U.S. DEPARTMENT of ENERGY

Understanding the "One Big Beautiful Bill Act" and What It Means for ESPC Funding

January 13, 2026

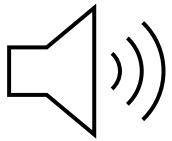
A copy of the slides from today's presentation will be provided to you for reference.

ENERGY SERVICES COALITION
A Public Private Partnership
www.energyservicescoalition.org

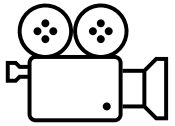
ESPC Campaign

Virtual Housekeeping

Drop your questions in the Q&A box – or raise your hand at the end!



Unmute your microphone to ask questions or join the conversation



A recording of this training (minus the final Q&A) will be posted online

Speakers

Chris Halpin
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David Diaz
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Ben Taube
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Presenter's Bios

Chris Halpin: Chris is the President of Celtic Energy, PLLC, based in Las Vegas, NV. ESC, U.S. DOE, and Berkeley Lab are his primary clients. He has 40 years' experience in the energy efficiency industry, including founding and running an ESPC Owner's Rep firm for 18+ years where he oversaw over $2.5 billion of ESPC projects. He has a BS Mechanical Engineering, is a registered PE in NV and CT, and Certified by the Association of Energy Engineers (AEE) as a Certified Energy Manager (CEM) and Certified Measurement & Verification Professional (CMVP). He is also a USDOE FEMP certified Project Facilitator, and a nationally known speaker on ESPC and other energy industry topics.

Ben Taube: Ben Taube is a Senior Vice President of Banc of America Public Capital Corp's (BAPCC) Energy Services team, in Atlanta. In his role, Taube is responsible for structuring financial solutions for credit based public sector energy efficiency, renewable energy, and energy related equipment transactions in the Southeast Markets. He works directly with issuers and borrowers from the government, not-for profit institution, healthcare, and general industry sectors, as well as energy equipment manufacturers, utilities, and energy services companies (ESCOs). Taube has over twenty years of experience in energy industry. Taube holds a Bachelor of Arts degree from the University of Memphis, and a Masters of Environmental Policy and Management from the University of Denver.

David Diaz: David Diaz is the Chief Strategy Officer at Walker Blue, where he leads the firm's Energy Tax Incentive and Energy Engineering practices. He is a nationally recognized expert in the Investment Tax Credit and the Section 179D Energy Efficient Commercial Buildings Deduction, with more than 20 years of experience supporting energy and infrastructure projects. David works with ESCOs, CPAs, architects, engineers, and public-sector & non-profit owners to structure and document ITC and 179D strategies that are compliant, defensible, and aligned with project design and construction. He is a frequent speaker on federal energy tax incentives and advises clients nationwide on incentive optimization and risk management. David holds a BS in Commercial Real Estate from Florida Atlantic University.

ESPC Campaign

The Energy Savings Performance Contracting (ESPC) Campaign engages states, local governments, school districts, universities and colleges, hospitals, and other market stakeholders to:

- **Support** the use of performance contracting to increase efficiency, modernize public buildings, reduce utility expenses, increase resilience, and meet lead-by-example goals
- **Share and Leverage Practical Resources** to strengthen ESPC and measurement & verification (M&V)
- **Amplify and Implement Best Practice Approaches** for ESPC projects and programs
- **Demonstrate Impact** with measured and verified energy and cost savings
- **Showcase Achievements** and share examples of successful ESPC implementation

- ✓ *Expert-led Trainings*
- ✓ *Webinars*
- ✓ *Peer Exchanges*
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Case Study Submission Form Here

Complete the Expression of Interest form to obtain a Partner Agreement

About ESC

The Energy Services Coalition (ESC) is a national nonprofit organization composed of a network of experts from a wide range of organizations working together at the state and local level to increase energy efficiency and building upgrades through **E**nergy **S**avings **P**erformance **C**ontracting.

Local chapters; public and private sector individuals coming together to provide outreach and education.

Acronyms Explained

- DOE = Department of Energy
- ECM = Energy Conservation Measure
- ESCO = Energy Services Company
- ESPC = Energy Savings Performance Contract
- FA = Financial Advisor
- IGA = Investment Grade Audit
- M&V = Measurement & Verification
- OR = Owner's Representative
- RFP = Request for Proposal
- OBBBA = One Big Beautiful Bill Act
- ITC = Investment Tax Credit
- TELP = Tax-Exempt Lease Purchase Agreements
- COP = Certificates of Participation
- GO = General Obligation
- Solar PV = Solar Photovoltaic
- HVAC = Heating, Ventilation, and Air Conditioning
- IRA = Inflation Reduction Act
- PWA = Prevailing Wage & Apprenticeship
- FEOC = Foreign Entity of Concern
- BOC = Beginning of Construction

Agenda

With recent changes introduced through the “One Big Beautiful Bill Act,” (OBBBA) many public-sector organizations are reassessing how they plan, fund, and implement energy and infrastructure improvements.

