Transportation telephone "access" from a location in this state.

similar services shall be attributed to Louisiana:

any other revenue attributed to Louisiana, the following

i. For purposes of this Subsection, in addition to

and in accordance with the provisions of the Administrative

Procedure Act, R.S. 49:950 et seq., the Department of

Revenue, Policy Services Division, amends LAC 61:1.306

relative to attribution of revenue from telephone,
telecommunications, and other similar services.

Louisiana Revised Statute 47:606(A)(1)(e) states that "Revenues from services...shall be attributed within and

without Louisiana on the basis of the location at which the

services are rendered." By amending LAC 61:1.306, the

Department of Revenue will provide specific guidance to
telephone, telecommunications, and other similar services,
concerning revenue to be included in the numerator of the
revenue ratio.

Title 61
REVENUE AND TAXATION
Part I. Taxes Collected and Administered by the
Secretary of Revenue
Chapter 3. Corporation Franchise Tax
§306. Allocation of Taxable Capital
A. - A.1.d.vi. …

e. Revenue from Services Other Than from Transportation

i. For purposes of this Subsection, in addition to

any other revenue attributed to Louisiana, the following

revenue from providing telephone, telecommunications, and

similar services shall be attributed to Louisiana:

(a). revenue derived from charges for providing

telephone "access" from a location in this state. Access

means that a call can be made or received from a point

within this state. An example of this type of receipt is a

monthly subscriber fee billed with reference to a service

address located in the state and without regard to actual

usage;

(b). revenue derived from charges for unlimited

calling privileges, if the charges are billed by reference to a

service address located in this state;

(c). revenue from intrastate telephone calls or

other telecommunications, except for mobile

telecommunication services, beginning and ending in

Louisiana;

(d). revenue from interstate or international

telephone calls or other telecommunications, except for

mobile telecommunication services, either beginning or

ending in Louisiana if the service address charged for the

call or telecommunication is located in Louisiana, regardless

of where the charges are billed or paid;

(e). revenue from mobile telecommunication service:

(i). revenue from mobile telecommunication services shall be attributed to the place

of primary use, which is the residential or primary business

street address of the customer;

(ii). if a customer receives multiple

services, such as multiple telephone numbers, the place of

primary use of each separate service shall determine where

the revenue from that service is attributed;

(iii). revenue from mobile telecommunication services shall be attributed to Louisiana

if the place of primary use of the service is Louisiana;

(f). definitions. For the purpose of this

Subparagraph, the following terms have the following

meanings unless the context clearly indicates otherwise:

(i). Call a specific telecommunications

transmission;

(ii). Customer any person or entity that

contracts with a home service provider or the end user of the

mobile telecommunications service if the end user is not the

person or entity that contracts with the home service

provider for mobile telecommunications service;

(iii). Home Service Provider the facilities-

based carrier or reseller with which the customer contracts

for the provision of mobile telecommunications services;

(iv). Place of Primary Use of Mobile

Telecommunications Service the street address representative

of where the customer's use of mobile telecommunications

service primarily occurs. This address must be within the

licensed service area of the home service provider and must

be either the residential or the primary business street

address of the customer. The home service provider shall be

responsible for obtaining and maintaining the customer’s

place of primary use as prescribed by R.S.

47:301(14)(i)(ii)(bb)(XI);

(v). Service Address the address where the

telephone equipment is located and to which the telephone

number is assigned;

(vi). Telecommunications the electronic

transmission, conveyance or routing of voice, data, audio,

video, or any other information or signals to a point, or

between or among points, by or through the use of any

medium such as wires, cables, satellite, microwave,

electromagnetic wires, light waves or any combination of

those or similar media now in existence or that might be

devised, by telecommunications does not include the

information content of any such transmission;

(vii). Telecommunication Service providing

telecommunications including service provided by

telecommunication service resellers, for a charge and

includes telephone service, telegraph service, paging service,

personal communication services and mobile or cellular

telephone service, but does not include electronic

information service or Internet access service;

ii. revenue derived from services, other than from

transportation, or telephone, telecommunications, and

similar services, shall be attributed to the state in which the

services are rendered. In the case of services in which

property is not a material revenue-producing factor, the

services shall be presumed to have been performed in the

state in which the personnel engaged in rendering the

services are located. In the case of services in which the use

of personnel is not a material revenue-producing factor, the

services shall be presumed to have been performed in the

state in which the property (whether owned by the taxpayer

or not) used in rendering the services is located. In the case

of services in which personnel and property are material

revenue-producing factors, such revenue shall be attributed

within and without this state on the basis of the arithmetical

average of the following two ratios:
(a) the ratio that salaries and wages paid to personnel performing such services within Louisiana bear to total salaries and wages for personnel performing such services both within and without Louisiana; and

(b) the ratio that the value of property used in Louisiana in performing the services (whether owned by the taxpayer or not) bears to the total value of all property used in performing the services both within and without Louisiana;

iii. in any case in which it can be shown that charges for services constitute a pure recovery of the cost of performing the services and do not include a reasonable rate of profit, amounts received in reimbursement of such costs shall not be construed to be revenues received and shall be omitted from both the numerator and denominator of the attribution ratio.

A.1.f. - C. …


Cynthia Bridges
Secretary