



Bradley M. Seltzer

Partner
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Education

J.D., *with high honors*, George Washington University Law School

B.A., *magna cum laude*, State University of New York at Albany

Bar Admissions

District of Columbia
California

Background

Brad Seltzer brings more than 40 years of experience representing Fortune 100 utility, energy and telecom clients in complex tax matters, including tax planning, accounting and controversy. He defends clients in large tax disputes with the Internal Revenue Service (IRS) at both the trial and appellate court levels, and prepares private letter rulings, technical advice requests and accounting method changes for the IRS National Office.

Brad has extensive experience testifying at public hearings on behalf of clients regarding proposed regulations that affect the utility industry, such as interest synchronization, consolidated tax adjustments, the normalization consequences of dispositions or deregulation and nuclear decommissioning issues. He also counsels on tax saving strategies and manages complex tax refund claims, audits, appeals and litigation. Brad also serves as an expert witness in ratemaking proceedings and assists client witnesses in preparing their testimony in such rate cases.

Brad is a frequent speaker on utility and telecom tax topics at various industry conferences and before various trade associations and professional organizations, including the American Bar Association Section of Taxation, the Edison Electric Institute, the American Gas Association, the National Association of Regulatory Utility Commissioners and the IRS.

Brad returns to Eversheds Sutherland (US) after nearly a 20-year stint with Deloitte Tax, where he most recently served as Global and U.S. Tax Leader of its Energy Resources and Carbon Markets groups.

Awards

- Recognized by *The Legal 500 United States* in the area of international tax (2017), US taxes: contentious (2017) and US taxes: non-contentious (2022)

Professional Activities

- Former Chair, Section of Taxation, Section of Public Utility, American Bar Association

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- Former Chair, Section of Taxation, Normalization and Industry Specialization Subcommittees, American Bar Association
 - Former Member, Taxation Section, Steering Committee and Tax Policy Committee, District of Columbia Bar

Articles

- Superfund Tax Is Back: Implications For Chemical Industry(July 21, 2022)
Law360
- How Biden Tax Plans Would Boost Renewable Energy(June 9, 2021)
Law360
- Seeing Green: Energy Tax Incentive Approaches Collide—Where Do We Go From Here?(June 1, 2021)
Bloomberg Tax
- House Bill Proposes Tax Credit Extensions for Renewable Energy, Biodiesel and Alternative Fuels and Other Energy Tax Provisions(December 6, 2018)
Breaking Energy
- Unpacking The New Temporary Rules For Bonus Depreciation(September 12, 2018)
Law360
- A Federal Tax Perspective On Judge Kavanaugh(July 16, 2018)
Law360
- A Practical Method For Utility Property Interest Allocation(June 20, 2018)
Law360
- Will Tax Reform Affect Utility Rates?(January 18, 2018)
Law360
- What Tax Reform Means For The Energy Sector: Part 2(January 9, 2018)
Law360
- What Tax Reform Means For The Energy Sector: Part 1(January 8, 2018)
Law360

Presentations

- Energy & Environmental Taxes Updates and Hot Topics (May 13, 2022)
ABA 2022 May Tax Meeting
- Tax Accounting Tax relief for income restored after a claim of right (May 13, 2022)
ABA 2022 May Tax Meeting

