



# 720U

- ◆ Only use this package if you are required to file as a **Unitary Combined Corporation Income Tax and LLET Group**.



**KENTUCKY UNITARY COMBINED  
CORPORATION INCOME TAX AND LLET RETURN****2019****PURPOSE OF INSTRUCTIONS**

These instructions have been designed for corporations that are part of a unitary business, which are required to file as a combined group for tax years beginning on or after January 1, 2019 per KRS 141.201(3)(a)1 and KRS 141.202, unless the group elects to file a same-as-federal affiliated group consolidated return under KRS 141.201(3)(a)2 and KRS 141.201. A group that makes an election to file an affiliated group consolidated return must use Form 720.

**KENTUCKY TAX LAW CHANGES**

**Enacted by the 2019 Regular Session of the General Assembly**—Kentucky clarified and modified several of the tax changes passed in 2018. The Department of Revenue (“Department”) has guidance at <https://revenue.ky.gov/TaxProfessionals/Pages/default.aspx>.

**Internal Revenue Code (IRC) Update**—House Bill (HB) 354 updated the Internal Revenue Code (IRC) reference date to December 31, 2018 for taxable years beginning on or after January 1, 2019.

**Estimated Tax Payment Requirements**—2019 estimated tax rules and penalties changed to generally follow federal for corporations and pass-through entities. Estimated payments are broken into four equal payments of 25% of the estimated tax. These payments are due April 15, June 15, September 15, and December 15 each year. Estimated payments are due for fiscal year filers on the 15th day of the 4th, 6th, 9th, and 12th months each year. Annualization and adjusted seasonal installment methods are now allowed for Kentucky estimated tax payment purposes. The declaration penalty has been replaced with an addition to tax penalty that mirrors the federal penalty for late or underpaid estimated tax payments.

**Seven-month Extensions for C Corporations**—C corporations requesting an extension of time to file (on Form 720EXT) on or after June 27, 2019 will now be granted seven (7) months (from the previous six months) to file their tax return.

**Unitary Combined Filing Required**—Corporations doing business in Kentucky that are part of a unitary business must begin filing combined returns for tax years beginning on or after January 1, 2019, unless they elect to file a same-as-federal affiliated group consolidated return. Unitary combined filers should use the new Form 720U and accompanying schedules.

**HOW TO OBTAIN FORMS AND INSTRUCTIONS**

Forms and instructions are available at all Kentucky Taxpayer Service Centers (page 30). They may also be obtained by writing FORMS, Department of Revenue, P. O. Box 518, Frankfort, KY 40602–0518, or by calling 502–564–3658. Forms can be downloaded from [www.revenue.ky.gov](http://www.revenue.ky.gov).

- **Net Operating Losses (NOL)**—HB 458 allows NOLs to be shared among taxpayer members of a combined group, subject to certain limitations.
- **50 Percent Requirement**—Corporations within a combined group must be more than 50% owned, directly or indirectly, by common owner(s).
- **Intercompany eliminations**—Intercompany transactions should be eliminated in the calculation of combined income and gross receipts.
- **Includible entities**—HB 354 and HB 458 clarified the definitions of “waters-edge”, “tax haven”, and other provisions affecting which companies are included in the combined group. **KRS 141.202**
- **Regulatory guidance**—The department promulgated a regulation, 103 KAR 16:400, to provide taxpayers with additional guidance on unitary combined filing.

**Elective Consolidated Returns**—The election period was shortened to 48 months (from the previous 96 months). To make the election, the common parent of the affiliated group must attach the Kentucky Form 722 to the return on or before the due date of the return, including extensions, for the first tax year the election is made. A copy of the initial election must be attached to the return for each year in which the election is effective. Elective consolidated returns should be filed on Form 720.

**Tax Credit Changes:**

**Inventory Tax Credit**—The inventory tax credit increases to 50% of the ad valorem (tangible personal property) tax timely paid in 2019. Rental heavy equipment is now subject to ad valorem tax and thus is eligible for the credit.

**Kentucky Revised Statutes**—Kentucky Revised Statutes are referred to in these instructions as “KRS” and can be found online at [www.lrc.ky.gov/statutes](http://www.lrc.ky.gov/statutes).

**Kentucky Administrative Regulations**—Kentucky Administrative Regulations are referred to in these instructions as “KAR” and can be found online at [www.lrc.ky.gov/kar/titles.htm](http://www.lrc.ky.gov/kar/titles.htm).

## CURRENT YEAR INTEREST RATE

Pursuant to KRS 131.183, the 2020 tax interest rate has been set at five percent (5%). The rate charged by the Kentucky Department of Revenue on unpaid taxes is seven percent (7%) and when interest is due on a refund, the rate is three percent (3%).

## KENTUCKY FORM CHANGES

### New:

**Form 720U**—Unitary combined filers should use the new Form 720U and accompanying schedules included in the 720U package to file their returns.

**Form 722**—Use Form 722 to elect to file a consolidated return including all members of the federal affiliated group. To make the election, the common parent of the affiliated group must attach the Kentucky Form 722 to the return on or before the due date of the return, including extensions, for the first tax year the election is

made. A copy of the initial election must be attached to the return for each year in which the election is effective

### Updated:

**Form 2220-K**—Updated to include estimated tax rules and penalty changes to follow federal rules for corporations and pass-through entities. Annualization and adjusted seasonal installment methods are now allowed for Kentucky estimated tax payment purposes. The declaration penalty has been replaced with an addition to tax penalty that mirrors the federal penalty for late or underpaid estimated tax payments.

**Form 720ES**—Updated to include estimated tax changes to generally follow federal dates for corporations and pass-through entities. Estimated payments are broken into four equal payments of 25% of the estimated tax. These payments are due April 15, June 15, September 15, and December 15 each year. Estimated payments for fiscal year filers are due on the 15th day of the 4th, 6th, 9th, and 12th months each year. Annualization and adjusted seasonal installment methods are now allowed for Kentucky estimated tax payment purposes.

**KIRA-SP, KJDA-SP, KJRA-SP, and KBI-SP**—Updated to request the amount of credit claimed for local wage assessments.

**Forms 725, 725-EZ, and 765**—Updated to include income tax payment summary.

**Schedule INV**—Updated to include Section A to report the Timely Inventory Tax Paid per local bills.

### Electronic Filing FAQs and Helpful Tips

- **Mandatory E-File if Gross Receipts  $\geq$  \$1,000,000**—For tax years beginning on or after January 1, 2019, corporations and pass-through entities are required to e-file if their federal gross receipts are one million dollars (\$1,000,000) or greater. This applies to Forms 720, 720S, 720U, 765, 765GP, 725, and 725EZ. **KRS 131.250(2)(g)**
- If your return is rejected for an invalid Kentucky Corporation/LLET Account Number or Federal Employer Identification Number (FEIN), please complete Form 20A100, "Declaration of Representative," and contact our **Registration Section at 502-564-3306** for instructions on how to obtain an account number.
- Direct debit is an option for electronically filed forms; however, direct deposit is not.
- If your e-filed return has been **REJECTED, DO NOT** submit a 720V voucher at that time. You will get a **NEW** 720V voucher once you have successfully filed an accepted Kentucky return. (Note: The Submission ID number will change each time your return is sent to the Kentucky Department of Revenue.)
- To determine which forms are supported by your software, please check with the company that develops your software.

### More Options for Taxpayers Paying Online

The Department of Revenue (DOR) is now able to offer taxpayers additional payment options for Corporation Income Tax and Limited Liability Entity Tax (LLET). Taxpayers can make a payment online for an e-filed Corporation Income Tax and/or LLET return that would normally be sent with a Form 720-V voucher. Corporation Income Tax and LLET payments for bills, estimates, and extensions can also be made using the Enterprise Electronic Payment System (EEPS). To use EEPS, go to [www.revenue.ky.gov](http://www.revenue.ky.gov) and click on the E-File & Payments tile. From the selections of tax types available, click "Corporation Income Tax" or "Limited Liability Entity Tax (LLET)" and select the Electronic Payment link. To make payments, the FEIN is required along with the Kentucky Corporation/LLET 6-digit account number.

### Filing Tips and Checkpoints

The following list of filing tips is provided for your convenience to help ensure that returns are processed accurately and promptly. To avoid processing problems, please note the following:

- **Account Closure**—There are different requirements for the Secretary of State and the Department of Revenue when ceasing operations and closing an account. It is advised that you consult with both agencies when closing a business tax account.
- **Account Number/FEIN**—Always ensure the correct Kentucky Corporation/LLET account number and FEIN is used on the return being filed.
- **Payments**—Place payments on the front of the return so that they are clearly visible. Do not leave check stubs attached to checks. Check stubs will delay the machines that sort incoming mail, which causes longer processing times.
- **Estimated Payments**—Make estimated payments on a timely basis to avoid penalty.
- **EFT Payments**—When making EFT payments online, use the Taxable Year Ending **NOT** the due date of the payment.
- **Form 720V**—Form 720V is a payment voucher for e-filed returns, **NOT** an extension form. To extend a filing date, use Form 720EXT, Extension of Time to File Kentucky Corporation/LLET Return.
- **Extensions**—Extensions are for extending the filing date only; late payment penalties and interest apply to payments made after the original due date.
- **C corporations requesting an extension of time to file (on form 720EXT) on or after June 27, 2019 will now be granted seven (7) months (from the previous six months) to file their tax return.**
- **Schedule A**—Do not check the box on Schedule A, Apportionment and Allocation, indicating the use of an alternative allocation and apportionment formula if the corporation has not received written approval from the Department of Revenue. If written approval has been received, a copy of the letter from the Department of Revenue must be attached to the return when filed.
- **Incorrect Year Forms**—Returns submitted on the wrong year form on or before the due date will be accepted as timely filed, but will require the return to be revised on the correct year form before the return can be processed.
- **Additional errors that delay processing:**
  - Incorrect form submitted
  - Incorrect tax exemption code
  - Incomplete information
  - Missing forms or schedules
  - Incorrect taxable year end
  - Tax Payment Summary Section of return blank or incorrect
  - Failure to include payment of tax due with the return
  - Omitting Form 720EXT when paying with an extension

**IMPORTANT****Corporations must create a Kentucky Form 4562,  
Schedule D and Form 4797 by converting federal forms.****Schedule 4562**

**Depreciation**—For property placed in service after September 10, 2001, Kentucky depreciation (§168) is determined per the Internal Revenue Code (IRC) in effect on December 31, 2001.

