41A720-S60 IEBA (PKG) (10-23)

COMMONWEALTH OF KENTUCKY
DEPARTMENT OF REVENUE
FRANKFORT

2023

IEBA

INCENTIVES FOR ENERGY-RELATED BUSINESS ACT

- **Only use this package if you have received approval for the IEBA credit per KRS 154.27-010 to 100 by the Cabinet for Economic Development.**
- **See instructions.**
- **Attach to form 720, 720U, PTE, or 725.**

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Purpose of Package —Use this package to report IEBA tax incentives for which your business entity has been approved per KRS 154.27–010 to 100. You must have received preliminary or final approval in accordance with KRS 154.27 to determine the credit allowed. Schedule IEBA-T is used by the company which has entered into a financing agreement or tax incentive agreement for an Incentives for Energy-related Business Act (IEBA) project to maintain a record of approved costs and tax credits.

General Instructions—Only include one incentive project per Package IEBA. If your business entity files a form 720 or 720U with the state of Kentucky, you must complete Schedule IEBA (Page 3) and Schedule IEBA-T (Page 7). If your business entity files form PTE or 725, you must complete Schedule IEBA-SP (Page 5) and Schedule IEBA-T (Page 7).

First and Last Year Prorations—Tax incentives are only available to be claimed during the term of the incentive agreement. Tax incentives claimed during the first and last years of an incentive agreement must be prorated accordingly. Separate period accounting is recommended, but a proration factor may be used if separate period accounting is not available.

To determine the proration factor in the first year of the incentive agreement, divide the number of days from the activation date until the end of your taxable year by the total number of days in your taxable year. Multiply the total income by the proration factor to determine the project income when separate period accounting is not available.

To determine the proration factor in the last year of the incentive agreement, divide the number of days from the first day of your taxable year through the end of the incentive agreement term by the total number of days in your taxable year. Multiply the total income by the proration factor to determine the project income when separate period accounting is not available.

TAX CREDIT COMPUTATION SCHEDULE (FOR AN IEBA PROJECT OF A CORPORATION)

2023

Taxable Year Ending
__ __ / __ __
Mo. Yr.

Name of Corporation	Federal Identification Number	Kentucky Corporation/LLET Account Number
Location of Project City County	Activation Date of IEBA Incentive Agreement __ __ / __ __ / __ __ Mo. Day Yr.	Economic Development Project Number

PART I—Computation of LLET Excluding IEBA Project

1	LLET from Form 720, Part II, line 1 or Form 720U, Schedule U8, Section E, line 1	1		00
2	LLET on IEBA project from Schedule L-ECON (see instructions)	2		00
3	LLET excluding LLET on IEBA project (line 1 less line 2)	3		00

PART II—Computation of Taxable Net Income Excluding Net Income from IEBA Project and IEBA Tax Credit

Section A–Computation of Corporation Tax

1	Enter income tax from Form 720, Part III, line 1 or Form 720U, Schedule U5, Section D, line 8	1		00
2	LLET of corporation (Part I, line 1)	2		00
3	Nonrefundable LLET credit allowed per KRS 141.0401(3) (line 2 less $175, but not more than line 1)	3		00
4	Total corporation tax (lines 1 and 2 less line 3)	4		00

Section B–Computation of Tax Excluding IEBA Project

1	Enter taxable net income from Form 720, Part I, line 43 or Form 720U, Schedule U5, Section D, line 7	1		00
2	Enter net income from IEBA project; if loss, enter -0-	2		00
3	Taxable net income excluding net income from IEBA project (line 1 less line 2). If line 2 is greater than line 1, enter -0-	3		00
4	Income tax liability excluding IEBA project (line 3 multiplied by the tax rate of 5%)	4		00
5	LLET excluding LLET on IEBA project (Part I, line 3)	5		00
6	Enter LLET from line 5 less $175, but not more than line 4	6		00
7	Total tax excluding IEBA project (lines 4 and 5 less line 6)	7		00
8	Total tax attributable to IEBA project (Section A, line 4 less Section B, line 7) Continue to Part III and enter this amount on Part III, line 1	8		00