Learning Objective: This session will provide a clear, accessible overview of what the bill means for the MUSH market — and how it may affect the use of Energy Savings Performance Contracting (ESPC) as a pathway to address aging facilities, energy costs, and capital constraints.

- The basics of how ESPC projects are developed and financed
- The major provisions of the One Big Beautiful Bill Act relevant to energy & infrastructure investments
- How these changes may influence planning, procurement, and financing of ESPC projects
- Opportunities and considerations for organizations looking to move projects forward in this new environment

Note: U.S. DOE and the Energy Services Coalition are not financial advisors. Nothing in this presentation should be considered financial advice, in compliance with the Sarbanes-Oxley Act of 2002.

What is ESPC?

The use of guaranteed savings from the maintenance and operations budget (utilities) as capital to make needed upgrades and modernizations to your building environmental systems, financed over a specified period of time."

- United States Department of Energy - 1999

"ESPC is a financial mechanism used to pay for today's facility upgrades with tomorrow's energy savings – without tapping your organization's capital budget. Done properly, it has the performance of a hedge fund, with the risk of a T-bill."

- Chris Halpin - seems like every day

A version of **design-build** contracting, with a focus on guaranteed energy savings.

Understanding
ESPC Project Financials

Understanding ESPC Project Financials

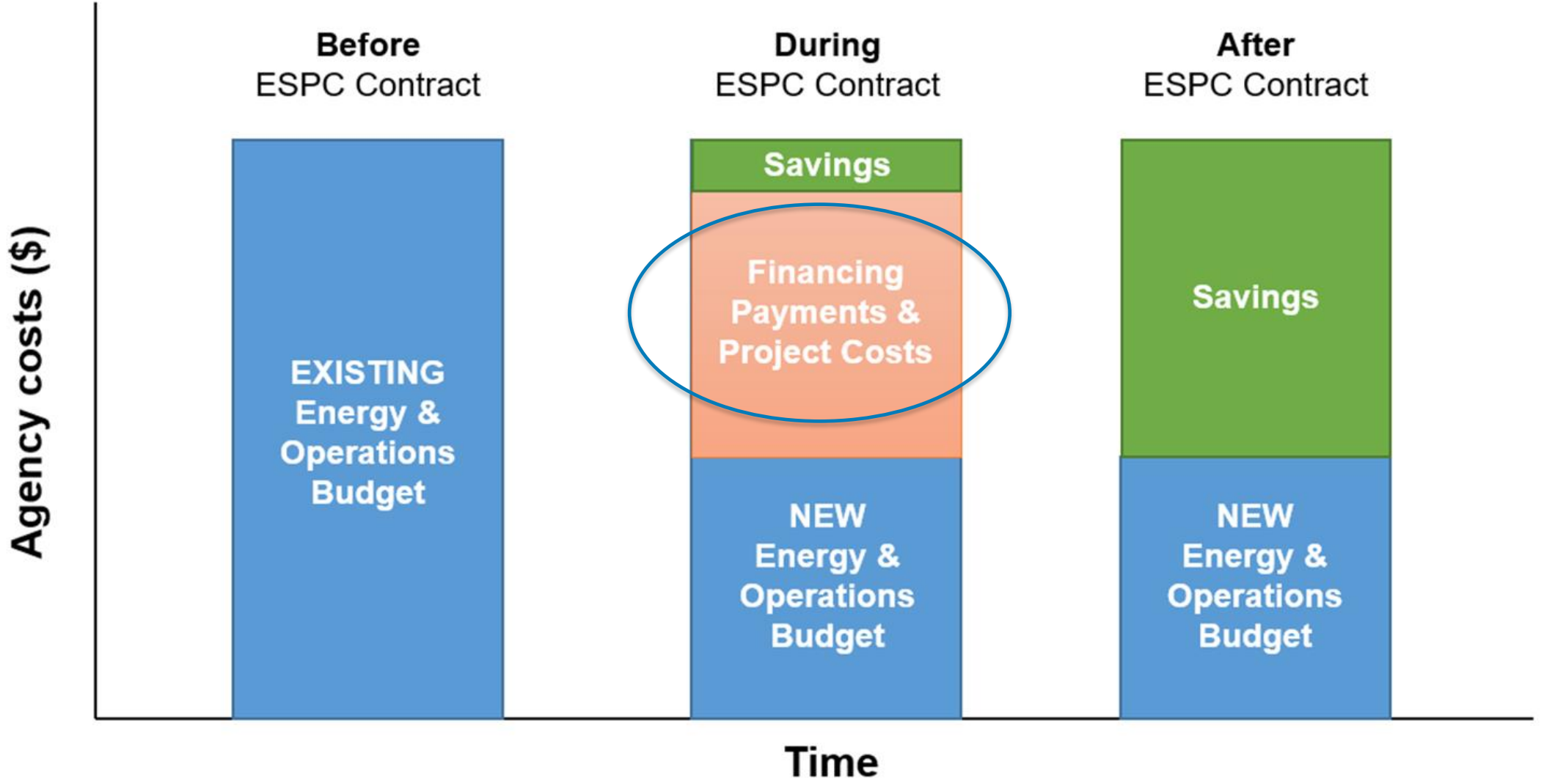
ESPCs work by using **guaranteed annual energy savings to pay for energy-saving improvements.** The energy services company (ESCO) designs and installs the necessary upgrades, and the facility pays for the project through reduced utility and other operating expenditures.

