SCHEDULE **A**

Commonwealth of Kentucky
Department of Revenue

APPORTIONMENT AND ALLOCATION
(For corporations and pass-through entities taxable both within and without Kentucky.)

2018

DRAFT 7/30/18

➤ **See instructions.**
➤ **Attach to Form 720, 720S, 725, 765, or 765-GP.**

Name of Corporation or Pass-through Entity	Federal Identification Number	Kentucky Corporation/LLET Account Number
	__ __ __ __ __ __ __ __ __	__ __ __ __ __ __

☐ Check this box and complete page 2, Apportionment and Allocation – Continuation Sheet: (i) if the corporation filing this tax return is a partner or member of a limited liability pass-through entity or general partnership (organized or formed as a general partnership after January 1, 2006) doing business in Kentucky; or (ii) if the pass-through entity filing this tax return is a partner or member of a pass-through entity doing business in Kentucky, or (iii) if the corporation is filing a mandatory nexus consolidated tax return per KRS 141.200(11).

If apportionment method other than statutory formula is used:

☐ Check this box: (i) if the Department has granted written approval to use an alternative allocation and apportionment method per KRS 141.120(12)(a), and attach a copy of the approval letter to the tax return; or (ii) if the company has made an irrevocable five year election to use an allocation and apportionment method per KRS 141.121(4)(a), and attach a copy of the election to the tax return.

PART I—COMPUTATION OF APPORTIONMENT FRACTION

Required for All Companies—Sales Factor Computation

Convert line 3 to a percentage carried to four decimal places.

1	Kentucky sales	1	00	
2	Total sales	2	00	
3	Sales factor (line 1 divided by line 2)	3		%

Required for PROVIDERS (KRS 141.121—see instructions)
(For informational purposes for all other companies.)

Convert lines 4, 7, 10, 11, and 12 to a percentage carried to four decimal places.

4	Double-weighted Sales factor (line 3 multiplied by 2)	4		%
5	Average value of Kentucky real/tangible property (Part III)	5	00	
6	Average value of total real/tangible property (Part IV)	6	00	
7	Property factor (line 5 divided by line 6)	7		%
8	Kentucky payrolls	8	00	
9	Total payrolls	9	00	
10	Payroll factor (line 8 divided by line 9)	10		%
11	Total (add lines 4, 7, and 10)	11		%
12	Apportionment fraction—line 11 divided by 4 or number of factors present (sales representing 2 factors)	12		%

PART II—APPORTIONMENT AND ALLOCATION OF INCOME (FORM 720 ONLY)

1	Net income (from Form 720, Part III, line 19)			1	00
2	Deduct non-apportionable income (if applicable):				
	(a) Interest	2(a)	00		
	(b) Rents	(b)	00		
	(c) Royalties	(c)	00		
	(d) Net gain or loss on sale or exchange of capital assets	(d)	00		
	(e) Total (lines (a) through (d))	(e)	00		
	(f) Less **related expenses** (attach schedule)	(f)	(00)		
3	Net non-apportionable income			3	00
4	Apportionable income (line 1 less line 3)			4	00
5	Apportionable income apportioned to Kentucky (line 4 multiplied by Part I, line 3)(providers see instructions)			5	00
6	Add Kentucky non-apportionable income (if applicable):				
	(a) Interest	6(a)	00		
	(b) Rents	(b)	00		
	(c) Royalties	(c)	00		
	(d) Net gain or loss on sale or exchange of capital assets	(d)	00		
	(e) Total (lines (a) through (d))	(e)	00		
	(f) Less Kentucky **related expenses** (attach schedule)	(f)	(00)		
7	Kentucky net non-apportionable income			7	00
8	Taxable net income (line 5 plus line 7) (enter here and on Form 720, Part III, line 20)			8	00

PART III—KENTUCKY REAL/TANGIBLE PROPERTY

PROPERTY		A. Beginning of Year	B. End of Year
1 Inventories	1	00	00
2 Buildings	2	00	00
3 Machinery and equipment	3	00	00
4 Land	4	00	00
5 Other tangible assets	5	00	00
6 Total (lines 1 through 5)	6	00	00
7 Average value of real/tangible property owned in Kentucky, total of line 6, columns A and B divided by 2		7	00
8 Leased property (Eight times the annual rental rate less subrentals)		8	00
9 Total (lines 7 and 8) (enter on Part I, line 5)		9	00

PART IV—TOTAL REAL/TANGIBLE PROPERTY

PROPERTY		A. Beginning of Year	B. End of Year
1 Inventories	1	00	00
2 Buildings	2	00	00
3 Machinery and equipment	3	00	00
4 Land	4	00	00
5 Other tangible assets	5	00	00
6 Total (lines 1 through 5)	6	00	00
7 Average value of real/tangible property owned everywhere, total of line 6, columns A and B divided by 2		7	00
8 Leased property (Eight times the annual rental rate less subrentals)		8	00
9 Total (lines 7 and 8) (enter on Part I, line 6)		9	00

SCHEDULE A
(2018)