**Section 179 Deduction**—For property placed in service after September 10, 2001, but prior to January 1, 2020, only the expense deduction (\$25,000) allowed under §179 of the IRC in effect on December 31, 2001, exclusive of any amendments made subsequent to that date, is allowed.

For property placed in service on or after January 1, 2020, only the expense deduction (\$100,000) allowed under §179 of the IRC in effect on December 31, 2003, exclusive of any amendments made subsequent to that date, is allowed.

For 2019 returns, any corporation that for federal purposes elects in the current taxable year or has elected in past taxable years any of the following will have a different depreciation and IRC §179 expense deduction for Kentucky:

- MACRS bonus depreciation;
- IRC §179 expense deduction in excess of \$25,000 for property placed in service after September 10, 2001, but prior to January 1, 2020; or
- IRC §179 expense deduction in excess of \$100,000 for property placed in service on or after January 1, 2020.

If a corporation has taken MACRS bonus depreciation or IRC §179 expense deduction in excess of the amounts outlined above for any year, federal and Kentucky differences will exist and the differences will continue through the life of the assets.

**Important:** If a corporation has not taken MACRS bonus depreciation or the IRC §179 expense deduction in excess of the amounts outlined above for any taxable year, then no adjustment will be needed for Kentucky income tax purposes. **If federal Form 4562 is required to be filed for federal income tax purposes, a copy must be submitted with Form 720U to substantiate that no adjustment is required.**

**Determining and Reporting Depreciation and IRC §179 Deduction Differences—federal/Kentucky depreciation or IRC §179 deduction differences must be reported as follows:**

1. The depreciation from Schedule U3, Line 20 and depreciation claimed on federal Form 1125-A or elsewhere on Form 1120 must be included on Schedule U4, Line 4. **If federal Form 4562 is required to be filed for federal income tax purposes, a copy must be attached to Form 720U.**
2. Convert federal Form 4562 to a Kentucky form by entering **Kentucky** at the top center of the form above Depreciation and Amortization. Compute Kentucky depreciation (§168) per the IRC in effect on December 31, 2001, by ignoring the lines and instructions regarding the special depreciation allowance. **NOTE:** For Kentucky purposes, for property placed into service between September 10, 2001 and

December 31, 2019, the maximum IRC §179 deduction amount on Line 1 is \$25,000 and the threshold cost of IRC §179 property on Line 3 is \$200,000. For Kentucky purposes, for property placed into service on or after January 1, 2020, the maximum IRC §179 deduction amount on Line 1 is \$100,000 and the threshold cost of IRC §179 property on Line 3 is \$400,000. The maximum allowable IRC §179 deduction for Kentucky purposes is reduced dollar-for-dollar by the amount by which the cost of qualifying IRC §179 property placed in service during the year exceeds the threshold. In determining the IRC §179 deduction for Kentucky, the income limitation on Line 11 should be determined by using Kentucky net income before the IRC §179 deduction instead of federal taxable income.

3. The corporation **must attach the Kentucky Form 4562** for each included company of the unitary business to Form 720U, and the amount from Kentucky Form 4562, Line 22 must be included on Schedule U4, Line 23. A Kentucky Form 4562 must be filed for each year, even though a federal Form 4562 may not be required.

**Schedule 4797 and Schedule D**

**Gains/Losses from Disposition of Assets—Determining and Reporting Differences in Gain or Loss From Disposition of Assets**—If during the year the corporation disposes of assets on which it has taken the special depreciation allowance or the additional IRC §179 deduction for federal income tax purposes, the corporation will need to determine and report the difference in the amount of gain or loss on such assets as follows:

1. If a capital gain is reported on Schedule U3, Line 8, enter this amount on Schedule U4, Line 24. Convert **federal Schedule D (Form 1120)** and other applicable federal forms to Kentucky forms by entering **Kentucky** at the top center of the form and compute the Kentucky capital gain or (loss) from the disposal of assets using Kentucky basis. Report the apportionable amounts as part of the Combined Totals on Schedule U7, Section A, Line 1 or Line 2. Report the allocable amounts in the appropriate taxpayer member's column(s) on Schedule U7, Section A, Lines 5(b) or 6(b). **Federal Schedule D (Form 1120) filed with the federal return and the Kentucky Schedule D must be attached to Form 720U.**
2. If the amount reported on Schedule U3, Line 9 is a gain, enter this amount on Schedule U4, Line 8. If the amount reported on Schedule U3, Line 9 is a loss, enter this amount on Schedule U4, Line 8. Convert federal Form 4797 and other applicable federal forms to Kentucky forms by entering **Kentucky** at the top center of the form and compute the Kentucky gain or (loss) from the sale of business property listing Kentucky basis. Report the apportionable amounts as part of the Combined Totals on Schedule U7, Section A, Line 3 or Line 4. Report the allocable amounts in the appropriate taxpayer member's column(s) on Schedule U7, Section A, Lines 7(b) or 8(b). **Federal Form 4797 filed with the federal return and the Kentucky Form 4797 must be attached to Form 720U.**

**GENERAL INFORMATION**

**Internal Revenue Code Reference Date**—Kentucky’s Internal Revenue Code (IRC) reference date is December 31, 2018, exclusive of any amendments made subsequent to that date, other than amendments that extend provisions in effect on December 31, 2018, that would otherwise terminate, for purposes of computing corporation and individual income tax, except for depreciation differences per KRS 141.0101.

**Kentucky Tax Registration Application**—The designated filer of the combined group is required to have a Kentucky Corporation/LLET Account Number. If applicable, they must complete the Kentucky Tax Registration Application, Form 10A100, to register for a Kentucky Corporation/LLET Account Number. This account number will be used for remitting the corporation income tax per KRS 141.040 and the LLET per KRS 141.0401.

Register your business online at <http://onestop.ky.gov> using the One Stop Business Services link.

1. Go to [onestop.ky.gov](http://onestop.ky.gov).
2. Click on the link for **One Stop Business Services**.

**Note:** The One Stop Business Services login page provides information for creating a user account as well as portal security. You will also find overview information for the services the portal currently provides. This information is updated regularly to reflect new services and notify you when additional agencies join the portal.

3. Welcome to the Kentucky Online Gateway. Select that you are a citizen or business partner. If you do not already have an account, click on **Create Account**. Complete your Kentucky Online Gateway user account. Once a user account has been created, an email will be sent to you with further instructions to activate the account and login. You must use the activation link in the email prior to logging in to your account.
4. Once logged in, launch the Kentucky Business One Stop App.
  - If your business needs to register with both the Secretary of State and the Department of Revenue or only needs to register with the Department of Revenue, use the **Register My Business** option, to register for tax accounts and your Commonwealth Business Identifier (CBI).
  - If the business is already registered with the Secretary of State and you do not already have access to the business on your Dashboard, choose the **Link My Business** option. Enter

the Commonwealth Business Identifier (CBI), Security Token, and Business Name exactly as it appears on your Kentucky articles of organization/incorporation, your Kentucky Certificate of Authority, or your CBI letter (including all punctuation) and link your business, click **Send Invite** and follow the instructions sent to your email to register for tax accounts.

The Link My Business option will require you to name at least one **“One-Stop Portal Business Administrator”** (for example, the business owner or representative).

**Note:** The administrator can then delegate access to other individuals—for example, an attorney, accountant, or manager. The administrator also determines the appropriate authority level for delegates to make changes—this could range from filing annual reports with the Secretary of State’s office, changing the business address, or filing and paying taxes. Only the One Stop business administrator(s) can grant, approve, withdraw, or revoke access to the business.

5. Once you have linked your business, your business name and CBI number will appear in the My Businesses box on the dashboard, click on the CBI number and, once your business loads, click on the Tax Administration tab to register for tax accounts.

The paper application is available by calling the Department of Revenue, Division of Registration and Data Integrity at 502-564-3306, or can be downloaded at [www.revenue.ky.gov](http://www.revenue.ky.gov) (click on **Form Search**, and search for 10A100). The application may be faxed to 502-227-0772 or e-mailed to [DOR.Registration@ky.gov](mailto:DOR.Registration@ky.gov).