PART III—Limitation

1	Enter tax liability attributable to IEBA project from Part II, Section B, line 8	1		00
2	Enter limitation from Schedule IEBA-T, Column C	2		00
3	Allowable IEBA tax credit (lesser of line 1 or line 2) Enter allowable credit on Schedule TCS, Part I, Column E and Column F	3		00

➤ *Economic development project* means a project authorized under the Kentucky Rural Economic Development Act (KREDA), Metropolitan College Consortium Tax Credit (MCC), Kentucky Small Business Tax Credit Program (KSBTC), Kentucky Selling Farmer Tax Credit (KSFTC), Kentucky Industrial Development Act (KIDA), Kentucky Jobs Retention Agreement (KJRA), Kentucky Industrial Revitalization Act (KIRA), Kentucky Jobs Development Act (KJDA), Kentucky Business Investment Program (KBI), Kentucky Reinvestment Act (KRA), Skills Training Investment Credit Act (STICA), Incentives for Energy Independence Act (IEIA), and Incentives for Energy-related Business Act (IEBA).

The IEBA tax credit is applied against the corporation income tax imposed by KRS 141.040 and/or the limited liability entity tax (LLET) imposed by KRS 141.0401. The amount of tax credit against each tax can be different; however, for tracking purposes, the larger amount of credit used against either tax is the amount that is used for the tax year.

PURPOSE OF SCHEDULE—This schedule is used by a corporation to determine the credit allowed against the Kentucky corporation income tax and/or LLET attributable to the project per KRS 141.421.

GENERAL INSTRUCTIONS

Part I—Computation of LLET Excluding IEBA Project

Line 2— Use Schedule L–ECON to compute a separate LLET of the IEBA project using only the Kentucky gross receipts and Kentucky gross profits of the project and attach it to the tax return when filed. If approved for multiple projects, attach a separate Schedule L–ECON for each project's LLET computation. In the first and last years of each project, only calculate Kentucky gross receipts and gross profits received during the term of the incentive agreement.

Part II—Computation of Taxable Net Income Excluding Net Income from IEBA Project and IEBA Tax Credit

Section B

Line 2—Enter net income from IEBA project. If the corporation's only operation in Kentucky is the IEBA project, the amount entered on Line 1 must also be entered on Line 2. In the first and last years of each project, only calculate Kentucky net income received during the term of the incentive agreement.

See form for computation.

Part III—Limitation

Calculate IEBA tax credit based on the corporation's tax liability, tax liability attributable to IEBA project, and credit limitation from Schedule IEBA-T. Enter credit on Schedule TCS, Part I, Column E and Column F.

A corporation with more than one economic development project must separately compute the tax credit derived from each project. Complete the applicable tax computation schedules (KREDA, KIDA, KJRA, KIRA, KJDA, KBI, KRA, IEIA, or IEBA) for each project. A corporation approved for the Skills Training Investment Credit Act (STICA) or Metropolitan College Consortium Tax Credit (MCC) must attach a copy of the certification(s) from the Bluegrass State Skills Corporation. A corporation approved for the Kentucky Small Business Tax Credit Program (KSBTC) or Kentucky Selling Farmer Tax Credit (KSFTC) must attach a copy of the certification from the Kentucky Economic Development Finance Authority.

Alternative Methods—Per KRS 141.421(7), if the approved company can show that the nature of the operations and activities of the approved company are such that it is not practical to use separate accounting to determine net income, Kentucky gross receipts, or Kentucky gross profits from the facility where the project is located, the approved company must determine net income, Kentucky gross receipts, or Kentucky gross profits attributable to the project using an alternative method approved by the Department of Revenue. Thus, if any method other than separate accounting is used, **a copy of the letter from the Department of Revenue approving the alternative method must be attached to this schedule.**

TAX COMPUTATION SCHEDULE (FOR AN IEBA PROJECT OF A PASS–THROUGH ENTITY)

2023

Taxable Year Ending
____/____
Mo. Yr.

