



Internal Revenue Service  
CC:PA:LPD:PR ( Notice 2015-70)  
Room 5203  
P.O. Box 7604  
Ben Franklin Station  
Washington, DC 20044

February 16, 2016

RE: IRS NOTICE 2015-70: REQUEST FOR COMMENT REGARDING TYPES OF PROPERTY THAT SHOULD BE DEFINED AS "ENERGY PROPERTY" WITHIN MEANING OF CODE SEC. 48(A)(3)

Dear Sirs and Madams:

This letter is a response by the Equipment Leasing and Finance Association (ELFA) to to Notice 2015-70 concerning definitions of Section 48 property for purpose of the investment tax credit ("ITC").

#### Background on ELFA

ELFA is the trade association that represents financial services companies and manufacturers in the U.S. equipment finance sector. The industry's equipment finance volume is forecast to be \$1 trillion in 2016. ELFA members finance the acquisition of all types of capital equipment, including commercial and corporate aircraft, rail cars and rolling stock, trucks and transportation equipment, vessels and containers, construction, agriculture and off road equipment, medical technology and equipment, IT equipment and software and virtually every other type of equipment.

ELFA represents virtually all sectors of the equipment finance market and its members see practically every type of equipment financing transaction conducted in the United States and every type of funding available to providers of equipment finance. ELFA members who are service providers to the equipment finance industry (such as lawyers, accountants, trustees and vendors) have a unique vantage point of seeing scores of financial transactions from initial concept to final payout and from the perspective of both the borrower/issuer and lender/investor/funding source. ELFA truly is at the heart of equipment finance in the United States.

#### ELFA Comments

ELFA member companies lease or finance a significant amount of the energy property that qualifies for the ITC under Section 48. When conducting a leasing or financing arrangement, certainty of the financial terms is paramount and whether a specific piece of equipment will qualify for a tax credit or not is critical to the efficient provision of lease or finance terms. As such, any clarification of types of property that qualify is desirable.

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It is the understanding of ELFA that the Solar Energy Industry Association has submitted a substantial comment letter outlining several areas where clarification or additional guidance would be helpful to the industry. We generally agree with the proposals and rationales articulated in the letter from the Solar Energy Industry Association and believe that clarity in this area would create efficiencies for the financing of energy generation equipment under Section 48 in the United States.

Thank you for your attention to these matters and for striving to provide greater clarity in this area. ELFA looks forward to working with the IRS and the broader Treasury Department as this regulatory effort proceeds.

Respectfully Submitted,

A handwritten signature in black ink that reads "Ralph Petta". The signature is written in a cursive, flowing style.

Ralph Petta  
President and CEO