Key financial aspects include:

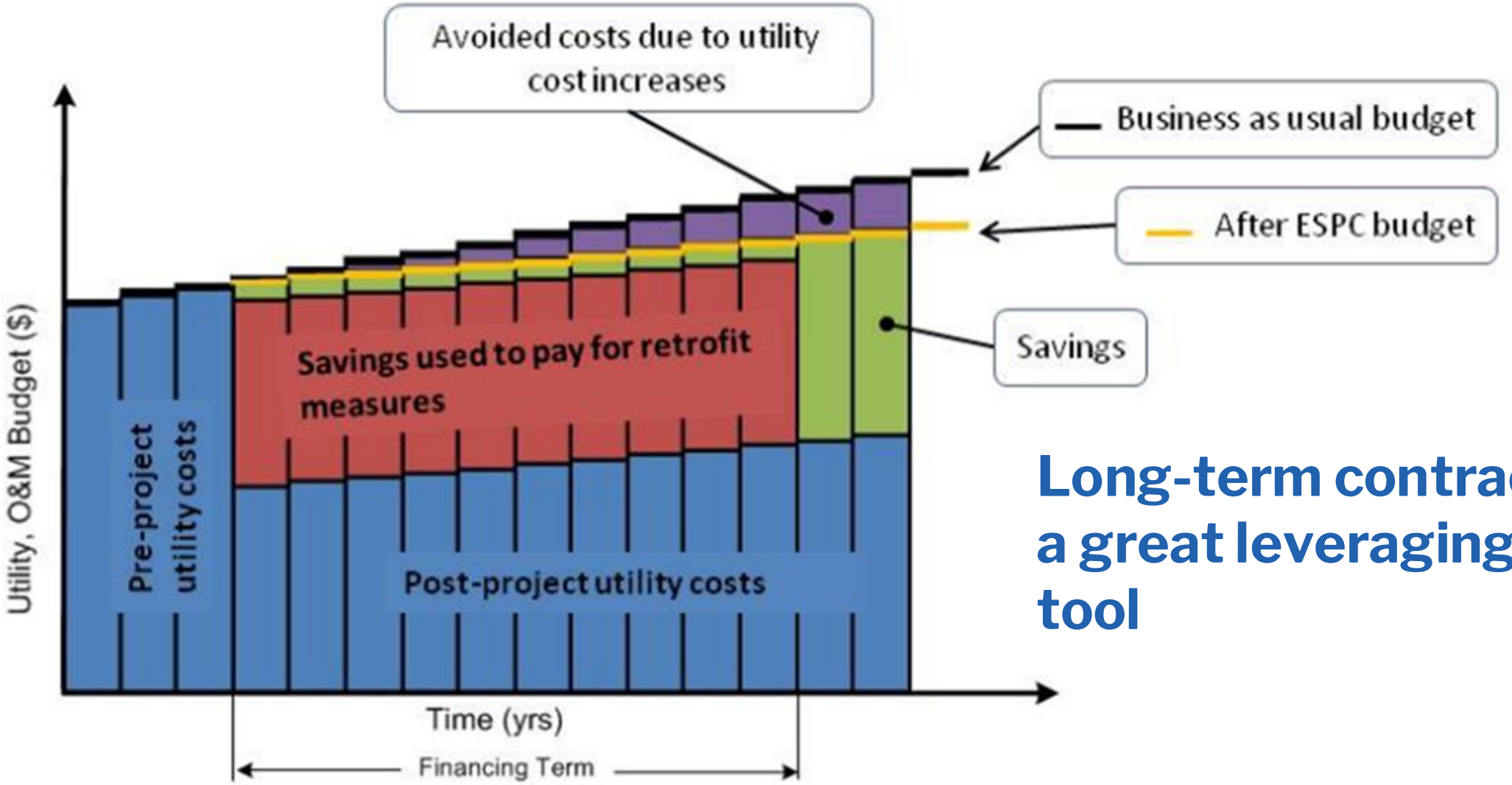
- No up-front investments required from the facility.
- Owner can leverage capital funds with private financing.
- Projects are financed utilizing the guaranteed annual savings as the source of repayment.
- Contractors must guarantee that savings will at least equal payments for upgrades.
- Typical contract terms range from 15 - 25 years.
- Many financiers are very interested in ESPC because their risk of non-payment is very low due to the savings guarantee.