Name of Pass-through Entity	Federal Identification Number	Kentucky Corporation/LLET Account Number
Location of Project City County	Activation Date of IEBA Incentive Agreement __ __ / __ __ / __ __ Mo. Day Yr.	Economic Development Project Number

PART I—Computation of IEBA Tax Credit and Tax Due

1	Kentucky taxable income on IEBA project (see instructions)	1	00
2	Net operating loss deduction on IEBA project	2	( ) 00
3	Kentucky taxable income on IEBA project after net operating loss deduction (line 1 less line 2)	3	00
4	Income tax liability of IEBA project (line 3 multiplied by the tax rate of 5%)	4	00
5	LLET on IEBA project from Schedule L–ECON (see instructions) **Not applicable for general partnerships**	5	00
6	Nonrefundable LLET credit allowed per KRS 141.0401(3) (line 5 less $175, but not more than line 4). **Not applicable for general partnerships**	6	00
7	Total tax on IEBA project (lines 4 and 5 less line 6)	7	00
8	Limitation (Column C from Schedule IEBA-T)	8	00
9	Enter the lesser of line 7 or line 8 as either:		
	(a) IEBA tax credit	9(a)	00
	or		
	(b) Estimated tax payment and complete election in Part II	9(b)	00
10	**Tax Due on the Project—**If line 7 is larger than line 9(a) or 9(b), enter the difference here as a **liability** of the pass–through entity and add to the tax due on Form PTE, Part II, line 16 or Form 725, Part II, line 15	10	00

PART II—Estimated Tax Election

In accordance with KRS 141.421(4)(b), ________________________________
Name of Pass–through Entity

elects for the taxable year ended ________________, in lieu of the IEBA tax credit, to have an amount equal to the lesser of line 7 or line 8 above applied as an estimated tax payment.

➤

Signature of Shareholder, Partner, or Member Print Name Date

PURPOSE OF SCHEDULE—This schedule is used by a pass–through entity to determine the credit allowed against the Kentucky income tax and/or LLET attributable to the project per KRS 141.421.

NOTE: These credits do not pass through to members, partners, or shareholders of pass-through entities.

Pass–through entities should first complete Form PTE to determine net income (loss), deductions, etc., from the entire operations of the pass–through entity. The pass–through entity should then complete Schedule IEBA–SP to determine the IEBA tax credit and the tax due, if any, from the IEBA project. A pass–through entity is subject to tax per KRS 141.020 and KRS 141.0401 on the net income and the Kentucky gross receipts or Kentucky gross profits from the IEBA project and the IEBA credit is applied against the tax of the IEBA project. Consequently, the pass–through entity must use Form PTE(K) to exclude the net income from the IEBA project from the partners', members', or shareholders' distributive share income.

Multiple Projects—A pass–through entity with multiple economic development projects must complete the applicable schedules (KREDA–SP, KIDA–SP, KJRA–SP, KIRA–SP, KJDA–SP, KBI–SP, KRA–SP, IEIA–SP, or IEBA-SP) to determine the credit and net tax liability, if any, for each project.

Line 1—If the pass–through entity's only operation is the IEBA project, the amount entered on Line 1 is the net income (loss) from Form PTE. If the pass–through entity has operations other than the IEBA project, a schedule must be attached reflecting the computation of the net income (loss) from the IEBA project in accordance with the following instructions and enter on Line 1. In the first and last years of each project, only calculate Kentucky taxable income received during the term of the incentive agreement.

Separate Facility—Per KRS 141.421(6), if the project is a totally separate facility, net income, Kentucky gross receipts, or Kentucky gross profits attributable to the project must be determined by a separate accounting method.

Alternative Methods—Per KRS 141.421(7), if the approved company can show that the nature of the operations and activities of the approved company are such that it is not practical to use a separate accounting method to determine the net income, Kentucky gross receipts, or Kentucky gross profits from the facility where the economic development project is located, the approved company must use an alternative method approved by the Department of Revenue.

A copy of the letter from the Department of Revenue approving the alternative method must be attached to this schedule.

Separate Accounting—If the economic development project is a totally separate facility, net income must reflect only the gross income, deductions, expenses, gains, and losses allowed under this chapter directly attributable to the facility and overhead expenses apportioned to the facility; and Kentucky gross receipts or Kentucky gross profits must reflect only Kentucky gross receipts or Kentucky gross profits directly attributable to the facility.

Line 2—Enter the net operating loss from the IEBA project, if any, being carried forward from previous years.

Note: Just as the income from a IEBA project does not flow through to partners, members, or shareholders, neither do the losses. The project's net operating loss from prior years must be subtracted from the project income before calculating the IEBA credit.