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- Recent APA Litigation and the Implications of Tax Administrative Pronouncements(May 12, 2022)
FBA Webcast
 - Alternative Energy(March 22, 2022)
TEI's 72nd Midyear Conference
 - The Tax Opportunities Businesses Need to Understand about Renewable Energy Incentives and ESG Initiatives(February 17, 2022)
Eversheds Sutherland
 - Energy Tax Update(October 27, 2021)
76th TEI Annual Conference
 - Balancing Tax Planning, Advocacy, and Professional Ethics: The Rules that Every Tax Advisor Should Know(June 9, 2021)
Practising Law Institute
 - Tax Planning for Domestic & Foreign Partnerships, LLCs, Joint Ventures & Other Strategic Alliances 2021 Part Two: Special Industries and Topics(June 8-9, 2021)
Practising Law Institute
 - Energy Industry Tax Updates(May 14, 2021)
ABA Virtual 2021 May Tax Meeting
 - An Earth Day Review of Potential Energy Tax Changes(April 22, 2021)
The Made in America Tax Plan series
 - The Made in America Tax Plan Series(April 21, 22 and 28)
 - Energy Industry Tax Updates Roundtable(January 29, 2021)
ABA Virtual 2021 Midyear Tax Meeting
 - Energy Tax Outlook for 2021(January 15, 2021)
Eversheds Sutherland January Outlook webcast series
 - 2021 Tax Outlook Webcast series(January 5-15, 2021)
 - Ethics Issues Every Tax Lawyer Should Know(June 4, 2020)
PLI
 - Tax Planning for Partnerships 2020: Highlights and Hot Topics(May 14, 2020)
PLI
 - Recent federal and state tax developments impacting the electric utility industry(April 21, 2020)

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- Energy Industry Tax Updates Roundtable(January 31, 2020)
ABA Mid-Year Tax Conference
 - Balancing Tax Planning, Advocacy, and Professional Ethics: The Rules That Every Tax Advisor Should Know(December 6, 2019)
Tax Strategies for Corporate Acquisitions, Dispositions, Spin-Offs, Joint Ventures, Financings, Reorganizations & Restructurings 2019
 - Balancing Tax Planning, Advocacy, and Professional Ethics: The Rules That Every Tax Advisor Should Know(November 15, 2019)
Tax Strategies for Corporate Acquisitions, Dispositions, Spin-Offs, Joint Ventures, Financings, Reorganizations & Restructurings 2019
 - Economic Substance, Judicial Doctrines and Legal Ethics(May 16, 2019)
PLI Tax Planning for Domestic and Foreign Partnerships, LLCs, Joint Ventures and Other Strategic Alliances
 - Energy Hot Topics(May 10, 2019)
ABA May Tax Meeting
 - FBA Presentation on Proposed Bonus Depreciation Regulations under Section 168(k)(August 21, 2018)
 - Economic Substance, Judicial Doctrines and Legal Ethics(June 4-6, 2018)
Practising Law Institute (PLI)
 - Tax Planning for Domestic & Foreign Partnerships, LLCs, Joint Ventures & Other Strategic Alliances 2018(May 1-3, 2018)
Practicing Law Institute
 - Renewables Tax Update(November 5 - 8, 2017)
Edison Electric Institute (EEI)
 - Updates Impacting the Energy Industry(September 14-16, 2017)
American Bar Association (ABA)
 - Sutherland's Year-End Tax Seminar(December 6, 2016)

Legal Alerts

- Inflation Reduction Act of 2022 - Signed into law: A summary of the energy tax provisions (August 16, 2022)
- Inflation Reduction Act of 2022: The energy tax provisions you need to know about (August 4, 2022)
- A welcome clean energy surprise: Inflation Reduction Act includes energy tax extensions and expansions (July 29, 2022)

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- Green Tax, Volume 2 (July 19, 2022)
 - The Superfund Tax is back: Recent IRS guidance and background (July 7, 2022)
 - IRS corrects 2022 section 45 production tax credit amounts (May 9, 2022)
 - Green Tax, Volume 1 (April 26, 2022)
 - Too early: Court of Appeals for the Federal Circuit addresses placed in service requirement in rejecting claim for a renewable energy Section 1603 grant (March 8, 2022)
 - No surprises under the tree as IRS concludes no normalization violation in use of revised composite depreciation rate lives to amortize Protected EDIT (December 22, 2021)
 - From obligations to opportunities: Achieving the “E” in your ESG initiatives (November 19, 2021)
 - A better Build Back Better Plan? Updated House bill continues to include substantial clean energy tax proposals (November 2, 2021)
 - IRS provides additional guidance on cost of removal, salvage and normalization (October 19, 2021)
 - IRS issues new Section 45Q CCUS ruling (July 9, 2021)
 - IRS extends continuity safe harbor for renewable energy projects (June 30, 2021)
 - FY 2022 Green Book goes big for green energy (June 1, 2021)
 - Section 45Q carbon capture and sequestration final regulations released (January 6, 2021)
 - Congress unveils 2020 energy tax extenders (December 21, 2020)
 - IRS issues final regulations on section 468A nuclear decommissioning costs (September 4, 2020)
 - PLR on the normalization of cost of removal and accounting method changes for repairs and mixed service costs, but questions remain (August 20, 2020)
 - “But wait, there’s more.” – Rev. Proc. 2020-39 provides guidance on the proper treatment of excess deferred taxes, and other normalization issues (August 17, 2020)

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- DC Circuit denies recovery of income tax allowance by oil pipeline partnership (August 5, 2020)
 - Ready, Set, Sequester? An updated guide to the Section 45Q Carbon Capture and Sequestration Credit Guidance (June 30, 2020)
 - Spreading like wildfires—The IRS addresses an atypical “government grant” under IRC Sec. 197 (June 12, 2020)
 - IRS provides COVID-19-related relief for renewables (May 28, 2020)
 - May 2020 Energy Industry Tax updates: Top 5 questions (and answers) (May 26, 2020)
 - Federal Circuit affirms decision regarding developer fees in Section 1603 Renewable Energy Cash Grant Program (May 22, 2020)
 - IRS reaffirms stance on public utility property for wind energy facility, but again declines to address I.R.C. Sec. 707(b) issue (May 19, 2020)
 - IRS releases 2020 section 45 production tax credit amounts (May 13, 2020)
 - Busy Friday – The IRS issues three utility-related private letter rulings (April 27, 2020)
 - IRS rules adjustment not subject to normalization provisions (March 20, 2020)
 - Remaining section 45Q guidance submitted to OIRA for review (March 16, 2020)
 - Normalization ruling covers new ground on supplemental rate proceedings and depreciation-related section 481 adjustments (March 13, 2020)
 - The new section 45Q tax credit that companies with carbon oxide emissions should consider (March 2, 2020)
 - Ready, set, sequester? — A guide to the recently released section 45Q guidance (February 25, 2020)
 - Section 45Q Guidance Released (February 19, 2020)
 - Congress unveils energy tax extenders (December 17, 2019)
 - Legal Alert: Expensing 2.0 – Treasury and the Internal Revenue Service thoughtfully consider comments on the proposed § 168(k) regulations and provide helpful guidance to regulated public utilities (September 24, 2019)

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- Ready, fire, aim - IRS Chief Counsel Advisory misses the mark in NOL carryforward position that contravenes the TCJA (August 7, 2019)
 - IRS clarifies the corrective measures a regulated transmission utility must undertake to avoid a normalization violation (July 31, 2019)
 - Court issues opinions regarding inclusion of developer fees in cost basis under the Section 1603 Renewable Energy Cash Grant Program (June 24, 2019)
 - IRS reaffirms that negotiated rates under PPA prevents solar facility from classification as "public utility property" (June 12, 2019)
 - IRS releases 2019 section 45 production tax credit amounts (June 7, 2019)
 - Large corporate compliance program announced by LB&I (June 4, 2019)
 - Legal Alert: IRS releases 2019 inflation adjustment for section 45Q carbon oxide sequestration credit (May 15, 2019)
 - Legal Alert: IRS requests comments on the normalization requirements relating to excess tax reserves resulting from the Tax Cuts and Jobs Act (May 9, 2019)
 - Legal Alert: IRS requests comments on section 45Q carbon sequestration credit in Notice 2019-32 (May 6, 2019)
 - Proposed 163(j) regulations provide needed guidance to utilities (December 7, 2018)
 - House bill proposes tax credit extensions for renewable energy, biodiesel and alternative fuels and other energy tax provisions (November 30, 2018)
 - IRS tells utility not to count its (deferred tax) chickens before they hatch (October 24, 2018)
 - What you need to know about investing in opportunity zones (October 24, 2018)
 - Proposed 168(k) regulations offer several surprises for utilities and present challenges with uncertainties left unaddressed (August 10, 2018)
 - The more things change the more things remain the same—temporary guidance regarding bonus depreciation rules under section 168(k) (August 8, 2018)
 - FERC orders natural gas pipelines to address federal income tax changes (July 24, 2018)
 - IRS rules that a method of reflecting a federal income tax settlement in ratemaking violated the consistency rule of normalization (July 17, 2018)

