



STEVEN L. BESHEAR  
Governor

FINANCE AND ADMINISTRATION CABINET  
DEPARTMENT OF REVENUE  
501 HIGH STREET  
FRANKFORT, KENTUCKY 40620  
Phone (502) 564-3226  
Fax (502) 564-3875  
www.kentucky.gov

JONATHAN MILLER  
Secretary

THOMAS B. MILLER  
Commissioner

In the matter of:

[REDACTED]

Contact:

[REDACTED]

FINAL RULING NO. 2010-12  
March 5, 2010

Unmined Coal Ad Valorem Tax Assessment  
for January 1, 2009

### FINAL RULING

The Kentucky Department of Revenue ("DOR") currently has an outstanding unmined coal ad valorem tax assessment issued to [REDACTED] (" [REDACTED] ") totaling \$ [REDACTED] for the 2009 tax year. Below is the assessment made by the DOR pursuant to KRS 132.820.

| Account Number | Parcel Identification | Interest Holder | DOR Value or Assessment | Estimated Taxes Based on Value |
|----------------|-----------------------|-----------------|-------------------------|--------------------------------|
| [REDACTED]     | [REDACTED]            | [REDACTED]      | \$ [REDACTED]           | \$ [REDACTED]                  |

An issue is whether the DOR correctly assessed the fair cash value of the coal property in question. [REDACTED] has protested the assessment, asserting that the value of the unmined coal in question is \$ [REDACTED]. It is [REDACTED]'s position that this property has been previously mined and that the remaining coal seams are too small to mine. [REDACTED] indicates that he has spoken with a representative of a coal company who informed him that it has been paying property taxes on the property.

The DOR's position is that the unmined coal property in question is correctly and properly valued at the fair cash value as required by law. See KRS 132.820(1); Kentucky Constitution,

Section 172. The assessment in question is presumed to be valid and it is the taxpayer's burden to prove otherwise. Revenue Cabinet v. Gillig, 957 S.W.2d 206 (Ky. 1997); Walter G. Hougland & Sons v. McCracken County Board of Supervisors, 306 Ky. 234, 206 S.W.2d 951 (1947). The DOR's assessment is presumed to be correct, and [REDACTED] has not provided any proof that the value reflected by the assessment should be reduced or that he does not own the property. The DOR has assessed the property to [REDACTED] because he has represented and provided information that he is its owner.

For the reasons stated above, the assessment in question is correct and is hereby upheld.

This letter is the final ruling of the Kentucky Department of Revenue.

### APPEAL

You may appeal this final ruling to the Kentucky Board of Tax Appeals pursuant to the provisions of KRS 131.110, KRS 131.340-131.365, 103 KAR 1:010 and 802 KAR 1:010. If you decide to appeal this final ruling, your petition of appeal must be filed at the principal office of the Kentucky Board of Tax Appeals, 128 Brighton Park Boulevard, Frankfort, Kentucky 40602-2120, within thirty (30) days from the date of this final ruling. The rules of the Kentucky Board of Tax Appeals, which are set forth in 802 KAR 1:010, require that the petition of appeal must:

1. Be filed in quintuplicate;
2. Contain a brief statement of the law and facts in issue;
3. Contain the petitioner's or appellant's position as to the law and facts; and
4. Include a copy of this final ruling with each copy of the petition of appeal.

The petition of appeal must be in writing and signed by the petitioner or appellant. Filings by facsimile or other electronic means shall not be accepted.

Proceedings before the Kentucky Board of Tax Appeals are conducted in accordance with 103 KAR 1:010, 802 KAR 1:010 and KRS 131.340-131.365 and KRS Chapter 13B. Formal hearings are held by the Board concerning the tax appeals before it, with all testimony and proceedings officially reported. Legal representation of parties to appeals before the Board is governed by the following rules set forth in Section 2 (3) of 802 KAR 1:010:

1. An individual may represent himself in hearings before the Board;
2. An individual who is not an attorney may not represent any other individual, corporation, trust, estate, or partnership before the Board; and
3. An attorney who is not licensed to practice in Kentucky may practice before the Board if he complies with Rule 3.030(2) of the Rules of the Kentucky Supreme Court.

March 5, 2010 – Final Ruling No. 2010-12

Page 3

You will be notified by the Clerk of the Board of the date and time set for any hearing.

Sincerely,  
FINANCE AND ADMINISTRATION CABINET



E. Jeffrey Mosley  
Interim Executive Director  
Office of Legal Services for Revenue

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED