SCHEDULE A

41A720A (10-10)

Commonwealth of Kentucky
DEPARTMENT OF REVENUE

Taxable Year Ending

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Mo. Yr.

APPORTIONMENT AND ALLOCATION

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

Regulations 103 KAR 16:090, 103 KAR 16:270, 103 KAR 16:290

➤ *See instructions.*

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

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

☐ 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; or the pass-through entity filing this return is a partner or member of a pass-through entity, check this box and complete Schedule A-C, Apportionment and Allocation-Continuation Sheet.

If apportionment method other than statutory formula is used:

☐ Check the box if permission has been granted by the Kentucky Department of Revenue to use an alternative method or statement making election in accordance with KRS 141.120(9)(b)(1) or (2); and

- Attach a copy of the letter from the Kentucky Department of Revenue requiring or granting permission to use an alternative method.

SECTION I. COMPUTATION OF APPORTIONMENT FRACTION

Convert lines 3, 4, 7, 10, 11 and 12 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	%		
4. Double-weighted Sales factor (line 3 multiplied by 2)			4	%
5. Average value of Kentucky real/tangible property (Section III)	5	00		
6. Average value of total real/tangible property (Section 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	%

SECTION II. APPORTIONMENT AND ALLOCATION OF INCOME

1. Net income (from Form 720, Part III, line 20)			1	00
2. Deduct nonbusiness income (if applicable):				
(a) Interest	2(a)	00		
(b) Rents	2(b)	00		
(c) Royalties	2(c)	00		
(d) Net gain or loss on sale or exchange of capital assets	2(d)	00		
(e) Total (lines (a) through (d))	2(e)	00		
(f) Less **related expenses** (attach schedule)	2(f)	(00)		
3. Net nonbusiness income			3	00
4. Business income (line 1 less line 3)			4	00
5. Business income apportioned to Kentucky (line 4 multiplied by line 12, Section I)			5	00
6. Add Kentucky nonbusiness income (if applicable):				
(a) Interest	6(a)	00		
(b) Rents	6(b)	00		
(c) Royalties	6(c)	00		
(d) Net gain or loss on sale or exchange of capital assets	6(d)	00		
(e) Total (lines (a) through (d))	6(e)	00		
(f) Less Kentucky **related expenses** (attach schedule)	6(f)	(00)		
7. Kentucky net nonbusiness income			7	00
8. Taxable net income (line 5 plus line 7) (enter here and on Form 720, Part III, line 21)			8	00

SECTION III. KENTUCKY REAL/TANGIBLE PROPERTY

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

SECTION IV. TOTAL REAL/TANGIBLE PROPERTY

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

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Instructions for Schedule A—Apportionment and Allocation

General—A corporation that is taxable in this state and taxable in another state shall apportion and allocate net income to Kentucky in accordance with KRS 141.120. A pass–through entity doing business within and without the state shall compute an apportionment fraction in accordance with KRS 141.206(9). Public service companies (defined in KRS 136.120) and financial organizations shall apportion and allocate net income in accordance with KRS 141.120(10) and Regulations 103 KAR 16:100 through 103 KAR 16:150.

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 provided by KRS 141.120(9)(a) or the corporation qualifies for and elects an alternative apportionment method provided by KRS 141.120(9)(b). 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 in accordance with KRS 141.120(9)(b)(1) or (2) must be attached to the return when filed.

Consolidated Return—An affiliated group filing a consolidated return is treated as a single corporation. All transactions between members of the affiliated group shall be eliminated in determining the sales, property and payroll factors. **Attach a columnar spreadsheet to Schedule A reflecting the computation of the consolidated factors.**

COMPUTATION OF APPORTIONMENT FRACTION

Schedule A must be completed and submitted with the applicable tax return (Form 720, Form 720S, Form 725, Form 765 or Form 765–GP). If the corporation filing the 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; or if the pass–through entity filing the income return is a partner or member of a pass–through entity, complete Schedule A–C, Apportionment and Allocation–Continuation Sheet.

If Schedule A–C is required, complete Schedule A–C and enter the amounts from Schedule A–C, Total column, Lines 1, 2, 5, 6, 8, and 9 on the corresponding lines of Schedule A, Section I, Lines 1, 2, 5, 6, 8, and 9. The apportionment fraction is then determined by completing Schedule A, Section I, Lines 3, 4, 7, 10, 11, and 12.

For a corporation that is not 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; or a pass–through entity that is not a partner or member of a pass–through entity, the business apportionment factors shall be computed as follows:

Sales—Total sales include all gross receipts other than nonbusiness receipts, 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(8)(c)(3) provides that sales other than sales of tangible personal property are assigned to Kentucky if the income–producing activity is performed entirely within Kentucky or if the income–producing activity is performed both within and without Kentucky and a greater portion of the income–producing activity is performed in Kentucky than in any other state based on cost of performance. The following are general guidelines for assigning these receipts to Kentucky but should not be considered all–inclusive:

A. Receipts from intangibles are assigned to Kentucky if the corporation's commercial domicile is in Kentucky or the intangible has acquired a Kentucky business situs. Examples of receipts from intangibles which are deemed to have acquired a Kentucky business situs are franchise fees from a franchisee located in Kentucky and a corporation's Kentucky distributive share of net income from a partnership doing business in Kentucky.

B. Rents or royalties from real or tangible personal property are assigned to Kentucky if the property is located in Kentucky. In the case of mobile property, the rent is assigned to Kentucky if the lessee's base of operations for the property is in Kentucky.

C. Receipts from the performance of services are assigned to Kentucky if the services are performed entirely in Kentucky or the services are performed both within and without Kentucky but a greater portion is performed in Kentucky than in any other state based on cost of performance.

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 nonbusiness subrentals. Real and tangible personal properties are assigned to Kentucky if owned or rented and used in Kentucky. Exclude (a) construction in progress and (b) property which has been certified by Kentucky as a pollution control facility and is owned or leased by the corporation. Safe harbor lease property must be included in the factor of the seller/lessee at cost and excluded from the property factor of the purchaser/lessor.

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: (i) the individual's service is performed entirely within the state; (ii) 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 (iii) 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—To compute the apportionment fraction, the sales factor must be multiplied by two and the property and payroll factors must each be multiplied by one and the total divided by four. A corporation which does not have sales, property or payroll must average only the factors which are present to determine the weighted apportionment fraction.

APPORTIONMENT AND ALLOCATION OF INCOME

Business 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 business or nonbusiness. For example, gain or loss recognized on the sale of property may be business income or nonbusiness income depending upon its relationship to the corporation's trade or business.

Nonbusiness income includes all income not properly classified as business income less all direct or indirect expenses attributable to the production of this income. Nonbusiness income is allocated to Kentucky if (a) the corporation's commercial domicile (the principal place from which the trade or business is managed) is located in Kentucky or (b) property creating the nonbusiness 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.