Understanding ESPC Project Financials

Budget Cost Neutral



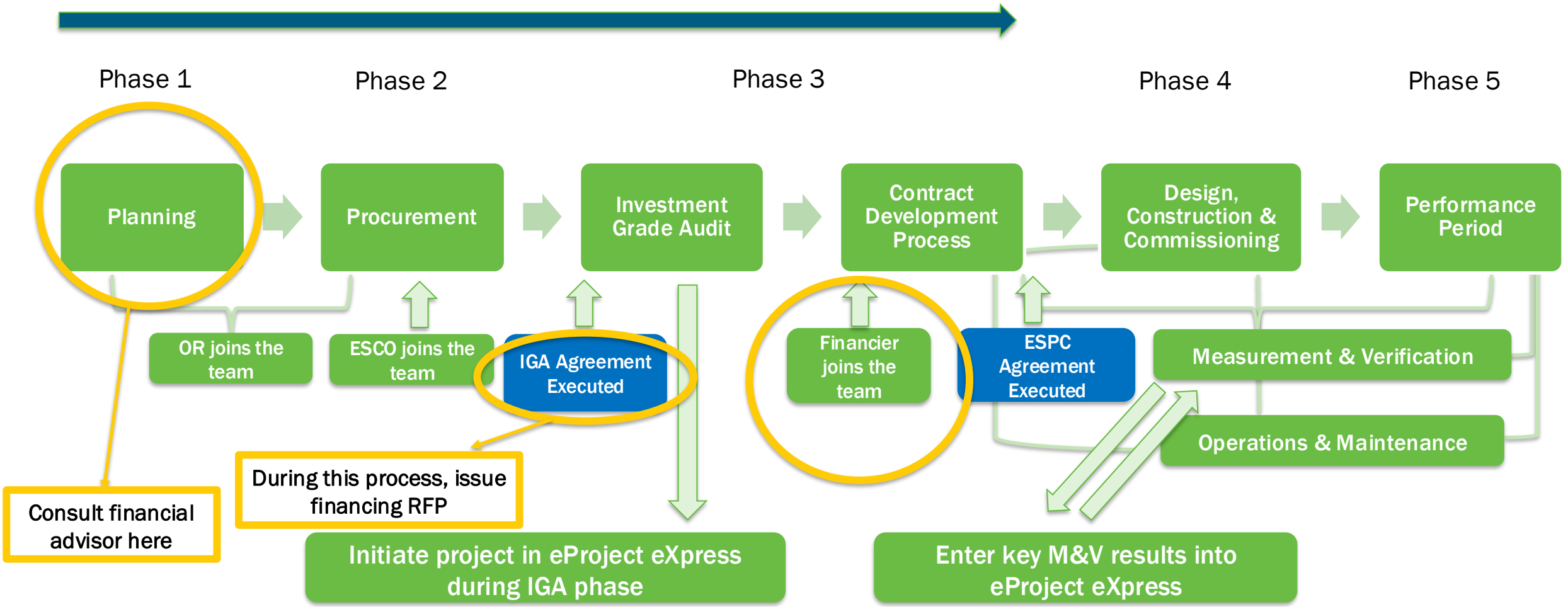
Understanding ESPC Project Financials



Long-term contract is a great leveraging tool

Where are we in the ESPC Process?

Planning for & securing Financing occurs from inception through end of the Development phase, specifically noted in Yellow



Sources of Financing/Funding and Capital Stacking

Common Financing and Funding Sources

With ESPC, you can structure your project's "Capital Stack" to meet organizational needs.

- **Third-party financing:** Customers typically arrange financing through a third party, often with assistance from a Financial Advisor. U.S. DOE's Better Buildings Solutions Center summarizes some common **third-party financing** options.

- **Tax-Exempt Lease Purchase (TELP) Agreements** are the most common financing approach for ESPC. Benefits of TELPs include:
  - **Tax-exempt interest** - The interest payments received from the government are exempt from federal income tax, which reduces the effective interest rate.
  - **Easy approval** - TELPs are not considered debt in some states, so they rarely require public approval.
  - **Quick access to funds** - TELPs can provide fast access to lease funds.
  - **Non-appropriation language** - The lease contract can include a non-appropriation clause, which means that if the customer doesn't appropriate funds to pay the lease, the lease is terminated, and the equipment is returned. This can make the lease easier to approve and allow for payments from operating budgets.

Common Financing and Funding Sources

Other Example Financing Options

- **Bonds:** Some projects may be financed through bond issuances. Low cost, and allow for 30-year terms, but are less flexible than TELP, and often require a public referendum.
- **Loans:** Certain states offer loan programs for ESPC projects. Consult your State Energy Office.
- **Certificates of Participation:** Can be used by schools, municipalities, and other government bodies to attract investment from a wide range of investors.