**Who Must File—LLET and Corporation Income Tax**

**LLET**—The limitations imposed and protections provided by the United States Constitution or Pub. L. No. 86-272 do not apply to the tax imposed by KRS 141.0401. A Kentucky Corporation Income Tax and LLET Return must be filed by every corporation (a) organized under the laws of this state; (b) having its commercial domicile in this state; (c) owning or leasing property in this state; (d) having one or more individuals performing services in this state; (e) maintaining an interest in a pass-through entity doing business in this state; (f) deriving income from or attributable to sources within this state, including deriving income directly or indirectly from a trust doing business in this state, or deriving income directly or indirectly from a single member limited liability company that is doing business in this state and is disregarded as an entity separate from its single member for federal income tax purposes or (g) directing activities at Kentucky customers for the purposes of selling them goods or services. **KRS 141.0401 and KRS 141.010(7)**

**Corporation Income Tax**—Except for the limitations imposed and protections provided by the United States Constitution or Pub. L. No. 86–272, a Kentucky Corporation Income Tax and LLET return must be filed by every corporation meeting the provisions listed above. **KRS 141.040 and KRS 141.010(7)**

**Note:** For taxable periods beginning on or after January 1, 2019, every corporation doing business in Kentucky that is a member of a unitary business must file a combined report (Form 720U) per KRS 141.202(3), unless they elect to file a consolidated return as part of an affiliated group.

**Disregarded Entities**—A limited liability company (LLC) is treated in the same manner as it is treated for federal income tax purposes. Therefore, a single member LLC that is disregarded for federal income tax purposes must be included in the return filed by its single member (parent entity). **KRS 141.010(7) and KRS 141.200(10)**

**Pass-through Entities**—Corporations that are a member of a unitary business that are doing business in Kentucky solely as a partner or member in a pass-through entity will file Form 720U pursuant to the provisions of KRS 141.010, KRS 141.120, KRS 141.202 and KRS 141.206. (See Schedule U6, Kentucky Unitary with Pass-through Entity Apportionment Schedule).

**Other Entities**—Foreign Sales Corporations (FSCs) and interest– deferred or interest–charged Domestic International Sales Corporations (DISCs) are subject to Kentucky income tax to the same extent as other corporations.

Additionally, certain organizations which must file special returns for federal purposes, e.g., homeowners associations, political organizations, real estate investment trusts, and regulated investment companies must file Form 720 or 720U (if a member of a unitary business).

**Corporations Not Required to File**—Corporations which are exempt by law from Kentucky income tax and LLET include financial institutions as defined in KRS 136.500, insurance companies, savings and loan associations, corporations exempted by IRC §501, and religious, educational, charitable, and like corporations not conducted for profit. **KRS 141.040 and KRS 141.0401**

**Required Forms and Information**—Each corporation must enter all applicable information on Form 720U, enclose schedule for each line item or line item instruction which states "attach schedule," and include Kentucky forms or schedules, if applicable.

### Kentucky Forms and Schedules

1. Unitary Combined Corporation Income Tax Return (Form 720U)
2. Corporation/LLET Questionnaire (Schedule U1)
3. Unitary Group Affiliations Schedule (Schedule U2)
4. Pro Forma Federal Return Schedule (Schedule U3)
5. Unitary Combined Income Modification Schedule (Schedule U4)
6. Unitary Combined Apportionment & Allocation (Schedule U5)
7. Unitary with Pass-through Entity Apportionment (Schedule U6)
8. Unitary Combined Net Gains and Losses (Schedule U7)
9. Unitary Limited Liability Entity Tax Schedule (Schedule U8)
10. Unitary Combined Taxes and Payments (Schedule U9)
11. Unitary Combined Net Operating Losses (Schedule U10)
12. Cost of Goods Sold (Schedule COGS)
13. Application for Filing Extension (Form 720EXT)
14. Tax Credit Summary Schedule (Schedule TCS)
15. Related Party Costs Disclosure Statement (Schedule RPC)

### Federal Forms and Schedules

All corporations, if applicable, **must** provide a copy of the following federal forms submitted to the Internal Revenue Service:

1. Form 1120, all pages—If Form 1120 is not filed, attach copies of the income statement, cost of goods sold schedule, and balance sheet of the federal form filed. If the corporation is not required to submit a balance sheet for federal income tax purposes, attach the balance sheet prepared on a consistent basis from the books and records of the corporation.
2. Form 1125-A—Cost of Goods Sold
3. Form 1125-E—Compensation of Officers
4. Form 851—Affiliations Schedule
5. Form 4797—Sales of Business Property
6. Schedule D—Capital Gains and Losses
7. Form 3800—General Business Credit
8. Form 5884—Work Opportunity Credit
9. Schedules for items on Form 1120, Schedule L, which state "attach schedule" (if required by IRS)

**Electronic Funds Transfer (EFT)**—The Department of Revenue accepts electronically filed Corporation Income Tax/Limited Liability Entity Tax estimated tax voucher payments and extension payments for corporation income tax and limited liability entity tax. Before filing by EFT, the corporation must have a valid six-digit Kentucky Corporation/LLET account number and have registered with the Department of Revenue to file EFT. **Using an incorrect account number, such as an account number for withholding tax or sales and use tax, may result in the payment being credited to another taxpayer's account.** When making EFT payments online, use the taxable year ending, NOT the due date of the payment.

For more information, contact the Department of Revenue at 800-839-4137 or 502-564-6020. The EFT registration form is available at [www.revenue.ky.gov](http://www.revenue.ky.gov).

**Members with Different Accounting Periods**—If the tax year of a member differs from the tax year of the combined group, the designated filer must elect to determine the portion of that member's income by either: (1) preparing separate income statement from the books and records for the months included in the combined group's taxable year; or (2) including all of the income for the year that ends during the combined group's taxable year. The same method must be used for each member with a different accounting period. Once an election is made under this section by attaching a statement to the return, it shall be the only method that may be used with respect to members of the combined group unless the designated filer receives approval for a change in method from the department by petition for alternative apportionment as established in 103 KAR 16:330. **103 KAR 16:400**

**Mailing/Payment**—Only include payment for Corporation income tax and/or LLET.

Mail the return to:

Kentucky Department of Revenue  
P. O. Box 856910  
Louisville, KY 40285-6910

Make the check(s) payable to the **Kentucky State Treasurer.**

**Mail returns with no tax due or refund requests to:**

Kentucky Department of Revenue  
P. O. Box 856905  
Louisville, KY 40285-6905

**Filing/Payment Date**—A Kentucky Corporation Income Tax and LLET Return must be filed and payment must be made on or before the 15th day of the fourth month following the close of the taxable year. **KRS 141.160, KRS 141.220, and 103 KAR 15:050**

If the filing/payment date falls on a Saturday, Sunday, or a legal holiday, the filing/payment date is deemed to be on the next business day. **KRS 446.030(1)(a)**

**Extensions**—A seven-month extension of time to file a Kentucky Corporation Income Tax and LLET Return may be obtained by filing Form 720EXT or attaching a copy of the federal extension to the return when filed. **A copy of the federal extension submitted after the return is filed does not constitute a valid extension, and late filing penalties will be assessed.** If a payment is made with an extension, Kentucky Form 720EXT must be used. For further information, see the instructions for Form 720EXT. **103 KAR 15:050**

**Federal Extension**—A corporation or limited liability pass-through entity granted an extension of time for filing a federal income tax return will be granted a seven (7) month extension of time for filing a Kentucky income and LLET return for the same taxable year if a copy of the federal Form 7004 is attached to the Kentucky return when it is filed. **A copy of the federal Form 7004 should not be mailed to the Department of Revenue before filing the return.**

**NOTE: An extension of time to file a return does not extend the date for payment of tax.**

**Consolidated and Unitary Combined Returns**—An extension of time for filing a consolidated or unitary combined Kentucky corporation income tax and LLET return by the parent or designated filer corporation also constitutes an extension of time to file for each member of an affiliated group (consolidated) or combined group (unitary combined) respectively.

## Corporation Estimated Tax

**The Corporation Income/Limited Liability Entity Tax Estimated Tax Voucher, Form 720ES**, is used to submit estimated tax payments for corporation income tax and LLET. See **Electronic Funds Transfer (EFT)**. If the corporation is required to make estimated tax payments and needs Form 720ES vouchers, contact the Department of Revenue at 502-564-3658.

**Corporation Estimated Tax Payments**—A corporation must make estimated tax installments if its combined tax liability per KRS 141.040 and KRS 141.0401 can reasonably be expected to exceed \$5,000. Estimated tax installments are required as follows:

If the estimated tax is reasonably expected to exceed \$5,000 before the 15th day of the 4th month, 25% of the estimated tax must be paid by the 15th day of the 4th month, 15th day of the 6th month, 15th day of the 9th month, and the 15th day of the 12th month each year.

**Recalculating Estimated Tax**—If after the corporation or pass-through entity calculates and pays its estimated tax, it finds that its tax liability for the year will be more or less than originally estimated, it may have to recalculate its required installments. If earlier installments were underpaid, the corporation or pass-through entity may owe a penalty. An immediate payment should be made to reduce the amount of penalty resulting from the underpayment of earlier installments, whether caused by a change in estimate, failure to make a payment, or a mistake.

**Overpayment of Estimated Tax**—A corporation or pass-through entity that has overpaid its estimated tax may apply for a quick refund if the overpayment is at least 10% of its expected tax liability and at least \$500. To apply, file Form 40A100, Application for Refund of Income Taxes and LLET.