General Partnership—Lines 5 and 6 of this schedule should not be completed by a general partnership as a general partnership is not subject to LLET.

Line 5— Use Schedule L–ECON to compute a separate LLET of the IEBA project using only the Kentucky gross receipts and Kentucky gross profits of the project and attach it to the tax return when filed. If approved for multiple projects, attach a separate Schedule L–ECON for each project's LLET computation. In the first and last years of each project, only calculate Kentucky LLET received during the term of the incentive agreement.

Line 9—In lieu of the tax credit, the approved company may elect, on an annual basis, to apply as an estimated tax payment an amount equal to the allowable tax credit. Any estimated tax payment must be in satisfaction of the tax liability of the partners, members, or shareholders of the pass–through entity and must be paid on behalf of the partners, members, or shareholders. Enter an amount on either (a) or (b), but in no case should there be an entry on both (a) and (b). Per KRS 141.421(5), this estimated tax payment is excluded in determining each partner's, member's, or shareholder's distributive share income or credit from a pass–through entity. Accordingly, the partners, members, or shareholders are not entitled to claim any portion of this estimated tax payment against their Kentucky income tax liability.

TRACKING SCHEDULE FOR AN IEBA PROJECT

2023

Name of Entity

Entity Type ☐ Corporation ☐ Limited Liability Pass-through Entity ☐ General Partnership ☐ Other ____________

Federal Identification Number

Kentucky Corporation/LLET Account Number

Location of Project

City County

Activation Date of IEBA Incentive Agreement __/__/__ Mo. Day Yr.

Economic Development Project Number

A Taxable Year Ended	B Carry Forward Balance of Approved Incentive for Wage Assessments	C Carry Forward Balance of Approved Incentive for Income Tax and LLET	D IEBA Wage Assessments Credit Claimed	E IEBA Tax Credit Claimed on Return

PURPOSE OF SCHEDULE—This schedule is used to maintain a record of the approved costs permitted to be recovered through: (i) Kentucky income tax imposed by KRS 141.040 or 141.020, and the LLET imposed by KRS 141.0401; or (ii) wage assessments.

GENERAL INSTRUCTIONS

A separate Schedule IEBA–T, Tracking Schedule for an IEBA Project, must be maintained for the duration of each IEBA project. Beginning with the first taxable year of the IEBA agreement, complete Columns A through E using a separate line for each year of the agreement. The company must attach a copy of this schedule updated with the current year information to the Schedule IEBA or Schedule IEBA-SP which is filed with the Kentucky tax return.

All tax credits are entered on Schedule TCS, Tax Credit Summary Schedule. The total tax credits calculated may exceed the tax credits that can be used. Credits must be claimed in the order prescribed by KRS 141.0205. Total credits claimed cannot reduce the LLET below the $175 minimum nor the income tax liability below zero.

SPECIFIC INSTRUCTIONS

Column A—Enter on each line the ending date (month, day, and year) of the taxable year for which the information in Columns B through E is entered.

Column B—For the first taxable year of the agreement, enter the approved incentive to be recovered by wage assessments per the Tax Incentive Agreement. For each subsequent year: (i) if the amount entered in Column B for the prior year exceeds the amount entered in Column D for the prior year, enter the difference; or (ii) if the amount entered in Column D for the prior year equals the amount entered in Column B for the prior year, enter zero (–0–).

Column C—For the first taxable year of the agreement, enter the approved incentive to be recovered by tax credits against income tax and LLET per the Tax Incentive Agreement. For each subsequent year: (i) if the amount entered in Column C for the prior year exceeds the amount entered in Column E for the prior year, enter the difference; or (ii) if the amount entered in Column E for the prior year equals the amount entered in Column C for the prior year, enter zero (–0–).

Column D—Enter the IEBA wage assessments withheld during the current year. IEBA wage assessments taken cannot exceed the balance of the incentive in Column B.

Column E—The tax credit calculated for each tax can be different; however, for tracking purposes, the greater of the credit claimed against LLET **or** income tax is recorded as the amount claimed. Enter the greater of Column E **or** Column F from Schedule TCS for this project, if applicable. Otherwise, enter zero (-0-).