Example Funding Options

- **Grants and trust funds:** These can be used to supplement other financing sources. Can leverage private financing, and lower loan/lease principal.
- **Capital funds:** Organizations may allocate some capital funds to support ESPC projects. *Capital that is already budgeted is usually committed, to avoid problems.*
- **Utility rebates and incentives:** Most electric and gas utilities have offerings for ECMs. Database of State Incentives for Renewables & Efficiency® www.dsireusa.org
- **Tax incentives:** Tax deductions and credits include 179D and Elective Pay.

Understanding the “One Big Beautiful Bill Act” and What It Means for ESPC Funding

Ben Taube
Global Leasing
Energy Services
January 13, 2026

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Energy Services

Energy Services overview

Financing solutions

Energy Services[1] provides financing for a wide range of energy efficiency and renewable energy assets serving client needs in the Federal, municipal, energy, healthcare, education, institution, and commercial markets.

TAX-EXEMPT AND TAXABLE EQUIPMENT FINANCE SOLUTIONS FOR:

- Ongoing deferred maintenance and replacement items
- Energy efficiency improvement projects including Energy Performance Contracts, Energy Services Agreements and Energy as a Service Agreements
- Solar PV projects and other renewable energy implementations
- Streetlight purchases and streetlight retrofits
- Peak shaving generation
- Smart City sustainability projects including smart grids
- Energy and water metering systems

PRODUCT SUITE:

- Tax-exempt and taxable lease/purchase or similar agreements
- Tax-exempt and taxable energy service agreements with third parties where the customer's repayment obligation is based on project performance
- Master leases and master agreements are available to provide greater flexibility

MARKET COVERAGE

- Nationwide

DEAL SIZE

- $2MM to $150MM+

VALUE-ADDED FEATURES

- Low/competitive rates
- Availability of financing 100% of the project costs and costs of issuance
- Voter approval may not be required and agreements are generally subject to annual appropriation vs a client's GO pledge
- Rate locks of 90, 120 days or longer may be available
- Flexible master lease agreements are an excellent method for addressing your clients' ongoing deferred maintenance needs
- As a direct bank placement no offering documents or ratings – or fees associated with such steps - are required
- Ability to match the financing repayment terms to the useful life of the assets and annual savings of the project
- Prepayment flexibility without constrictive make whole provisions
- Ability to directly negotiate project change orders and/or replacement requests
- Finance terms of 15 - 20 years may be available

[1]Certain products are offered through Banc of America Public Capital Corp, a wholly-owned subsidiary of Bank of America N.A.

Energy performance contracting

FUNDAMENTALS

- Contracting method by which an entity procures energy savings and deferred maintenance facility improvements typically under a Guaranteed Savings Energy Performance Contract or similar agreement (an EPC) from an Energy Services Company (ESCO)
- Utility or cost avoidance savings generated from the project are typically guaranteed by the ESCO
- Savings may be measured or stipulated (agreed to between the customer and the ESCO upfront)
- Savings are generally used to cover the financing of the improvements
- Most states have passed performance contracting statutes to facilitate but also standardize EPC terms and requirements for public entities within the state
- Contract tenors and EPC requirements vary by state

