

SCHEDULE A Sales and compensating use tax credit

1. Cost of electricity or electric service purchased or used during tax year eligible for sales and compensating use tax credit under Section 11-604.15(a)(1) of the Administrative Code (see instructions) 1.
2. Purchase price or cost of use of services of installing, repairing, maintaining or servicing machinery, equipment, parts, tools or supplies used in production2.
3. Sales and compensating use taxes, imposed during tax year, on costs included in line 1 under Section 1107 Tax Law and paid (see instructions and attach schedule) 3.
4. Sales and compensating use taxes paid on costs included in line 2 (see instructions).....4.
5. Less: credits or refunds of taxes included in lines 3 and 4 (see instructions) 5.
6. Claim for New York City sales tax credit (enter on page 1, parts I and II, lines 1 and 4) 6.

INSTRUCTIONS FOR SCHEDULE A

Sections 11-604.15 and 11-604.17-a of the Administrative Code allow a taxpayer a credit equal to the amount of sales and compensating use taxes:

1) imposed by Section 1107 of the State Tax Law during the taxpayer's taxable year which became legally due during the tax year and were paid, less any credit or refund, with respect to the purchase or use by the taxpayer of electricity or electric service (but not gas) of whatever nature for use or consumption directly and exclusively in the production of tangible personal property for sale by manufacturing, processing or assembling.

2) imposed by Section 1107 of the State Tax Law during the taxpayer's taxable year and paid, less any credit or refund, with respect to the purchase or use of the services of installing, repairing, maintaining or servicing machinery, equipment, parts, tools or supplies used directly and predominantly in the production of tangible personal property, gas, electricity, refrigeration or steam for sale, or certain telephone central office equipment or station apparatus or comparable telegraph equipment. Interest paid in connection with payment of such sales and use taxes will also be allowed as a credit.

NOTE: The services described above in item 2 were exempted from sales and use tax effective September 1, 1996, however, a credit is available for sales and use tax due and paid on those services during the current tax year with respect to periods prior to September 1, 1996.

LINE 1
Enter on line 1 the total cost of electric service eligible for credit.

LINE 3
Taxpayers claiming the credit on line 3 must prepare and attach to Schedule A a statement explaining the manufacturing process and the nature and kind of tangible personal property produced for sale. Prepare and attach a schedule showing how you determined the portion of total electricity usage eligible for sales and compensating use tax credit for electricity or electric service. The acceptable methods for computing the allocation of electricity qualifying for credit are detailed on page 3.

In addition, submit a schedule, as outlined below, giving the details of the credit requested. The credit claimed should be 4% of the total of the column entitled "qualifying electricity cost." Below is an example of headings which could be used in such a schedule.

INVOICE DATE	TOTAL INVOICED KILO-WATT HOURS	QUALIFYING % FOR PERIOD
COST OF ELECTRICITY FOR INVOICE PERIOD		QUALIFYING ELECTRICITY COST

NOTE: If you neglected to claim a sales tax credit in the period in which the sales tax became legally due, you cannot claim the credit for the current tax year. Instead, you must file a claim for a refund on Form NYC-8 and attach a revised Form NYC-9.5.

Section 11-604.12 of the Administrative Code allows a credit for sales and use tax paid after July 1, 1977, on the purchase or use of machinery or equipment used in production. Those purchases were exempted from sales and use tax effective December 1, 1989.

If the credit claimed is on the purchase of machinery or equipment, you must use Form NYC-9.5 for 1990 or other prior year.

LINE 4
Taxpayers claiming the credit on line 4 must prepare and attach to Schedule A a rider listing each item and indicating with respect to each item, the type of service or maintenance used, the invoice date, the name of the supplier from whom it was purchased, the purchase price and the sales and compensating use tax paid.

LINE 5
Enter on line 5 the amount of any credits or refunds of sales and compensating use taxes included on lines 3 and 4 received during the tax period covered by the return from either a vendor or the New York State Sales Tax Bureau.

SALES AND USE TAXES PAID AS A RESULT OF AN AUDIT
A taxpayer that has paid eligible sales and compensating use taxes as a result of an audit and determination made by the New York State Department of Taxation and Finance may be entitled to claim the sales and use tax credit for

that payment. A credit may be claimed for the interest paid in connection with the State determination of sales or compensating use tax for services performed on eligible machinery, parts and tools but not for interest paid with respect to the sales tax on electricity or electric service. No credit may be claimed for penalties paid with respect to these taxes.

To claim the credit in these circumstances, an amended General Corporation Tax Return (Form NYC-3L) or Claim for Refund (Form NYC-8) must be filed for the taxable year (or years) for which such sales or compensating use taxes were determined to be due, accompanied by a completed Form NYC-9.5. A taxpayer who cannot supply the detailed schedule required in the instructions for line 3 or 4 should instead submit copies of the State determination and all supporting audit work papers, and a copy of the cancelled check or other evidence of payment of the State determination.

