

NEW YORK EXTENDS DEADLINE FOR ANNUAL REPORT FOR ELECTRIC GENERATING FACILITIES

Hodgson Russ Renewable Energy Alert
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The initial filing deadline for the “Annual Report of Electric Generating Facilities,” New York’s recently adopted requirement for owners of certain electric-generating facilities has been extended from April 30 to June 30 this year as a result of the COVID-19 pandemic.

Who Must File the Annual Report?

Owners of single electric-generating facilities or multiple electric-generating facilities located on the same site in New York State with nameplate capacity of one megawatt or greater must file an Annual Report, formally known as Form RP-575, with the State Department of Taxation and Finance Office of Real Property Tax Services (ORPTS). Owners of electric-generating facilities located in New York City who file Real Property Income and Expense (“RPIE”) statements with the New York City Department of Finance are not required to file Form RP-575. Also exempt from reporting under the Real Property Tax Law is equipment owned or operated by a residential customer when used at his or her residence, where the system is not used for the sale of electricity to the public.

Information to Report on Form RP-575

Form RP-575 is four pages consisting of six topical parts covering plant production; plant revenue; plant expenses; capital expenditures and physical plant additions, retirements, and changes; excludable assets; and real property purchase and sale agreements. The reporting period is for January 1 through December 31 of the year preceding the April 30 due date.

The form also provides a Freedom of Information Law (“FOIL”) request for protection from disclosure. Given the information to be provided, it would be prudent to consider seeking such protection routinely with the filing of the Form RP-575. Selection of the protection, however, will not be guaranteed. In the event of a FOIL request for information, the owner would need to submit a statement in support justifying the grant of such protection.

Purpose of Form RP-575

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The purpose of reporting is to provide ORPTS information that will be used to calculate appraisals used in equalizing the levies in taxing jurisdictions. Advisory appraisals may also be provided to local governments throughout New York State for their consideration in setting property tax assessments.

Penalties for Failing to Timely File

The failure to timely file Form RP-575 will result in a fine under Real Property Tax Law § 575-a of up to \$10,000 for every failure to file and an additional sum of \$1,000 for every day the failure to file continues.

Takeaways

Since this is the inaugural year for Form RP-575, owners of electric-generating facilities that are required to file the form with ORPTS need to familiarize themselves with what is required and marshal responsive information so to ensure that the report is filed by the deadline, avoiding the penalties for untimely submissions.

If you have any questions about completing Form RP-575 for electric-generating facilities, or renewable energy projects generally, please contact Daniel Spitzer (716.848.1420), Noah Shaw (518.736.2924), or a member of our Renewable Energy Practice.

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