identifying the components of the interior lighting systems, heating, cooling, ventilation, and hot water systems, and building envelope installed on or in the building, the energy efficiency features of the building, and its projected annual energy costs.

.09 A declaration, applicable to the certification and any accompanying documents, signed by the qualified individual, in the following form:

"Under penalties of perjury, I declare that I have examined this certification, including accompanying documents, and to the best of my knowledge and belief, the facts presented in support of this certification are true, correct, and complete."

SECTION 5. DEFINITIONS

The following definitions apply for purposes of this notice:

.01 *Building Square Footage*. The sum of the floor areas of the conditioned spaces within the building, including basements, mezzanine, and intermediate-floored tiers, and penthouses with headroom height of 7.5 feet or greater. Building square footage is measured from the exterior faces of exterior walls or from the centerline of walls separating buildings, but excludes covered walkways, open roofed-over areas, porches and similar spaces, pipe trenches, exterior terraces or steps, chimneys, roof overhangs, and similar features.

.02 *Building within the Scope of Standard 90.1-2001*. A structure that—

(1) Is wholly or partially enclosed within exterior walls, or within exterior and party walls, and a roof, affording shelter to persons, animals, or property; and

(2) Is not a single-family house, a multi-family structure of three stories or fewer above grade, a manufactured house (mobile home), or a manufactured house (modular).

.03 *Conditioned Space*. Any enclosed space within the building qualifying as cooled space, heated space, or indirectly conditioned space defined as follows:

(1) *Cooled Space*. An enclosed space that is cooled by a cooling system whose sensible output capacity exceeds 5 Btu per hour per square foot of floor area.

(2) *Heated Space*. An enclosed space that is heated by a heating system whose output capacity relative to the floor area exceeds 5 Btu per hour per square foot of floor area.

(3) *Indirectly Conditioned Space*. An enclosed space (other than a heated space or a cooled space) that is heated or cooled indirectly by being connected to adjacent space(s) and that satisfies either of the following conditions:

(a) The space's surface area that is adjacent to heated or cooled space multiplied by the weighted average U-factor of such adjacent surface area exceeds the space's surface area adjoining the outdoors, unconditioned spaces, and semi-heated spaces (e.g., corridors) multiplied by the weighted average U-factor of such adjoining surface area; or

(b) The air from heated or cooled spaces is intentionally transferred (naturally or mechanically) into the space at a rate exceeding 3 air changes per hour (ACH).

.04 *Qualified Computer Software.* Software that meets the following requirements:

(1) The software is included (at the time the certification is given) on the Department of Energy's published list of qualified software as described in section 6 of this notice.

(2) The software provides any information that regulations or other guidance require the taxpayer to file in connection with energy efficiency of property and the deduction allowed under § 179D.

(3) The software provides information that allows the user to document the energy efficiency features of the building and its projected annual energy costs.

.05 *Qualified Individual.* An individual that—

(1) Is not related (within the meaning of §45(e)(4)) to the taxpayer claiming the deduction under § 179D;

(2) Is an engineer or contractor that is properly licensed as a professional engineer or contractor in the jurisdiction in which the building is located; and

(3) Has represented in writing to the taxpayer that he or she has the requisite qualifications to provide the certification required under section 4 of this notice (in the case of an individual providing the certification) or to perform the inspection and testing described in section 4.05 of this notice (in the case of an individual performing the inspection).

.06 *Standard 90.1–2001.* ANSI/ASHRAE/IESNA Standard 90.1–2001, Energy Standard for Buildings Except Low-Rise Residential Buildings, developed for the American National Standards Institute by the American Society of Heating, Refrigerating, and Air Conditioning Engineers and the Illuminating Engineering Society of North America (as in effect on April 2, 2003, including addenda 90.1a–2003, 90.1b–2002, 90.1c–2002, 90.1d–2002, and 90.1k–2002 as in effect on that date).