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- The long-awaited “solar beginning of construction notice”–Notice 2018-59 provides guidance for solar and other section 48 ITC-eligible facilities (June 27, 2018)
 - IRS releases 2018 section 45 production tax credit amounts (June 25, 2018)
 - FERC eliminates tax allowances for MLP pipelines, proposes tax-related rate reviews (March 20, 2018)
 - IRS announces campaign to review corporate transaction costs (March 19, 2018)
 - Legal Alert: IRS announces its “repair” of tangible property examinations (March 19, 2018)
 - No holding back: LB&I adds five new compliance campaigns (March 19, 2018)
 - IRS clarifies revenue procedure 2017-47 safe harbor for inadvertent normalization violations (February 28, 2018)
 - Energy tax extenders package passed (February 13, 2018)
 - Legal Alert: Tax Reform Bill–The Impact of Federal Tax Rate Reductions on Utility Rates–Guiding Principles (January 12, 2018)
 - Legal Alert: Tax Extender Act of 2017 Proposes Changes for Renewable and Nuclear Power, Alternative Fuels and Other Energy Tax Provisions (January 5, 2018)
 - Party Like It’s 1986: Business Impacts of the Bill Formerly Known as the Tax Cuts and Jobs Act (December 22, 2017)
 - Final Tax Reform Bill Released – What Does it Mean for the Energy Sector? (December 19, 2017)
 - The Tax Cuts and Jobs Act, Take Three: A Methods-Based Review of the Senate’s Initial Draft of Tax Reform Legislation (November 28, 2017)
 - A Comparison of the Energy Tax Changes in the Proposed House and Senate Tax Reform Bills (November 16, 2017)
 - The Tax Cuts and Jobs Act, Take Two: A Methods-Based Comparison of the Senate and House’s Tax Reform Plans (November 13, 2017)
 - The Tax Cuts and Jobs Act, Take One: A Methods-Based Overview of the Initial Draft of the House Tax Bill (November 7, 2017)
 - Energy Tax Changes Proposed by House Republicans Tax Reform Bill (November 7, 2017)

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- Ambiguity in the Proposed Section 468A Nuclear Fund Regulations—Sometimes Less Is More (October 31, 2017)
 - The IRS Continues Providing Normalization Guidance—This Time on Both the Consistency and Proration Rules (October 26, 2017)
 - Extending an Olive Branch: IRS Issues Ruling Providing Taxpayer Relief for Late Election of Rev. Proc. 2011-29 Safe Harbor (October 16, 2017)
 - IRS Ruling Provides Helpful Guidance on Normalization Proration Rules (October 11, 2017)
 - Legal Alert: Framework for Tax Reform Provides Opportunity for Taxpayers to “Fix” Accounting Methods (September 29, 2017)
 - Legal Alert: IRS Provides Safe Harbor for Inadvertent Normalization Violations (September 12, 2017)
 - IRS Releases Updated Automatic Changes in Methods of Accounting List (April 21, 2017)
 - IRS Releases 2017 Section 45 Production Tax Credit Amounts (April 18, 2017)
 - Think Twice: Costs Associated with Regulatory Approval for Corporate Transactions May Be Deductible (April 12, 2017)
 - Check Your Decommissioning Costs—a Federal Court Narrows the Scope of Eligible Section 172(f) Decommissioning Costs (April 3, 2017)
 - March Madness: New Private Letter Rulings Address Tax Accounting Issues (March 30, 2017)
 - First LB&I Campaigns Demonstrate a Flexible Approach (February 3, 2017)
 - Legal Alert: Transmission Partnership Not Deemed Includible in Consolidated Return and Allowed To Collect Income Tax Allowance in its Rates (January 25, 2017)

Court Admissions

- U.S. Tax Court
- U.S. Court of Appeals for the District of Columbia
- U.S. Court of Federal Claims
- U.S. Supreme Court