SCHEDULE A SUPPLEMENT
Determining the electricity used in the production of tangible personal property for sale

When electricity is purchased for consumption for purposes that qualify for the credit and purposes that do not qualify for the credit, and the use of the electricity is recorded on a single meter, the purchaser may allocate the use of electricity according to its qualifying or non-qualifying consumption. At such time as variations occur affecting the use of electricity (e.g., the addition of new equipment), a new allocation should be computed.

When claiming a sales and compensating use tax credit under Section 11-604.15 of the Administrative Code, one of the following must be submitted:

- a) an electrical engineer's survey, showing computations, in substantiation of the allocation made for use of electricity for both qualifying and nonqualifying purposes;
- b) computations using the guidelines that follow. Computations forming the basis for a claim for refund or credit should be submitted with Form NYC-9.5.

▼ CALCULATING KILOWATTS PER HOUR ▼

To determine the portion of purchases of electricity qualifying for the credit, the ratio of kilowatt-hours of qualifying use to total kilowatt-hours of use must be calculated. The resulting ratio is then applied to electricity purchases to determine the amount qualifying for credit.

$$\frac{\text{KILOWATT-HOURS QUALIFYING USE PER MONTH}}{\text{KILOWATT-HOURS ALL PURPOSES PER MONTH}} = \text{PROPORTION OF PURCHASES QUALIFYING FOR CREDIT}$$

Kilowatt-hours of use is determined by multiplying kilowatts per hour of operation by hours of operation.
Methods for determining kilowatts per hour of operation and average hours are outlined below.

MOTORS ▼

Horsepower known:

Multiply the number of horsepower by 746 and divide by 1,000 to determine approximate kilowatts used per hour of operation.

$$\frac{\text{HORSEPOWER X 746}}{1,000} = \text{KILOWATTS PER HOUR}$$

Horsepower not known:

Multiply volts by amperes indicated on manufacturer's name plate and divide by 1,000 to determine approximate kilowatts used per hour of operation.

$$\frac{\text{VOLTS X AMPERES}}{1,000} = \text{KILOWATTS PER HOUR}$$

LIGHTS ▼

Incandescent lights:

For incandescent bulbs, add rated wattages and divide by 1,000.

$$\frac{\text{WATTS}}{1,000} = \text{KILOWATTS PER HOUR}$$

Fluorescent lights:

For fluorescent lights, add rated wattages plus an additional 20% of rated wattages,* then divide by 1,000.

$$\frac{\text{WATTS} + .20 (\text{WATTS})}{1,000} = \text{KILOWATTS PER HOUR}$$

* The additional 20% of rated wattage is attributable to the energy usage of the fluorescent lamp ballasts.

DEVICES OTHER THAN MOTORS OR LIGHTS ▼

For these devices, use wattage rating given by manufacturer and divide by 1,000 to obtain approximate kilowatts used per hour of operation.

$$\frac{\text{WATTS}}{1,000} = \text{KILOWATTS PER HOUR}$$

DETERMINING HOURS OF OPERATION ▼

When determining monthly hours of operation, variations in use throughout the year must be taken into consideration. Approximate hours of use for each month of the year must be added and the result divided by twelve.

$$\frac{\text{TOTAL HOURS PER YEAR}}{12} = \text{AVERAGE HOURS PER MONTH}$$

THE CHART BELOW IS A SIMPLIFIED EXAMPLE OF A WORKSHEET FOR DETERMINING THE PORTION OF PURCHASES OF ELECTRICITY QUALIFYING FOR CREDIT WHEN A SINGLE METER RECORDS BOTH QUALIFYING AND NONQUALIFYING USE.

EXAMPLE	KILOWATTS PER HOUR OF OPERATION	X	AVERAGE HOURS OF OPERATION PER MONTH	=	AVERAGE KILOWATT-HOURS PER MONTH
ALL QUALIFYING USAGE					
Production machine #1	10		100		1000
Production machine #2	10		100		1000
Other	10		100		1000
Total qualifying usage					3000(A)
ALL NONQUALIFYING USAGE					
Air conditioners	10		300		3000
General lighting	10		300		3000
Office equipment	10		300		3000
Space heaters	10		300		3000
Other	10		300		3000
Total nonqualifying usage					15000(B)

TOTAL
(A) + (B) = 18,000 (C)

TOTAL - ALL USAGES → $\frac{3000}{18000}$ OR $\frac{A}{C}$ = PROPORTION OF ELECTRICITY PURCHASE QUALIFYING FOR CREDIT

NOTE: Once the qualifying portion (percentage) has been established, that percentage must be applied against the actual electricity purchased for any given period for which you are requesting a credit or refund. Any time a change in production occurs (addition or deletion of production equipment, etc.), the qualifying percentage must be recomputed.