Schedule A—Apportionment and Allocation Continuation Sheet

		Required by All Companies					Required for Providers (KRS 141.121) (For informational purposes for all other companies)			
		A Name	B Federal Identification Number	C Kentucky Corporation/LLET Account Number	D Kentucky Sales	E Total Sales	F Average Value of Kentucky Real/Tangible Property	G Average Value of Total Real/Tangible Property	H Kentucky Payrolls	I Total Payrolls
	1	**Taxpayer**								
SECTION A		MANDATORY NEXUS CONSOLIDATED GROUP								
	2									
	3									
	4									
	5									
	6									
	7									
	8									
	9									
	10									
	11									
	12									
	13									
	14	Intercompany Eliminations								
	15	Section A **Subtotal** (add lines 2 through 14 of this page only)								
	16	Section A **Total** (Sum line 15 of all pages)								
SECTION B		PASS-THROUGH ENTITIES								
	2									
	3									
	4									
	5									
	6									
	7									
	8									
	9									
	10									
	11									
	12									
	13									
	14	Section B **Subtotal** (add lines 2 through 13 of this page only)								
	15	Section B **Total** (Sum line 14 of all pages)								
C		GRAND TOTAL (add Line 1, Section A, Line 16, and Section B, Line 15)								
		Carry **GRAND TOTAL** To Schedule A, Part I			**Line 1**	**Line 2**	**Line 5**	**Line 6**	**Line 8**	**Line 9**

41A720A (7-27-18 DRAFT)

New for 2018—For taxable years beginning on or after January 1, 2018, all apportionable income must be apportioned to Kentucky using a single sales factor with receipts being assigned using market based sourcing per KRS 141.120 and 103 KAR 16:.... Exceptions are provided in KRS 141.121.

General—A corporation that is taxable in this state and another state must apportion and allocate net income to Kentucky per KRS 141.120. A pass–through entity doing business within and without the state must compute an apportionment fraction per KRS 141.206(11)(b). Public service companies (defined in KRS 136.120) and financial organizations must apportion and allocate net income per KRS 141.121(5) and 103 KAR 16:.... Certain transportation companies must apportion and allocate income per 103 KAR 16:....

A corporation must use the statutory formula unless the corporation has been required or granted approval in writing by the Department of Revenue to use an alternative method per KRS 141.120(12) or the corporation qualifies for and elects an alternative apportionment per KRS 141.121(4). A copy of the letter from the Department of Revenue requiring or granting approval to use a method other than the statutory formula or a statement electing an alternative apportionment method per KRS 141.121(4) must be attached to the return when filed.

Mandatory Nexus Consolidated Returns—An affiliated group filing a mandatory nexus consolidated return is treated as a single corporation. All transactions between members of the affiliated group must be eliminated in determining the sales, property, and payroll factors.

Use page 2, Section A, Apportionment and Allocation Continuation Sheet, to show the consolidated factors computation.

PART I—COMPUTATION OF APPORTIONMENT FRACTION

Schedule A must be submitted with the applicable tax return (Form 720, 720S, 725, 765, or 765-GP). If the corporation or any corporation in an affiliated group filing Schedule A owns an interest in a limited liability pass-through entity or a general partnership (organized or formed as a general partnership after January 1, 2006) doing business in Kentucky, complete page 2, Section B, Apportionment and Allocation Continuation Sheet. If the pass-through entity filing Schedule A owns an interest in a pass-through entity doing business in Kentucky, complete page 2, Section B, Apportionment and Allocation Continuation Sheet.

If page 2 is required, enter the amounts from Section C, Columns D and E on the corresponding lines of Schedule A, page 1. "Providers," as defined in KRS 141.121(1)(e), must enter the amounts from Section C, Columns D through I on the corresponding lines of Schedule A, page 1. The apportionment fraction is then determined by completing Schedule A, Part I, Line 3 for all companies. For Providers the apportionment fraction is determined by completing Schedule A, Part I, Lines 3, 4, 7, 10, 11, and 12.

A corporation or pass-through entity not required to complete page 2 must compute its apportionment fraction as follows:

Lines 1–3—Sales—Total sales include all gross receipts, other than non-apportionable receipts, and must equal the amounts reported on Forms 720, 720S, 725, or 765, Schedule L, except as provided in KRS 141.121. Sales of real or tangible personal property are assigned to Kentucky if the property is located in Kentucky or is shipped or delivered to a purchaser in Kentucky. Sales of tangible personal property to the U.S. government are assigned to Kentucky if the property is shipped from Kentucky.

KRS 141.120(11) provides that sales other than sales of tangible personal property are assigned to Kentucky if the taxpayer's market for the sales is in Kentucky.

The following are general guidelines for assigning receipts to Kentucky, but should not be considered all-inclusive. Receipts are assigned to Kentucky in the following instances:

A. Real property that is sold, rented, leased, or licensed to the extent the property is located in Kentucky.

B. Tangible personal property that is rented, leased, or licensed to the extent the property is located in Kentucky.

C. A service that is provided to the extent it is delivered to a location in Kentucky.

D. Intangible property that is rented, leased, or licensed and used in Kentucky to market a good or service, and that good or service is bought by a customer located in Kentucky. Intangible property that is sold and subject to a contingency based on the productivity, use, or disposition of the intangible property will be treated as receipts from the rental, lease, or licensing of the intangible property.