**Penalty**—Failure to make estimated installments, pay an estimated installment in full, or pay estimated installments timely will result in an addition to tax that will be considered a penalty under KRS 141.044. The tax interest rate identified under KRS 131.183 is the underpayment rate used to calculate the penalty. Generally, the entity is not required to calculate the penalty because the department will determine the penalty owed and bill the entity. However, the entity may choose to use Form 2220-K to determine the penalty. **KRS 141.044 and KRS 141.990**

**Amended Return**—To correct Form 720U as originally filed, file an amended Form 720U and check the appropriate box on page 1, item C. Do not submit federal Form 1139 to apply for a refund of Kentucky corporation income tax resulting from net operating loss carryback or a capital loss carryback. Failure to submit the required Kentucky amended forms will result in delays in processing refunds requested on amended returns.

**Net Operating Losses**—For tax years beginning on or after January 1, 2005, the net operating loss carryback deduction will not be allowed. Any net operating losses must be carried forward.

**Internal Revenue Service Audit Adjustments**—A corporation that has received final adjustments resulting from an Internal Revenue Service audit must submit copies of the “final determinations of the federal audit” within 180 days of the conclusion of the federal audit. Check the Amended Return RAR box on page 1, item C, when reporting federal audit adjustments and computing additional tax due or refunds and attach the complete Revenue Agent Report (RAR). Failure to submit the required amended form will result in delays in processing refunds requested. Any refund claim resulting from a federal audit adjustment must be filed within four years of the date the tax was paid or within six months of the conclusion of the federal audit, whichever is later. **KRS 141.210(2) (d) and KRS 141.235(2)(b)**

**Mail return with federal audit adjustments (RAR) to:**

Corporate Governmental Program Section  
P. O. Box 1074, Station 68  
Frankfort, Kentucky 40602-1074

**Interest**—Interest at the tax interest rate plus two percent is applied to corporation income tax and LLET liabilities not paid by the date prescribed by law for filing the return (determined without regard to extensions thereof). See page 2 for the current year rate.

**Penalties**—Refer below.

**Failure to file the Kentucky Corporation Income Tax and LLET Return by the filing date including extensions**—2 percent of the tax due for each 30 days or fraction thereof that the return is late (maximum 20 percent). The minimum penalty is \$10 for each tax. **KRS 131.180(1)**

**Failure to pay income tax and/or LLET by the payment date**—2 percent of the tax due for each 30 days or fraction thereof that the payment is overdue (maximum 20 percent). The minimum penalty is \$10 for each tax. **KRS 131.180(2)**

**Failure to make estimated installments, pay an estimated installment in full, or pay estimated installments timely penalty**—The addition to tax is considered a penalty under KRS 141.044. The underpayment rate is the tax interest rate identified under KRS 131.183. **KRS 141.044**

**Failure or refusal to file a Kentucky Corporation Income Tax and LLET Return or furnish information requested in writing**—5 percent of the tax assessed for each 30 days or fraction thereof that the return is not filed or the information is not submitted (maximum 50 percent). The minimum penalty is \$100. **KRS 131.180(3)**

**Negligence**—10 percent of the tax assessed. **KRS 131.180(6)**

**Fraud**—50 percent of the tax assessed. **KRS 131.180(7)**

**Cost of Collection Fees**—25 percent on all taxes which become due and owing for any reporting period, regardless of when due. These collection fees are in addition to all other penalties provided by law. **KRS 131.440(1)(b)**

**Records Retention**—The Department of Revenue deems acceptable virtually any records retention system which results in an essentially unalterable method of records storage and retrieval, provided: (a) authorized Department of Revenue personnel are granted access, including any specialized equipment; (b) taxpayer maintains adequate back-up; and (c) taxpayer maintains documentation to verify the retention system is accurate and complete.

**720U Package—SPECIFIC INSTRUCTIONS**

**Note:** The 720U Package should only be used by a unitary combined group. Separate entity filers and elective consolidated (affiliated group) return filers should file a Kentucky Form 720 and supporting schedules.

**Item A—Number of Corporations in Waters–Edge Group**

A combined group shall include only corporations, the voting stock of which is more than fifty percent (50%) owned, directly or indirectly, by a common owner or owners. The combined report is required to be filed on a waters–edge basis. **KRS 141.202(8)**

**Item B—Number of Corporations with Kentucky Nexus**

Enter the number of corporations in the combined group that are doing business in Kentucky per KRS 141.010(7).

**Item C—Check the applicable box:**

- (a) *Amended Return*—This is an amended tax return. Provide an explanation of all changes on an attached statement.
- (b) *Amended Return–RAR*—This is an amended tax return as a result of a Revenue Agent Report (RAR) (Form 4549). Provide an explanation of changes and attach Form 4549, Department of Treasury—Internal Revenue Service Income Tax Examination Changes.

**Item D**—Enter the designated filer corporation's Federal Identification Number. See federal Publication 583 if the corporation has not obtained this number. The combined group annually designates one taxpayer member of the group to file the group return per KRS 141.202(9).

**Item E**—Enter the designated filer's six-digit Kentucky Corporation/LLET Account Number on the applicable line at the top of each form and schedule and on all checks and correspondence. This number was included in correspondence received from the Department of Revenue at the time of registration.

**Using an incorrect account number, such as an account number for withholding or sales and use tax, may result in the payment and/or return being credited to another taxpayer's account.**

**If the Kentucky Corporation/LLET Account Number is not known, complete Form 20A100, Declaration of Representative, and contact Registration at 502–564–3306 for instructions on how to obtain an account number.**

**Name and Address**—Print or type the designated filer corporation's name as set forth in the charter. For the address, include the suite, room, or other unit number after the street address. If the U.S. Postal Service does not deliver mail to the street address and the corporation has a P.O. Box, show the box number instead of the street address. If not in the United States, enter the foreign country.

**Change of Name**—Check the applicable box if the designated filer corporation's name has changed since the filing of the prior year Kentucky tax return. Attach a statement to the tax return providing the corporation's name reflected on the prior year Kentucky tax return.

**Telephone Number**—Enter the business telephone number of the principal officer or chief accounting officer signing this return.

**Period Covered**—File the 2019 return for calendar year 2019 and fiscal years that begin in 2019. For a fiscal year, fill in the taxable period beginning and ending at the top of Form 720U.

**Note:** For 52/53 week filers, fill in the taxable period beginning and ending dates as specified below:

- Begin on the first day of the calendar month beginning nearest to the first day of the 52/53-week tax year.
- End on the last day of the calendar month ending nearest to the last day of the 52/53-week tax year.

**All corporations must enter the Taxable Year Ending at the top right of Form 720U** and supporting forms and schedules to indicate the ending month and year for which the return is filed.

- A calendar year is a period from January 1 through December 31 each year. This would be entered as:

$$\frac{12}{MM}, \frac{19}{YY}$$

- A fiscal year is 12 consecutive months ending on the last day of any month except December. A fiscal year ending January 31, 2020, would be entered as:

$$\frac{01}{MM}, \frac{20}{YY}$$

- A 52/53-week year is a fiscal year that varies between 52 and 53 weeks. Example: A 52/53-week year ending the first week of the month would be entered as the month and year of the prior month. If it ends the first week of January 2020, the taxable year ending would be entered as:

$$\frac{12}{\text{MM}} / \frac{19}{\text{YY}}$$

Failure to properly reflect the **Taxable Year Ending** may result in delinquency notices or billings for failure to file.

**State and Date of Incorporation**—Enter the state and date of incorporation of the designated filer.

**Principal Business Activity in Kentucky**—Enter the designated filer’s principal business activity in Kentucky.

**North American Industrial Classification System (NAICS)**—Enter the primary six-digit NAICS code in Kentucky of the designated filer. To view a complete listing of NAICS codes, visit the Census Bureau at [www.census.gov/eos/www/naics](http://www.census.gov/eos/www/naics).

**Item F**—Check the applicable boxes:

- Initial Return**—This is the designated filer corporation’s first Kentucky tax return filed. Complete questions 1 and 2 on Schedule U1—Kentucky Corporation/LLET Questionnaire.
- Change of Accounting Period**—The designated filer or any member corporation has changed its accounting period since it filed its prior year Kentucky tax return. Attach a statement to the tax return showing the corporation’s taxable year end before the change and its new taxable year end. If the corporation received written approval from the Internal Revenue Service to change its taxable year, attach a copy of the letter.
- Short-period Return**—This return is for a period of less than one year and not an initial return or a final return. Check the appropriate box in Item G—Explanation of Final Return and/ or Short-Period Return.
- Final Return**—This is the designated filer corporation’s final Kentucky tax return. Check the appropriate box in Item G—Explanation of Final Return and/or Short-Period Return.

**Item G**—Check the applicable boxes:

- Ceased operations in Kentucky**—Check this box if the designated filer corporation ceased business activity in Kentucky during the tax year.
- Change of ownership**—Check this box if any combined group member had a change of ownership during the tax year and complete Schedule U2.
- Successor to previous business**—Check this box if any combined group member was a successor to a previous business during the tax year and complete Schedule U2.
- Change in filing status**—Check this box if the designated filer corporation had a change in filing status for the tax year.
- Merger**—Check this box if any combined group member was involved in a merger during the tax year and complete Schedule U2.
- Other**—Check this box and write in an explanation for any other reason for filing a final and/or short-period return for the tax year.