SCHEDULE B Relocation and Employment Assistance Program (REAP) Credit

▲ If you have carryover credits from preceding years, complete the carryover schedule below regardless of whether you will carry over credits to the current year. Enter in column B (the applied column) the amount applied to each carryover year until the total applied agrees with the amount on line 6.

NONREFUNDABLE CREDIT APPLIED AGAINST GENERAL CORPORATION TAX OR BANKING CORPORATION TAX - SEE INSTRUCTIONS.

1. Current year's tax, including sales tax addback if applicable less the UBT Paid Credit (NYC-3L, page 1, Schedule A, line 8 plus line 10; NYC-3A, page 1, Schedule A, line 10 plus line 12; NYC-1, page 1, Schedule A, line 7 or NYC-1A, page 1, Schedule A, line 9)	1.		
2. Computation of current year's credit: (number of eligible aggregate employment shares: _____ X the applicable amount (see instructions))	2.		
3. If line 2 is greater than line 1, enter the difference and skip lines 4 through 7. Transfer amount on line 1 to line 9	3.		
4. If line 2 is less than line 1, enter the difference. Complete carryover schedule below	4.		
5. Total carryover credits from prior taxable years (line 8f, column A below)	5.		
6. Amount of carryover credit that may be carried over to the current year. Enter lesser of line 4 or line 5	6.		
7. Total allowable credit for current year. Sum of the current year credit plus the applicable carryover from prior years. Add lines 2 and 6. Enter amount on line 9	7.		

REAP carryover schedule		COLUMN A		COLUMN B		COLUMN C	
<i>You may not carry over the 5th preceding year's credit to next year.</i>		CARRYOVER TO CURRENT YEAR (unused credit)		APPLIED		CARRYOVER TO NEXT YEAR (column A minus column B)	
8a. Carryover from 5th preceding year.....	8a.						
8b. Carryover from 4th preceding year.....	8b.						
8c. Carryover from 3rd preceding year.....	8c.						
8d. Carryover from 2nd preceding year ...	8d.						
8e. Carryover from 1st preceding year.....	8e.						
8f. Total	8f.						
9. Allowable nonrefundable REAP credit for current year (amount from line 1 or line 7, whichever is less)...						9.	

REFUNDABLE CREDIT APPLIED AGAINST GENERAL CORPORATION TAX OR BANKING CORPORATION TAX

10. COMPUTATION OF REFUNDABLE CREDIT Number of eligible aggregate employment shares: _____ X \$3,000.	10.		
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TOTAL OF NONREFUNDABLE AND REFUNDABLE CREDITS

11. Line 9 plus line 10. Transfer amount to page 1, Part 1, line 2.....	11.		
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INSTRUCTIONS

General Information

REAP benefits are available only to taxpayers that have previously applied to the New York City Department of Finance and received an Initial Certificate of Eligibility.

If you have relocated more than once, attach a schedule showing your apportionment of eligible aggregate employment shares to each relocation. See Administrative Code §11-604(17) (a) and §11-643.7(a).

You must attach your annual certificate of eligible aggregate employment shares (ACEAES) received from the New York City Department of Finance and your initial Certificate of Eligibility for each relocation for which you are claiming credit.

Specific Instructions

The credit is **non-refundable** unless **all of the three criteria listed below are met**. For relocations where the credit is non-refundable fill out lines 1 through 9 of this schedule and not line 10. If all of the three criteria are met the credit is **refundable**. If the credit is refundable, skip lines 1 through 9 and fill out line 10.

A non-refundable REAP credit is limited to the tax imposed for the year less the UBT paid Credit. It must be taken before all other credits except the UBT paid credit. If the allowable non-refundable portion of the credit exceeds the tax imposed for the year less the UBT Paid Credit, the excess may be carried over to the five immediately succeeding taxable years and, to the extent not previously utilized, may be credited against the taxpayer's tax for such years.

Line 2

If your certification of eligibility for REAP is dated before July 1, 1995, the applicable amount is \$500. If it is dated on or after July 1, 1995, the applicable amount is \$1,000.

The credit is refundable only if all of the following three criteria are met:

1. the initial Certification of Eligibility must be dated on or after July 1, 2000;
2. the relocation must be to eligible premises located in a "Revitalization Zone" as defined in subdivision (n) of §22-621 of the New York City Administrative Code;
3. the taxable year for which the credit is being claimed must be either the year of the relocation or one of the four taxable years immediately succeeding the year of the relocation.