SECTION 6. LIST OF APPROVED SOFTWARE PROGRAMS

.01 *In General.* The Department of Energy will create and maintain a public list of software that may be used to calculate energy and power consumption and costs for purposes of providing a certification under section 4 of

this notice. This public list will appear at http://www.eere.energy.gov/buildings/info/tax_credit_2006.html. Software will be included on the list if the software developer submits the following information to the Department of Energy:

(1) The name, address, and (if applicable) web site of the software developer;

(2) The name, email address, and telephone number of the person to contact for further information regarding the software;

(3) The name, version, or other identifier of the software as it will appear on the list;

(4) All test results, input files, output files, weather data, modeler reports, and the executable version of the software with which the tests were conducted; and

(5) A declaration by the developer of the software, made under penalties of perjury, that—

(a) The software has been tested according to the American National Standards Institute/American Society of Heating, Refrigerating and Air-Conditioning Engineers (ANSI/ASHRAE) Standard 140–2004 Standard Method of Test for the Evaluation of Building Energy Analysis Computer Programs;

(b) The software can model explicitly—

(i) 8,760 hours per year;

(ii) Calculation methodologies for the building components being modeled;

(iii) Hourly variations in occupancy, lighting power, miscellaneous equipment power, thermostat setpoints, and HVAC system operation, defined separately for each day of the week and holidays;

(iv) Thermal mass effects;

(v) Ten or more thermal zones;

(vi) Part-load performance curves for mechanical equipment;

(vii) Capacity and efficiency correction curves for mechanical heating and cooling equipment; and

(viii) Air-side and water-side economizers with integrated control; and

(c) The software can—

(i) Either directly determine energy and power costs or produce hourly reports of energy use by energy source suitable for determining energy and power costs separately; and

(ii) Design load calculations to determine required HVAC equipment capacities and air and water flow rates.

.02 *Addresses.* Submissions under this section must be addressed as follows:

Commercial Software List
Department of Energy
Office of Building Technologies,
EE–2J
1000 Independence Ave., SW
Washington, DC 20585–0121

.03 *Original and Updated Lists.* Software will be included on the original list if the software developer's submission is received before July 1, 2006. The list will be updated as necessary to reflect submissions received after June 30, 2006.

.04 *Removal from Published List.* The Department of Energy may, upon examination, determine that software is not sufficiently accurate to justify its use in calculating energy and power consumption and costs for purposes of providing a certification under section 4 of this notice and remove the software from the published list. The Department of Energy may undertake such an examination on its own initiative or in response to a public request supported by appropriate analysis of the software's deficiencies.

.05 *Effect of Removal from Published List.* Software may not be used to calculate energy and power consumption and costs for purposes of providing a certification with respect to property placed in service after the date on which the software is removed from the published list. The removal will not affect the validity of any certification with respect to property placed in service on or before the date on which the software is removed from the published list.

.06 *Public Availability of Information.* The Department of Energy may make all information provided under paragraph .01 of this section available for public review.

SECTION 7. PAPERWORK REDUCTION ACT

The collections of information contained in this notice have been reviewed and approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act (44 U.S.C. 3507) under control number 1545–2004.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the

collection of information displays a valid OMB control number.

The collections of information in this notice are in sections 4 and 6. This information is required to be collected and retained in order to ensure that energy efficient commercial building property meets the requirements for the deduction under § 179D. This information will be used to determine whether commercial building property for which certifications are provided is property that qualifies for the deduction.

The collection of information is required to obtain a benefit.

The likely respondents are two groups: qualified individuals providing a certification under § 179D (section 4) and software developers seeking to have software included on the public list created by the Department of Energy (section 6).

For qualified individuals providing a certification under § 179D, the likely respondents are individuals. The likely number of certifications is 20,000. The estimated burden per certification ranges from 15 to 30 minutes with an estimated average burden of 22.5 minutes. The estimated total annual reporting burden is 7,500 hours.