## PART I—COMBINED GROUP LLET SUMMARY

**Note:** This part should be completed last after all other schedules have been completed.

**Line 1—Total LLET liability.** Enter the combined totals column amount from Schedule U9, Section A, Line 6.

**Line 2—Total LLET due.** Enter the combined totals column amount from Schedule U9, Section A, Line 16. The amount on Line 2 should represent the net amount due for the combined group after taking into account any overpayments credited to individual group members.

**Line 3**— Enter the combined totals column amount from Schedule U9, Section A, Line 22. The amount on Line 3 should represent the net amount to be refunded for the combined group after taking into account any amounts due from individual group members.

## PART II—COMBINED GROUP INCOMETAX SUMMARY

**Note:** This part should be completed last after all other schedules have been completed.

**Line 1—Total income tax liability.** Enter the combined totals column amount from Schedule U9, Section B, Line 8.

**Line 2—Total income tax due.** Enter the combined totals column amount from Schedule U9, Section B, Line 15. The amount on Line 2 should represent the net amount due for the combined group after taking into account any overpayments credited to individual group members.

**Line 3—**Enter the combined totals column amount from Schedule U9, Section B, Line 21. The amount on Line 3 should represent the net amount to be refunded for the combined group after taking into account any amounts due from individual group members.

### Tax Payment Summary

The payment submitted with Form 720U must be itemized. Enter the amount of LLET payment from Part I, Line 2 and/or corporation income tax payment from Part II, Line 2 on the applicable tax payment lines in addition to the respective amount of interest and penalties. Subtotal each and enter the total payment on the Total Payment line.

## INSTRUCTIONS FOR SCHEDULE U1

### KENTUCKY CORPORATION/LLET QUESTIONNAIRE

Answer all applicable questions on Schedule U1 for each corporation included in the combined return (attach additional schedules if necessary). The Kentucky Secretary of State Organization number can be found online at [www.sos.ky.gov](http://www.sos.ky.gov). This is not the same number as the Corporation/LLET Account Number reported in Item E on page 1.

**IMPORTANT:** If this is the corporation's initial return or if the corporation did not file a return under the same name and same federal identification number for the preceding year, questions 1 and 2 must be answered. **Failure to do so may result in a request for a delinquent return. Questions 3-14 must be completed by all corporations.**

**Signature—**Form 720U must be signed by an authorized corporate officer of the designated filer corporation. Failure by corporate officers to sign the return, to complete all applicable schedules, including copies of federal forms, or to complete all information on the questionnaire (Schedule U1) will delay the processing of tax returns.

## INSTRUCTIONS FOR SCHEDULE U2

### KENTUCKY UNITARY GROUP AFFILIATIONS SCHEDULE

**General information—**Enter the name, Federal Identification Number, and the Kentucky Corporation/LLET account number of the designated filer of the combined return. If different from above, enter the name and FEIN of the designated filer and enter the name and FEIN of the controlling corporation. Check the box if the controlling corporation is a member of the unitary group.

### Section A—List All Members

**Column A—**Enter the name of each member included in the Kentucky unitary combined group return.

**Column B—**Enter the FEIN of each member.

**Column C—**Enter the tax year ending (Mo/Yr) of each member.

**Column D—**Check the box if the listed member is exempt from income tax per P.L. 86-272.

**Note:** If the listed member is exempt from income tax, do not include the member's receipts in the apportionment factor calculation. Enter the excluded income as a negative number on Schedule U4, Line 13.

**Column E—**Enter the LLET exemption code for the listed member of the combined group.

If the corporation is exempt from LLET, enter one of the following two-digit codes in the space provided. **Failure to include a valid code will delay the processing of the tax return and may result in a tax notice for assessment of taxes and penalties.**

REASON CODE	REASON
10	A public service corporation subject to tax under KRS 136.120.
11	An open-end registered investment company organized under the laws of this state and registered under the Investment Company Act of 1940.
12	A property or facility which has been certified as a fluidized bed energy production facility as defined in KRS 211.390.
13	An alcohol production facility as defined in KRS 247.910.
14	A real estate investment trust as defined in Section 856 of the Internal Revenue Code.
15	A captive real estate investment trust as defined in KRS 141.010(2).
16	A regulated investment company as defined in Section 851 of the Internal Revenue Code.
17	A real estate mortgage investment conduit as defined in Section 860D of the Internal Revenue Code.
18	A personal service corporation as defined in Section 269A(b)(1) of the Internal Revenue Code.
19	A cooperative described in Sections 521 and 1381 of the Internal Revenue Code, including farmers' agricultural and other cooperatives organized or recognized under KRS Chapter 272, advertising cooperatives, purchasing cooperatives, homeowners associations including those described in Section 528 of the Internal Revenue Code, political organizations as defined in Section 527 of the Internal Revenue Code, and rural electric and rural telephone cooperatives.

**Column F**—Check the box if the listed member of the combined group is a new member.

**Column G**—Enter the percent of voting power of the listed member of the combined group that is owned by another member (or members) of the group. **103 KAR 16:400-2**

**Column H**—Enter the number(s) of the corporation(s) included as a member of the combined group or the letter designating the excluded member(s) from Section D that owns each corporation.

For example, if member number 2 is owned by parent number 1, enter 1; if member number 2 is owned by corporation numbers 1, 7, and 10, enter 1, 7, 10; or if member number 2 is owned by member 1 of the combined group and excluded member letter A from Section D, enter 1, A.

### **Section B—List any mergers with members listed in Section A**

**Column A**—Enter the name and FEIN of the entity that was merged with the member listed in Section A.

**Column B**—Enter the name and FEIN of the group member listed in Section A that merged with the entity in Column A and the date of the merger.

### **Section C— List all members who left the group during the tax year.**

**Column A** – List the name and FEIN of all members that were sold during the tax year.

**Column B** – List the name and FEIN of the entity to which the member listed in Column A was sold and enter the date of the sale.

### **Section D—Provide Information about your excluded members**

**Note:** You must complete Section D if one or more members are excluded from the group.

**Line 1**—Enter the total number of members excluded.

**Column A**—Enter the name of the excluded member.

**Column B**—Enter the FEIN of the excluded member.

**Column C**—Check the applicable box to identify the reason for exclusion.

**KRS 141.202(8)(a):** The member is incorporated in the United States or formed under the laws of any state, the District of Columbia, or any territory or possession of the United States, but earns eighty

percent (80%) or more of its income from sources outside of the United States, the District of Columbia, or any territory or possession of the United States. **Note:** This does not negate a corporation's Kentucky filing obligation if it is doing business in Kentucky in accordance with KRS 141.010(7). Then, if required, a separate return, Form 720, should be filed.

**KRS 141.202(8)(b):** Members that earn more than 20% of their income from intangible property or service related activities that are deductible against the apportionable income of other members of the combined group must be included in the group to the extent of that income and the apportionment factor related to that income. For more information, see KRS 141.202(8)(b).

**KRS 141.202(8)(c):** The member is a non-United States corporation that does not do business in a tax haven, as defined in KRS 141.202(2)(d). If the member's business activity within a tax haven is entirely outside the scope of the laws, provisions, and practices that cause the jurisdiction to meet the definition established in KRS 141.202(2)(d), the activity of the member shall be treated as not having been conducted in a tax haven. **Note:** The entire income and apportionment factor of any member that is doing business in a tax haven is included in the total income of the combined group.

**KRS 141.040(1)(a):** The member is excluded because it is a: 1. Financial institution, as defined in KRS 136.500, except bankers banks organized under KRS 286.3-135; 2. Savings and loan association organized under the laws of this state and under the laws of the United States and making loans to members only; 3. Bank for cooperatives; 4. Production credit association; 5. Insurance company, including farmers' or other mutual hail, cyclone, windstorm, or fire insurance company, insurer, and reciprocal underwriter; 6. Corporation or other entity exempt under Section 501 of the Internal Revenue Code; 7. Religious, educational, charitable, or like corporation not organized or conducted for pecuniary profit; or 8. Corporation whose only owned or leased property located in this state is located at the premises of a printer with which it has contracted for printing, provided that: a. The property consists of the final printed product, or copy from which the printed product is produced; and b. The corporation has no individuals receiving compensation in this state as provided in KRS 141.120(8)(b).

**Voting Stock:** 50% or less of the voting stock is owned, directly or indirectly, by a common owner or owners.  
**KRS 141.202(2)(a)**

**Not Unitary:** The member is not part of the unitary business. "Unitary business" means a single economic enterprise that is made up either of separate parts of a single corporation or of a commonly controlled group of corporations that are sufficiently interdependent, integrated, and interrelated through their activities so as to provide a synergy and mutual benefit that produces a sharing or exchange of value among them and a significant flow of value to the separate parts.  
**KRS 141.202(2)(f)**

## INSTRUCTIONS FOR SCHEDULE U3

### PRO FORMA FEDERAL RETURN SCHEDULE FOR THE KENTUCKY UNITARY GROUP

**Purpose of Schedule**—This schedule must be completed to compute the combined modified federal taxable income of a unitary group filing a combined Kentucky tax return per KRS 141.202. Schedule U3 must be attached to the Form 720U, Kentucky Unitary Combined Corporation Income Tax and LLET Return, when filed with the Kentucky Department of Revenue.

**General information**—Enter the name, Federal Identification Number, and Kentucky Corporation/LLET account number of the designated filer of the combined return.