E. Intangible property that is sold and used in Kentucky and a contract right, government license, or similar intangible property authorizes the holder of the intangible property to conduct business in a specific area that is fully or partially within Kentucky.

If the state(s) of assignment cannot be determined, then the state(s) should be reasonably approximated. If the taxpayer is not taxable in a state to which a receipt is assigned, or if the state of assignment cannot be determined using reasonable approximation, the receipt must be excluded from the denominator of the receipts factor.

Lines 4–12—Required to be completed by Providers per KRS 141.121(1)(e). For all other companies these lines must be completed for informational purposes. The apportionment fraction for a Provider continues to be calculated using a three (3)- factor formula as provided in KRS 141.901 for tax years beginning on or after January 1, 2018. Provider means any corporation engaged in the business of providing: (1) Communications service as defined in KRS 136.602; (2) Cable service as defined in KRS 136.602; or (3) Internet access as defined in 47 U.S.C. sec. 151.

Property—Total property includes all real and tangible personal property owned or rented and used during the taxable year. Property owned is valued at original cost. Leased property is valued at eight times the annual rental rate less any non-apportionable subrentals. Real and tangible personal properties are assigned to Kentucky if owned or rented and used in Kentucky. Exclude (1) construction in progress and (2) property which has been certified by Kentucky as a pollution control facility and is owned or leased by the corporation

Payroll—Total payroll includes all compensation paid or payable by the corporation during the tax period. Kentucky payroll is that portion of total payroll that is paid or payable for services performed within the state. Compensation is paid or payable in this state if: (1) the individual's service is performed entirely within the state; (2) the individual's service is performed both within and without the state, but the service performed without the state is incidental to the individual's service within the state; or (3) some of the service is performed in the state and the base of operations or, if there is no base of operations, the place from which the service is directed or controlled is in the state, or the base of operations or the place from which the service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in this state.

Apportionment Fraction—Apportionable income must be multiplied by a fraction, the numerator of which is the total Kentucky receipts and the denominator of which is the total everywhere receipts. The apportionment fraction for a Provider (KRS 141.121) continues to be calculated using a three (3)- factor formula as provided in KRS 141.901.

PART II—APPORTIONMENT AND ALLOCATION OF INCOME

Apportionable income arises from transactions and activities in the regular course of the corporation's trade or business and includes income from tangible and intangible property if the acquisition, management, or disposition of the property constitutes integral parts of the corporation's trade or business.

Classifying income by categories (such as interest, rents, royalties, and capital gains) does not determine whether income is apportionable or non-apportionable. For example, gain or loss recognized on the sale of property may be apportionable income or non-apportionable income depending upon its relationship to the corporation's trade or business.

Non-apportionable income includes all income not properly classified as apportionable income less all direct or indirect expenses attributable to the production of this income. Non-apportionable income is allocated to Kentucky if (1) the corporation's commercial domicile (the principal place from which the trade or business is managed) is located in Kentucky or (2) property creating the non-apportionable income is utilized in Kentucky. Generally, tangible personal property is utilized in Kentucky if it is physically located in Kentucky; intangible property, such as patents and copyrights, is utilized in Kentucky if it is actually used in Kentucky.

APPORTIONMENT AND ALLOCATION–CONTINUATION SHEET

Line 1—Enter the parent company FEIN and information on Line 1 and the subsidiaries and pass-through entities on Lines 2 through 13 of the applicable section. If multiple continuation pages are needed, Line 1 should only be filled out on the first page.

Columns F—I—Required to be completed by Providers per KRS 141.121(1)(e). For all other companies these lines must be completed for informational purposes. The apportionment fraction for a Provider continues to be calculated using a three (3)- factor formula as provided in KRS 141.901 for tax years beginning on or after January 1, 2018.

MANDATORY NEXUS CONSOLIDATED GROUP

Section A, Lines 2–14—Report the apportioned factors for the members of a Mandatory Nexus Consolidated Group, including Kentucky Schedules K-1 received from pass-through entities. Report all member information in the total, and enter intercompany transactions as a negative amount on Line 14 per KRS 141.200(11)(b).

Line 15—Section A Subtotal—Add Lines 2 through 14 of this page only.

Line 16—Section A Total—If multiple continuation pages are needed, add the subtotals from Line 15 of each page and reflect the total of all pages on the first continuation page.

PASS–THROUGH ENTITIES

Section B, Lines 2–13—Report the apportioned factors received from pass-through entities on Schedule K-1.

Note: If a subsidiary receives a Kentucky Schedule K-1, the pass-through items should be reported in Section A only.

Line 14—Section B Subtotal—Add Lines 2 through 13 of this page only.

Line 15—Section B Total—If multiple continuation pages are needed, add the subtotals from Line 14 of each page and reflect the total of all pages on the first continuation page.

GRAND TOTAL

Section C—Add Line 1, Section A, Line 16, and Section B, Line 15 then carry the Grand Total to Schedule A, Part I. Check the appropriate box at the top of Schedule A, Page 1, and enter all apportionment and allocation calculations.