For software developers seeking to have software included on the public list created by the Department of Energy, the likely respondents are individuals, corporations and partnerships. The estimated total annual reporting burden is 75 hours. The estimated annual burden per respondent varies from 1 to 2 hours, depending on individual circumstances, with an estimated average burden of 1½ hours to complete the submission required to have the software added to the public list. The estimated number of respondents is 50. The estimated frequency of responses is once.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

SECTION 8. DRAFTING INFORMATION

The principal author of this notice is Jennifer C. Bernardini of the Office of Associate Chief Counsel (Passthroughs

& Special Industries). For further information regarding this notice, contact Jennifer C. Bernardini at (202) 622-3120 (not a toll-free call).

Clarification Notice 2006-26

Notice 2006-53

On February 22, 2006, the Service issued Notice 2006-26, 2006-11 I.R.B. 622. This notice clarifies that section 4.04 of Notice 2006-26 should read as follows:

.04 Specifically and Primarily Designed. A component is not specifically and primarily designed to reduce heat loss or gain of a dwelling unit if it provides structural support or a finished surface, as in the case of drywall or siding. In addition, a component is not specifically and primarily designed to reduce heat loss or gain of a dwelling unit if its principal purpose is to serve any function unrelated to the reduction of heat loss or gain. For purposes of the preceding sentence, the principal purpose of a component serves functions unrelated to the reduction of heat loss or gain if—

(1) Production costs attributable to features other than those that reduce heat loss or gain exceed production costs attributable to features that reduce heat loss or gain; or

(2) The facts and circumstances otherwise establish that the component's principal purpose is to serve a function other than heat loss or gain.

Taxpayers who purchased siding on or before June 26, 2006 may rely on a manufacturer's certification that the siding is an Eligible Building Envelope Component for purposes of the section 25C credit. A manufacturer will not be subject to penalties under § 7206 or § 6701 on account of a certification that siding is an Eligible Building Envelope Component under section 4.02 of Notice 2006-26 unless the manufacturer continues to provide the certification to purchasers of the siding after June 26, 2006.

DRAFTING INFORMATION

The principal author of this notice is Jennifer C. Bernardini of the Office of

Associate Chief Counsel (Passthroughs & Special Industries). For further information regarding this notice, contact Jennifer C. Bernardini at (202) 622-3120 (not a toll-free call).

Credit for New Qualified Alternative Motor Vehicles

Notice 2006-54

SECTION 1. PURPOSE

This notice sets forth interim guidance, pending the issuance of regulations, relating to the new qualified alternative fuel motor vehicle (QAFMV) credit under § 30B(a)(4) and (e) of the Internal Revenue Code (including the reduced credit under § 30B(e)(5) for mixed-fuel vehicles). Specifically, this notice provides procedures that a vehicle manufacturer (or, in the case of a foreign vehicle manufacturer, its domestic distributor) may use if it chooses to certify:

(1) that a vehicle of a particular make, model, and year meets certain requirements that must be satisfied to claim the new QAFMV credit under § 30B(a)(4) and (e); and

(2) the amount of the credit allowable with respect to that vehicle.

This notice also provides guidance to taxpayers who purchase vehicles regarding the conditions under which they may rely on the vehicle manufacturer's (or, in the case of a foreign vehicle manufacturer, its domestic distributor's) certification in determining whether a QAFMV credit is allowable with respect to the vehicle, and the amount of the credit. In addition, the notice provides guidance with respect to certain issues relating to qualification for and computation of the credit. The Internal Revenue Service and the Treasury Department expect that the regulations will incorporate the rules set forth in this notice.

SECTION 2. BACKGROUND

Section 30B(a)(4) provides for a credit determined under § 30B(e) for certain new QAFMVs. The credit is equal to the applicable percentage of the incremental cost of the new QAFMV. The minimum applicable percentage for QAFMVs is 50 percent, but the applicable percentage is 80 percent