**NOTE: The Combined Totals column should reflect the total amounts for the entire combined group, not just the group members reported on a single page. If a return contains multiple pages of the schedule, the Combined Totals figures should match on each page.**

**Specific Instructions**—Enter the name and federal employer identification number (FEIN) of each member in each column. If there are more than three (3) members in the combined group, use more than one (1) Schedule U3.

**Lines 1–10**—Enter the items of federal income for the designated filer and each member using the instructions for Form 1120, U.S. Corporation Income Tax Return, Lines 1 through 10. Enter for each line the intercompany elimination in the Elimination Adjustments column and the combined total in the Combined Totals column. The Combined Totals and Elimination Adjustments columns should reflect the totals for the entire group, not just the members listed on a particular page.

**Line 11**—Enter the total of Lines 3 through 10 in each column.

**Lines 12–25**—Enter the federal deductions for the designated filer and each member using the instructions for Form 1120, U.S. Corporation Income Tax Return, Lines 12 through 24 and 26. Enter for each line the intercompany

elimination in the Elimination Adjustments column and the combined total in the Combined Totals column. The Combined Totals and Elimination Adjustments columns should reflect the totals for the entire group, not just the members listed on a particular page.

**Line 26**—Enter the total of Lines 12 through 25 for each column.

**Line 27**—Enter the amount of Line 11 less Line 26 for each column.

**Line 28**—Enter the adjustments to recognize deferred income from intercompany transactions for each column.  
**KRS 141.202(8)(e)**

**Line 29**—Enter the other adjustments based on federal law and attach a statement for each column.

**Line 30**—Add Lines 27 through 29, for the modified taxable income in each column.

## INSTRUCTIONS FOR SCHEDULE U4

### KENTUCKY UNITARY COMBINED INCOME MODIFICATION SCHEDULE

**Purpose of Schedule**—This schedule must be completed to compute the Kentucky combined net income of a combined group filing a unitary combined Kentucky tax return per KRS 141.202. Schedule U4 must be attached to Form 720U, Kentucky Unitary Combined Corporation Income Tax and LLET Return, when filed with the Kentucky Department of Revenue.

**General information**—Enter the name, Federal Identification Number, and the Kentucky Corporation/LLET account number of the designated filer of the combined return.

**NOTE: The Combined Totals column should reflect the total amounts for the entire combined group, not just the group members reported on a single page. If a return contains multiple pages of the schedule, the Combined Totals figures should match on each page.**

**Specific Instructions**—Enter the name and FEIN of the designated filer and each member in each column. If there are more than three (3) members in the affiliated group, use more than one (1) Schedule U4.

**Line 1**—Enter the amounts from Schedule U3, Line 30 of each column in the respective columns of Schedule U4.

**Additions to Federal Taxable Income**

**Lines 2–17**—Enter the additions to federal taxable income for the designated filer and each member. Enter for each line the intercompany elimination in the Eliminating Adjustments column and the combined total in the Combined Totals column. The Combined Totals and Elimination Adjustments columns should reflect the totals for the entire group, not just the members listed on a particular page.

**Line 2**—Enter interest income from obligations of states other than Kentucky and the political subdivisions of states other than Kentucky. **KRS 141.039(1)(c)**

**Line 3**—Enter state taxes measured in whole or in part by gross or net income. "State" means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any foreign country or political subdivision thereof. Attach a schedule itemizing the total taxes deducted on Schedule U3, Line 18. **KRS 141.039(2)(c)**

**Line 4**—See instructions on page 4 regarding depreciation and IRC §179 deduction differences, and if applicable, include the total of depreciation amounts from Schedule U3, Line 20 and elsewhere on the return. **If federal Form 4562 is required to be filed for federal income tax purposes, a copy must be attached.**

**Line 5**—Enter deductions attributable to income which is exempt from taxation. Any expense related directly or indirectly to the acquisition, management, or disposition of assets, the income from which is exempt, is not deductible. Attach a schedule. An entry is **REQUIRED** on this line if amounts appear on Schedule U4, Lines 20 or 21. **KRS 141.039(2)(c) and 103 KAR 16:060**

**Line 6**—Enter related party cost additions from Schedule RPC, Part II, Section B, Line 1.

**Line 7**—Enter the amount of dividend–paid deduction of a captive real estate investment trust. **KRS 141.039(2)(c)7.**

**Line 8**—Enter the federal loss from Schedule U3, Line 9.

**Line 9**—Enter federal allowable depletion from Schedule U3, Line 21. If the depletion is the same for both federal and Kentucky, do not make an entry on this line. To determine the allowable depletion deduction for Kentucky purposes, the percentage limitations per the Internal Revenue Code (IRC) must be applied using Kentucky taxable income and deductions.

**Line 10**—Enter the federal contribution deductions from Schedule U3, Line 19. If the contribution deduction is the same for both federal and Kentucky, do not make an entry

on this line. To determine the contribution deduction for Kentucky purposes, the percentage limitations per the IRC must be applied using Kentucky taxable net income.

**Line 11**—Enter the terminal railroad corporation adjustments equal to the excess of Kentucky income over federal income of a "terminal railroad corporation" by ignoring the provisions of IRC §281 for Kentucky purposes. **Attach a schedule. KRS 141.039(1)(g)**

**Line 12**—Enter the federal allowable passive activity loss. The limitations of IRC §469 as they apply to personal service corporations and closely held C corporations are applicable for Kentucky income tax purposes. **Attach federal Form 8810 and applicable worksheets.**

**Line 13**—Enter the federal taxable loss as a positive amount and the federal taxable income as a negative amount of all exempt corporations. **KRS 141.040(1)(a)1. to 8.**

**Line 14**—Enter the qualified lessee construction allowance adjustments equal to the excess of Kentucky income over federal income from "qualified lessee construction allowances for short-term leases" by ignoring the provisions of IRC §110 for Kentucky purposes. **Attach a schedule. KRS 141.039(1)(e)**

**Line 15**—Enter as a positive amount the difference of the Kentucky distributive share income amounts from Kentucky Schedule(s) K-1 in excess of federal distributive share amounts from federal Schedule(s) K-1. Enter as a negative amount the difference of the federal distributive share income amounts from federal Schedule(s) K-1 in excess of Kentucky distributive share amounts from Kentucky Schedule(s) K-1.

**Line 16**—Kentucky's Internal Revenue Code (IRC) reference date is December 31, 2018, exclusive of any amendments made subsequent to that date, other than amendments that extend provisions in effect on December 31, 2018, that would otherwise terminate, for purposes of computing corporation and individual income tax, except for depreciation differences. **KRS 141.0101**

Enter the addition to federal taxable income equal to the excess of Kentucky taxable income over federal taxable income resulting from amendments to the IRC (excluding amendments affecting depreciation and the IRC §179 deduction) subsequent to the applicable IRC date. **Attach a schedule to the tax return showing the detail of the addition, including the related IRC section(s).**

**Line 17**—Enter any other additions to federal income not reported on Lines 1 through 16 and **attach an explanation.**

**Line 18**—Enter Revenue Agent Report (RAR) (Form 4549) federal taxable income increase(s). Use this line only if amending Form 720U as a result of RAR adjustment(s) and attach a copy of the RAR to the return.

**Line 19**—Enter the total of Lines 1 through 18 in each column.

#### Subtractions from Federal Taxable Income

**Lines 20—32**—Enter the subtractions from federal taxable income for the designated filer and each member. Enter for each line the intercompany elimination in the Elimination Adjustments column and the combined total in the Combined Totals column. The Combined Totals and Elimination Adjustments column should reflect the totals for the entire group, not just the members listed on a particular page.

**Line 20**—Enter the amount of interest income from U.S. government bonds or from securities issued by a federal agency or other income exempt from state taxation by the Kentucky Constitution, the United States Constitution or the United States Code. Securities which are merely guaranteed by the U.S. government are not tax-exempt. Attach a schedule listing the type of obligation and the amount of tax-exempt interest. **KRS 141.039(1)(a)**

**Line 21**—Enter the amount of dividend income included on Schedule U3, Line 4. **KRS 141.039(1)(b)**

**Line 22**—Enter the amount of the work opportunity credit reflected on federal Form 5884. For Kentucky purposes, the corporation may deduct the total amount of salaries and wages paid or incurred for the taxable year. This adjustment does not apply for other federal tax credits.

**Line 23**—See instructions on page 4 regarding depreciation and §179 deduction differences, and if applicable, include the amount from Line 22 of the Kentucky Form 4562. **Kentucky Form 4562 must be attached.**

**Line 24**—Enter the federal capital gain from Schedule U3, Line 8.

**Line 25**—Enter the federal gain from Schedule U3, Line 9.

**Line 26**—Enter fifty percent (50%) of gross income derived from any disposal of coal covered by IRC §631(c) if the corporation does not claim any deduction for percentage depletion or for expenditures attributable to the making and administering of the contract under which such disposition occurs or to the preservation of the economic interests retained under such contract. **KRS 141.039(1)(d)**

**Line 27**—Enter the terminal railroad corporation adjustments equal to the excess of federal income over Kentucky income of a “terminal railroad corporation”

by ignoring the provisions of IRC §281 for Kentucky purposes. **Attach a schedule. KRS 141.039(1)(g)**

**Line 28**—Enter the Kentucky allowable passive activity loss. The limitations of IRC §469 as they apply to personal service corporations and closely held C corporations are applicable for Kentucky income tax purposes. **Attach Kentucky Form 8810 and applicable worksheets.**

**Line 29**—Enter the Kentucky allowable depletion. If the depletion is the same for both federal and Kentucky, do not make an entry on this line. **To determine the allowable depletion deduction for Kentucky purposes, the percentage limitations per the IRC must be applied using Kentucky taxable income and deductions.**

**Line 30**—Enter the qualified lessee construction allowance adjustments equal to the excess of federal income over Kentucky income from “qualified lessee construction allowances for short-term leases” by ignoring the provisions of IRC §110 for Kentucky purposes. **Attach a schedule. KRS 141.039(1)(e)**

**Line 31**—Kentucky’s IRC reference date is December 31, 2018, exclusive of any amendments made subsequent to that date, other than amendments that extend provisions in effect on December 31, 2018, that would otherwise terminate, for purposes of computing corporation and individual income tax, except for depreciation differences. **KRS 141.0101**

Enter the subtraction from federal taxable income equal to the excess of federal taxable income over Kentucky taxable income resulting from amendments to the IRC (excluding amendments affecting depreciation and the IRC §179 deduction) subsequent to the applicable IRC date. **Attach a schedule to the tax return showing the detail of the subtraction, including the related IRC section(s).**

**Line 32**—Enter any other subtractions from federal income not reported on Lines 20 through 31, and attach an explanation to the tax return.