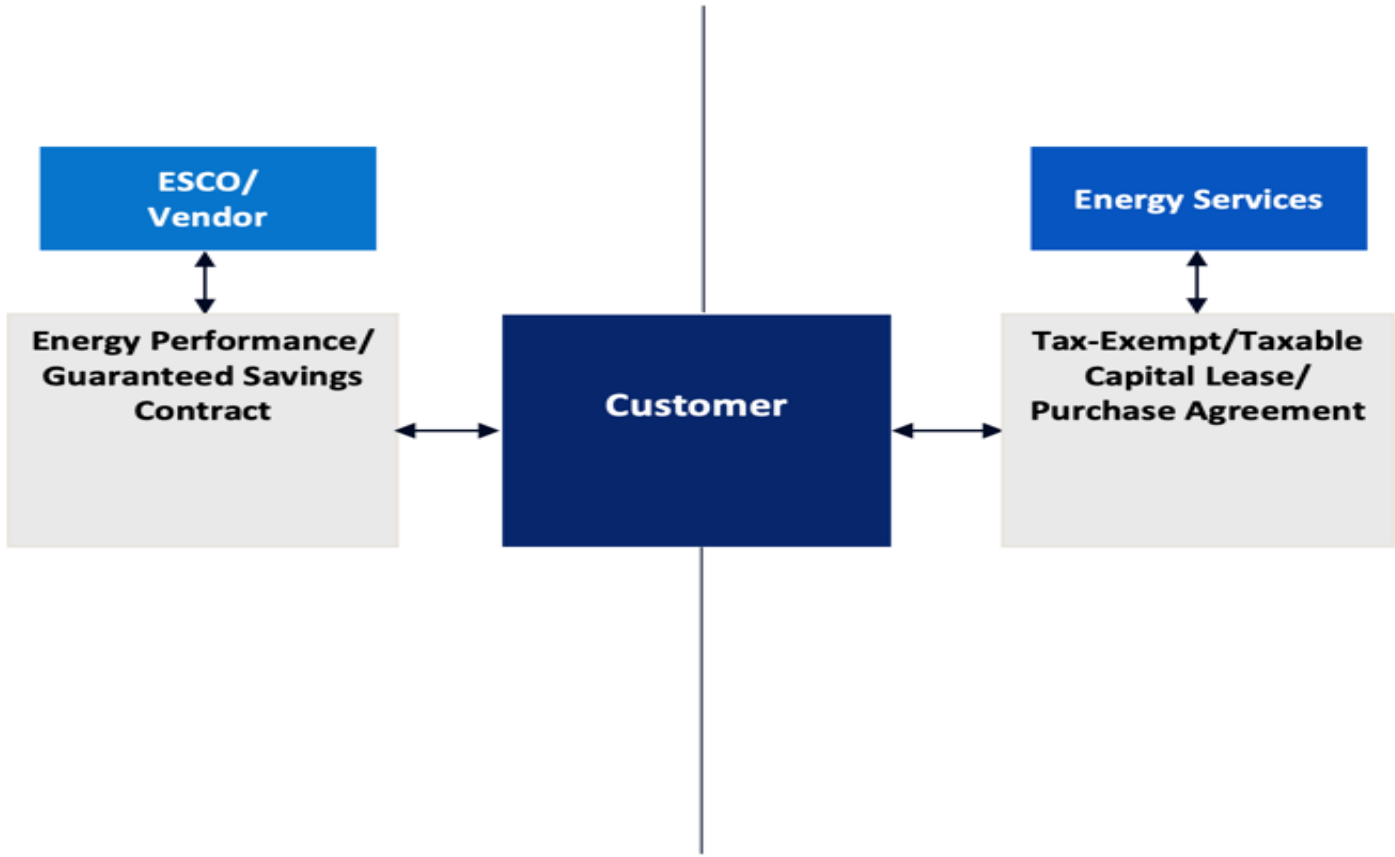
COMMON ENERGY CONSERVATION MEASURES COVERED UNDER PERFORMANCE CONTRACTS

- Energy efficient indoor lighting
- Building control systems and occupancy sensors
- Boilers, chillers, HVAC and mechanical systems
- Central plants
- Outdoor lighting, parking lights, street lights
- LED traffic signals
- Water meters, electric meters and automated meter reading systems
- Water flow conservation fixtures
- Energy recovery systems
- Roof replacements, insulation and windows

Energy performance contracting diagram

Financing example using a lease/purchase agreement

The issuer's obligations under the lease/purchase agreement are independent of the vendor's obligations under the energy performance contracting agreement.



Credentials

Credentials

April 2023

$3.5MM

Queens University of Charlotte, North Carolina

Tax-exempt financing

Energy conservation measures

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September 2025

$2.8MM

Finney County, Kansas

Tax-exempt financing

HVAC system Upgrades

BANK OF AMERICA

October 2022

$40MM

Clemson University, South Carolina

Tax-exempt financing

Energy conservation measures

BANK OF AMERICA

November 2023

$18.1MM

Lemon Grove School District, California

Tax-exempt financing

Energy conservation measures and solar

BANK OF AMERICA

January 2025

$16.9MM

Valparaiso Community Schools, Indiana

Tax-exempt financing

Solar and energy efficiency equipment

BANK OF AMERICA

August 2025

$21.3MM

City of Fairfield, California

Tax-exempt financing

Solar and energy efficiency equipment

BANK OF AMERICA

OBBBA & Federal Energy Tax Incentives

David Diaz
Chief Strategy Officer
Walker Blue, LLC

Federal Energy Tax Incentive Opportunities for ESPC Projects

Energy tax benefits, such as deductions and credits can lower the cost of a project. When used strategically in the cost structure of an ESPC, they can improve overall project economics and enable large infrastructure projects.

Investment Tax Credit

- A **federal tax credit** that reduces the cost of eligible clean energy technologies—such as solar, geothermal, and storage—by applying a percentage of project costs against tax liability.
- Tax-exempt entities—including schools, universities, and local governments—claim the credit.

179D

- A **federal tax deduction** for energy-efficient building improvements—such as HVAC, lighting, controls, and envelope upgrades—that reduces taxable income based on a per-square-foot value tied to energy performance.
- Tax-exempt building owners may allocate the benefit to the designer, engineer, ESCO, or contractor responsible for the qualifying work.