**Line 33**—Enter Revenue Agent Report (RAR) (Form 4549) federal taxable income decrease(s). Use this line only if amending Form 720U as a result of RAR adjustment(s) and attach a copy of the RAR to the return.

**Line 34**—Enter the amount of Line 19 less Lines 20 through 33 for each column. Then enter the Combined Totals amount on Schedule U5, Section A, Line 1.

**INSTRUCTIONS FOR SCHEDULE U5****KENTUCKY UNITARY COMBINED APPORTIONMENT  
& ALLOCATION SCHEDULE**

**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). The apportionment fraction for a Provider, as defined in KRS 141.121, 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. Regulatory guidance on the sourcing of receipts in accordance with KRS 141.120 has been provided in 103 KAR 16:270. Visit [www.lrc.ky.gov/kar/titles.htm](http://www.lrc.ky.gov/kar/titles.htm) to view this regulation along with the latest on regulatory proposals.

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.

**General information**—Enter the name, Federal Identification Number, and the Kentucky Corporation/LLET account number of the designated filer of the combined return.

**NOTE: The Combined Totals column should reflect the total amounts for the entire combined group, not just the group members recorded on a single page. If a return contains multiple pages of the schedule, the Combined Totals figures should match on each page.**

**Specific Instructions**

Enter the name and FEIN for the designated filer and each member of the group included in the unitary combined return. If there are more than three (3) members of the group, use more than one (1) Schedule U5.

**Check the box and complete Schedule U6 if the corporation is a partner or member of a limited liability pass-through entity or general partnership doing business in Kentucky.** Per KRS 141.121(6), a corporation: (a) That owns an interest in a limited liability pass-through entity; or (b) That owns an interest in a general partnership shall include the proportionate share of receipts of the limited

liability pass-through entity or general partnership when apportioning income. The phrases "an interest in a limited liability pass-through entity" and "an interest in a general partnership" shall extend to each level of multiple-tiered pass-through entities.

**Section A**

**Line 1**—Enter the combined totals column amount from Schedule U4, Line 34. This is the total income or loss of the combined group.

**Line 2**—Enter any income, less any expense or loss, other than the apportionable income of the combined group.

**Line 3**—Subtract Line 2 from Line 1 to calculate the combined group's apportionable income or loss from the unitary business.

**Line 4**—If applicable, enter the 3-factor apportionment code for each member that is a provider in each column. If the entity is a provider as defined in KRS 141.121(1)(e), enter one of the following two-digit codes in the space provided. The apportionment fraction for a provider continues to be calculated using a 3-factor formula as provided in KRS 141.901 for tax years beginning on or after January 1, 2018. Failure to include a valid code will delay the processing of the tax return and may result in a tax notice for assessment of taxes and penalties.

**Providers should figure their apportionment factor using Schedule A and attach a copy to the Form 720U.**

REASON CODE	PROVIDER BUSINESS
31	Communications service as defined in KRS 136.602;
32	Cable service as defined in KRS 136.602;
33	Internet service as defined in 47 U.S.C. sec. 151; or
34	Other (attach statement)

**Lines 5(a), 5(c), 6(a) and 6(c)—Receipts**—Total receipts include all gross receipts, other than non-apportionable receipts. Receipts of tangible personal property sales are assigned to Kentucky if the property is delivered or shipped to a purchaser in Kentucky, regardless of the f.o.b. point or other conditions of sale. Receipts of tangible personal property sales to the U.S. government are assigned to Kentucky if the property is shipped from Kentucky.

KRS 141.120(11) provides that receipts other than receipts of tangible personal property sales 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 the service is delivered to a location in Kentucky.
- D.
  1. Intangible property that is rented, leased, or licensed if and to the extent the property is used in Kentucky, provided that intangible property utilized in marketing a good or service to a customer is used in Kentucky if that good or service is purchased by a consumer who is in Kentucky; and
  2. Intangible property that is sold, if and to the extent the property is used in Kentucky, provided that:
    - i. A contract right, government license, or similar intangible property that authorizes the holder to conduct a business activity in a specific geographic area is used in this state if the geographic area includes all or part of this state;
    - ii. Receipts from intangible property sales that are contingent on the productivity, use, or disposition of the intangible property shall be treated as receipts from the rental, lease, or licensing of the intangible property under KRS 141.120(11)(a)4.a.; and
    - iii. All other receipts from a sale of intangible property shall be excluded from the numerator and denominator of the receipts factor.

**Receipts Factor**—For members that are not providers, the taxpayer member's apportionment fraction, as determined under KRS 141.120, includes the taxpayer's sales associated with the combined group's unitary business in this state in the sales factor numerator, and the sales of all members of the combined group, including the taxpayer member, which sales are associated with the combined group's unitary business wherever located in the denominator. **KRS 141.202(6)(b)**

**Line 5(a)**—Enter Kentucky receipts of each member.

**Line 5(b)**—Enter the member's share of Kentucky receipts of pass-through entities from Schedule U6, Column K. Attach Schedule U6 to the Form 720U.

**Line 5(c)**—Add Lines 5(a) and 5(b) to calculate Kentucky receipts.

**Line 6(a)**—Enter the total receipts of each member.

**Line 6(b)**—Enter the member's share of total receipts of pass-through entities from Schedule U6, Column I. Attach Schedule U6 to the Form 720U.

**Line 6(c)**—Add Lines 6(a) and 6(b) to calculate total receipts.

**Line 7**—Divide line 5(c) of each column by line 6(c) of the Combined Totals Column (round to the fourth decimal place) to calculate each member's apportionment factor. Each 3-factor apportionment member should complete a separate Schedule A and enter the apportionment fraction from Schedule A, Part I, Line 12 here and attach a copy to the 720U.

## Section B

**Line 1**—Enter the amount from Section A, Line 3. This is the combined group's apportionable income or loss from the unitary business.

**Line 2**—Enter the Kentucky charitable contribution deduction of the combined group allowable as provided by IRC Sec. 170 applied to the entire apportionable income of the group. If the contribution deduction is the same for both federal and Kentucky, do not make an entry on this line. To determine the contribution deduction for Kentucky purposes, the percentage limitations per the IRC must be applied using the group's combined Kentucky taxable net income.

**Line 3**—Subtract Line 2 from Line 1 to calculate the combined group's apportionable income or loss after the charitable contribution deduction.

**Line 4**—Multiply Line 3 by the apportionment factor from Section A, Line 7, for each member, to calculate the member's Kentucky taxable share of the combined group's apportionable income.

## Section C—Nonapportionable Income and Allocation (if applicable)

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 is or was related to the operation of the taxpayer'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 means all income other than apportionable income less all direct or indirect expenses attributable to the production of this income. Rents and royalties from real or tangible personal property, capital gains, interest, or patent or copyright royalties, to the extent that they constitute nonapportionable income, shall be allocated as provided in KRS 141.120 (5) through (8).

#### Nonapportionable Income or Loss

**Line 1(a)**—Enter the total nonapportionable interest for each member.

**Line 1(b)**—Enter the total nonapportionable rents for each member.

**Line 1(c)**—Enter the total nonapportionable royalties for each member.

**Line 1(d)**—Enter the total net gain or loss on sale or exchange of capital assets for each member.

**Line 1(e)**—Add Lines 1(a) through 1(d) and enter the total.

**Line 1(f)**—Enter expenses related directly or indirectly to the acquisition, management, or disposition of assets that contribute to the production of non-apportionable income. Attach a schedule.

**Line 2**—Subtract Line 1(f) from Line 1(e) to calculate the net nonapportionable income or loss for each member and the combined group's total. The combined totals amount should match the amount reported on Section A, Line 2.

#### Kentucky Nonapportionable Income or Loss

**Line 3(a)**—Enter the Kentucky nonapportionable interest for each member.

**Line 3(b)**—Enter the Kentucky nonapportionable rents for each member.

**Line 3(c)**—Enter the Kentucky nonapportionable royalties for each member.

**Line 3(d)**—Enter the Kentucky net gain or loss on the sale or exchange of capital assets for each member.

**Line 3(e)**—Add Lines 3(a) through 3(d) and enter the total.

**Line 3(f)**—Enter Kentucky expenses related directly or indirectly to the acquisition, management, or disposition of assets that contribute to the production of Kentucky nonapportionable income. Attach a schedule.