IRA Basics

IRA (2022)

- Restored 30% ITC and expanded eligible technologies
- Added stackable bonus credits (PWA, Domestic Content, Energy Communities)
- Enabled direct pay for tax-exempts and transferability for taxable entities
- §179D (Established 2005 → Enhanced by IRA)
  - Permanently extended and increased deduction values for building efficiency retrofits
  - Expanded applicability for public, tribal, and tax-exempt buildings through designer allocations

OBBBA (2025)

- Accelerated ITC timelines and added begin-construction + placed-in-service deadlines
- Transition to the new §45Y/§48E Clean Electricity credit (solar impacted)
- Introduced a future sunset for §179D, aligning it with broader clean energy policy timelines
- Updated administrative & compliance provisions for labor and reporting

The IRA introduced **Prevailing Wage and Apprenticeship (PWA)** requirements that must be satisfied for most projects to receive full credit.

PWA refers to federal labor standards under the IRA that require clean energy projects to pay construction workers prevailing wages and utilize registered apprentices in order to qualify for the full value of federal tax credits.

Federal Energy Tax Incentives

§179D Tax Deduction

Energy Efficient Commercial Buildings Deduction

- Applies to commercial buildings that make substantial reductions in their energy consumption related to interior lighting, hot water systems, HVAC, and building envelope improvements.
- Government-owned buildings qualify
- Due to the low baseline standards, most projects that include these energy efficiency measures will qualify for some amount of 179D money.
- The public building owner must allocate the 179D tax deduction to a designer of one of the energy efficiency measures in the project. The designer is often an ESCO.
- If the project qualifies, the ESCO would reduce its corporate profit by the deduction amount.

Get up to $5.00/sf leveraging bonus deductions through the IRA Prevailing Wage and Apprenticeship (PWA) requirements.

Building Type: High School

Sector: Public

Location: Lancaster, TX

Tax Incentive: §179D

Total SF: 342,756

ECMs: Lighting, HVAC – Heating & Cooling

Eligible for a §179D Tax Deduction of $1,837,172.16.

Federal Energy Tax Incentives

IRC §48Y/ §48E

Renewable Energy Investment Tax Credit/Clean Electricity Investment Credit

- Technologies Include: Solar, Wind, Geothermal, Energy Storage, Combined Heat and Power (CHP), Fuel Cells, Waste Energy Recovery, Biogas, Microgrid Controllers
- 5 times or up to 30% for facilities meeting prevailing wage and registered apprenticeship requirements.
  - **Smaller projects (<1 MW) exempt and still eligible for full credit.
- 10-percentage points for facilities meeting certain domestic content requirements for steel, iron and manufactured products.
- 10-percentage points if located in an energy community.
- 10-20-percentage point ITC increase for projects awarded Low-Income Communities allocation.
- Eligible entities: Tax-Exempt and Government Entities that are exempt from tax by § 501(a), § 501(c), and § 501(d) (eligible through Direct Pay, also called Elective Pay):
  - States (including DC), counties, cities, and other political subdivisions such as school districts.
  - Indian Tribal governments, political subdivision thereof, or any agency or instrumentality of a Tribal government.
  - Alaska Native Corporations, the Tennessee Valley Authority, rural electric cooperatives.
- Direct pay allows tax-exempt entities to receive the value of federal clean energy tax credits as a cash refund from the IRS, rather than needing tax liability to monetize the incentive.

Federal Energy Tax Incentives

Michigan School District, Solar Project
Construction Start: December 29, 2023
Placed in Service: June 12, 2025
Total Project Cost: $5,108,961
ITC-Eligible Cost Basis: $3,501,317

- Base ITC Rate: 30% for qualifying energy property.
- Domestic Content Adder: 10% bonus, verified through a detailed cost-trace methodology showing over 40% domestic content in manufactured products (exceeding the 2024 threshold).
- **Total ITC Rate: 40%, yielding a tax credit of $1,400,527.**
- *Other Adders: The project did not qualify for the Energy Community or Low-Income Communities adders, as the site is not in a designated area.*

OBBBA Implementation Timeline

July 4, 2025
One Big Beautiful Bill Act (OBBBA) enacted
- Sets statutory deadlines for §§45Y & 48E
- Begin construction by July 4, 2026
- Placed in service by Dec. 31, 2027

July 7, 2025
Executive Order 14315
- Directs Treasury to enforce OBBBA rules
- Orders new 'beginning of construction' guidance

Late 2025
FEOC Enforcement Begins
- Restricts non-U.S. supply chain involvement

Aug. 15, 2025
IRS/Treasury Notice 2025-42 Issued
- Updates 'begin construction' criteria
- Clarifies Physical Work Test & Safe Harbor

Sept. 2, 2025
Notice 2025-42 Effective Date
- New standards apply to projects starting on or after this date

June 30, 2026
Last day to start construction for §179D eligibility

July 4, 2026
Solar Only Final 'Begin Construction' Deadline
- Last day to start construction for §45Y/§48E eligibility to avoid early placed-in-service deadline

Dec. 31, 2027
Solar Only Placed-in-Service Deadline *IF BOC started after July 4*
- Projects must be operational to retain credit eligibility

Dec. 31, 2030
Solar Only Placed-in-Service Deadline *IF BOC started by July 4, 2026*

Key takeaways from phase-outs and terminations:

- To qualify for Section 179D, construction must begin by June 30, 2026.
- Solar Projects: To qualify for ITC and avoid an early placed-in-service deadline and any tax law changes, construction must begin by July 4, 2026.
- Compliance requirements have increased with FEOC and BOC standards
- *Energy storage, geothermal, and other technologies continue to qualify (no timing impact)*

Recommendations & Considerations

- 179D
  - Have conversations with your ESCO early about how 179D will be handled.
- ITC Projects
  - Focus on geothermal and battery storage
  - If you have a project in mind, but are uncertain on if you can meet deadlines meet with a federal energy tax expert to discuss options
  - For solar projects:
    - Be sensitive and realistic about deadlines
    - Keeping project sizes under 1 megawatt avoids PWA requirements
  - Detailed documentation and records will be required to prove PWA, BOC, and domestic content/FEOC. Prepare early.

Consult your ESCO or a federal energy incentive tax firm who can provide guidance in the **early stages of project development** and take the administrative burden of tracking all key requirements to ensure compliance and documentation to be audit-ready.

Q&A and Discussion

Common Finance and Funding Questions

- How does the fluctuation of interest rates impact ESPC financing?
- How long does it take to close financing for ESPC projects?
- When is the best time to engage a lending partner?
- For ESCOs and public owners thinking about ESPC projects right now, what is the single biggest tax timing risk you are seeing under OBBBA, and how should they be adjusting their project planning?
- With new requirements like FEOC, domestic content, and tighter begin-construction standards, what does ‘audit-ready’ really mean for ESPC projects going forward?
- You covered both 179D and the ITC. In an ESPC structure, how do you typically see those incentives working together, and where do projects most often leave money on the table?
- If an ESCO claims a 179D deduction, how will the Owner know the ESCO reduced their profit by an equivalent amount, as stated on slide 29?

Resources and Upcoming Events

ESPC Resources

U. S. DOE Better Buildings Program:

- ESPC Financing Decision Tree
- ESPC Financing Options
- List of the Better Buildings Financial Allies
- ESPC Toolkit

U.S DOE Federal Energy Management Program:

- Performance Contracting National Resource Center - Hub for ESPC resources: legislation by state, SEO contacts, trainings

Past Relevant ESPC Campaign Presentations

Training 04: Paying for Your ESPC Project
December 5, 2024

Webinar: The Bipartisan Infrastructure Law, Inflation Reduction Act and Government & Utility Incentives as Drivers for ESPC
March 20, 2024

Webinar: Benefits of ESPC for Finance and Leadership in the MUSH Market
November 21, 2024

More past events here: https://www.energyservicescoalition.org/past-events

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Technical Assistance

State and local ESPC Campaign partners are invited to set up a time to speak with an ESPC Subject Matter Expert for direct technical assistance. Discussion topics can be anything regarding an ESPC project or program, including specific questions on your project. **To request a meeting time,** please email espccampaign@hq.doe.gov .

"The USDOE's ESPC Campaign has been an invaluable partner in helping us strengthen collaboration with ESCOs and implement the eProject eXpress (ePX) platform effectively. Through opportunities like speaking at the Energy Services Coalition Regional Meeting and participating in a Peer Exchange, as well as receiving direct support from a DOE subject matter expert, we've made significant progress. Our ePX portfolio has become far more usable, and the interest from partners across our state has grown tremendously. The Campaign's technical assistance makes complex information clear and actionable, and I would strongly recommend it to any organization looking to advance their ESPC efforts."

-Miracle Wilson
Energy Resource Project Manager
Georgia Environmental Finance Authority

Upcoming Events

- The ABCs of ESPC for K-12 schools— A Practical Introduction for School Districts
  January 27, 2026, 11:00am-12:00pm PST
- Structuring a State ESPC Program to Maximize Agency Participation
  February 17, 2026, 11:00am-12:00pm PST
- Using eProject eXpress to Track and Report ESPC Legacy Project Data
  February 18, 2026, 11:00am-12:00pm PST
- Using eProject eXpress to Track and Report ESPC Legacy M&V Data
  March 18, 2026, 11:00am-12:00pm PST

U.S. DEPARTMENT of ENERGY

ENERGY SERVICES COALITION
A Public Private Partnership

Thank you!

ESPCcampaign@hq.doe.gov

Chris Halpin
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