**Line 4**—Subtract Line 3(f) from Line 3(e) to calculate the Kentucky net nonapportionable income or loss for each member.

**Line 5**—Enter the income of distinct business activity conducted wholly by the taxpayer member separately apportioned. Attach statement of explanation to the 720U.

#### Section D

**Line 1**—Add Section C, Lines 4 and 5 and Schedule U7, Section A, Line 9 to calculate each member's net nonapportionable and separately apportioned income.

**Line 2**—Enter the amount from Section B, Line 4. This is the member's Kentucky taxable share of combined group's apportionable income.

**Line 3**—Add Lines 1 and Line 2 to calculate each member's net income.

**Line 4**—Enter the charitable contribution deduction remaining to be allocated to each member. This is calculated by figuring each group member's pro rata share of the combined group's total remaining charitable contribution amount after the deduction on Section B, Line 2. The pro rata share of each member is treated as a nonapportionable expense allocable to the member that incurred the expense, subject to the IRC Sec. 170 income limitations applied to the nonapportionable income of that member. Any disallowed amounts can be carried forward.

KRS 141.202(8)(f) states in part, that a charitable expense incurred by a member of a combined group shall, to the extent allowable as a deduction provided by Section 170 of the Internal Revenue Code, be subtracted first from the apportionable income of the combined group, subject to the income limitations of that section applied to the entire apportionable income of the group, and any remaining amount shall then be treated as a nonapportionable expense allocable to the member that incurred the expense. Any charitable deduction disallowed, but allowed as a carryover deduction in a subsequent year, shall be treated as originally incurred in the subsequent year by the same member.

**Line 5**—Subtract Line 4 from Line 3 to calculate taxable net income for each member.

**Line 6**—Enter the net operating loss deduction for each member from Schedule U10, Section D, Line 1. See KRS 141.202(5)(c)1.—4.

**Line 7**—Subtract Line 6 from Line 5 to calculate taxable net income after NOLD for each member.

**Line 8**—Multiply Line 7 by 5% to calculate the income tax due for each member.

**Enter the sum of all columns in the Combined Totals column. The Combined Totals column should reflect the totals for the entire group, not just the members listed on a particular page.**

## INSTRUCTIONS FOR SCHEDULE U6

**Purpose of Schedule**—This schedule is used to calculate the distributive share of a pass-through entity's income that is to be included in the apportionable income of a member of a combined group, and to calculate the share of the receipts of a pass-through entity to be included in the apportionment calculation of a member of the combined group.

KRS 141.202(6)(b) states that the apportionment factor of a taxpayer member of a combined group includes the apportioned share of the sales of any pass-through entity of which the taxpayer member is a partner, member, or shareholder. KRS 141.202(8)(d) requires a corporation that is a member of a unitary group that receives distributive share income from a pass-through entity to include such income in the group's income to the extent that such income is derived from the unitary business.

**General information**—Enter the name, Federal Identification Number, and the Kentucky Corporation/LLET account number of the designated filer of the combined return.

**Column A**—Enter the name of the pass-through entity that derives income from its participation in the unitary business.

**Column B**—Enter the FEIN of the pass-through entity.

**Column C**—Enter the name of the corporate member of the combined group that is a partner, member, or shareholder of the pass-through entity.

**Column D**—Enter the FEIN of the corporate partner, member, or shareholder.

**Column E**—Enter the partner, member, or shareholder corporation's distributive share of the pass-through entity's unitary income included in the income of the combined group.

**Column F**—Enter the total amount of the pass-through entity's unitary income.

**Column G**—Divide the amount in Column E by the amount in Column F.

**Column H**—Enter the total receipts of the pass-through entity related to the unitary business.

**Column I**—Multiply the amount from Column G by the amount in Column H. This is the amount of the pass-through entity's unitary receipts that the corporate partner, member, or shareholder must include in the denominator of its receipts factor calculation on Schedule U5, Section A, Line 6(b).

**Column J**—Enter the pass-through entity's Kentucky apportionment factor from the Kentucky Schedule K-1.

**Column K**—Multiply the amount from Column I by the factor in Column J. This is the amount of the pass-through entity's unitary receipts that the corporate partner, member, or shareholder must include in the numerator of its receipts factor calculation on Schedule U5, Section A, Line 5(b).

## INSTRUCTIONS FOR SCHEDULE U7

### KENTUCKY UNITARY COMBINED NET GAINS AND LOSSES

**Purpose of Schedule**—This schedule is used to calculate the amounts of apportioned and allocated net gains and losses to be included in the taxable net income of the members of a combined group.

KRS 141.202(8)(g) requires gain or loss from the sale or exchange of capital assets, property described by Section 1231(a)(3) of the IRC, and property subject to an involuntary conversion to be removed from the total separate net income of each member of a combined group and apportioned and allocated separately. Apportionable and allocable amounts within each class of gain/loss should be netted using the rules of Sections 1231 and 1222 of the IRC.

**General information**—Enter the name, Federal Identification Number, and the Kentucky Corporation/LLET account number of the designated filer of the combined return.

**NOTE: The Combined Totals column should reflect the total amounts for the entire combined group, not just the group members recorded on a single page. If a return contains multiple pages of the schedule, the Combined Totals figures should match on each page.**

**Specific Instructions**—In each column heading, enter the name and FEIN of a taxpayer member of the combined group.

**Line 1**—Enter the combined total of Kentucky net short term capital gains or (losses) of all members of the combined group in the Combined Totals column.

**Line 2**—Enter the combined total of Kentucky net long term capital gains or (losses) of all members of the combined group in the Combined Totals column.

**Line 3**—Enter the combined total of Kentucky net IRC Section 1231 gains or (losses) of all members of the combined group in the Combined Totals column.

**Line 4**—Enter the combined total of Kentucky net gains or (losses) from involuntary conversions of all members of the combined group in the Combined Totals column.

**Line 5(a)**—Multiply the amount in Line 1 by each taxpayer member's separately calculated apportionment factor from Schedule U5, Section A, Line 7.

**Line 5(b)**—Enter the nonapportionable amount of short term capital gains or (losses) allocated to Kentucky.

**Line 5(c)**—If the taxpayer member belongs to another combined group, enter the member's apportioned net short term capital gains or (losses) from Schedule U7, Line 5(a) from the other group's combined return.

**Line 5(d)**—Add Lines 5(a) through 5(c) to calculate the taxpayer member's total net short term capital gain or (loss).

**Line 6(a)**—Multiply the amount in Line 2 by each taxpayer member's separately calculated apportionment factor from Schedule U5, Section A, Line 7.

**Line 6(b)**—Enter the nonapportionable amount of long term capital gains or (losses) allocated to Kentucky.

**Line 6(c)**—If the taxpayer member belongs to another combined group, enter the member's apportioned net long term capital gains or (losses) from Schedule U7, Line 6(a) from the other group's combined return.

**Line 6(d)**—Add Lines 6(a) through 6(c) to calculate the taxpayer member's total net long term capital gain or (loss).

**Line 7(a)**—Multiply the amount in Line 3 by each taxpayer member's separately calculated apportionment factor from Schedule U5, Section A, Line 7.

**Line 7(b)**—Enter the nonapportionable amount of IRC Section 1231 gains or (losses) allocated to Kentucky.

**Line 7(c)**—If the taxpayer member belongs to another combined group, enter the member's apportioned net IRC Section 1231 gains or (losses) from Schedule U7, Line 7(a) from the other group's combined return.

**Line 7(d)**—Add Lines 7(a) through 7(c) to calculate the taxpayer member's total net IRC Section 1231 gain or (loss).

**Line 8(a)**—Multiply the amount in Line 4 by each taxpayer member's separately calculated apportionment factor from Schedule U5, Section A, Line 7.

**Line 8(b)**—Enter the nonapportionable amount of gains or (losses) from involuntary conversions allocated to Kentucky.

**Line 8(c)**—If the taxpayer member belongs to another combined group, enter the member's apportioned net gains or (losses) from involuntary conversions from Schedule U7, Line 8(a) from the other group's combined return.

**Line 8(d)**—Add Lines 8(a) through 8(c) to calculate the taxpayer member's total net gain or (loss) from involuntary conversions.

**Line 9**—Add Lines 5(d), 6(d), 7(d), and 8(d) using the rules of IRC Sections 1222 and 1231. The resulting Kentucky-sourced income or loss (if the loss is not subject to the limitations of Section 1211 of the IRC) should be entered on this line and added to the amount reported for net nonapportionable and separately apportioned income on Schedule U5, Section D, Line 1. **Note: A member's Kentucky-sourced loss that is subject to the limitations of Section 1211 of the Internal Revenue Code is a short term capital loss and may be carried forward by the member that incurred the loss.**

## INSTRUCTIONS FOR SCHEDULE U8

**Purpose of Schedule**—This schedule is used to compute the limited liability entity tax (LLET) for members of a combined group. If a member of a combined group is a partner, member, or shareholder of a limited-liability pass-through entity or general partnership doing business in Kentucky, complete Schedule L-C, Limited Liability Entity Tax Continuation Sheet before completing this schedule. KRS 141.0401(2) requires every corporation and every limited liability pass-through entity doing business in Kentucky to pay a LLET on all Kentucky gross receipts or Kentucky gross profits, unless the entity is exempt from LLET per KRS 141.0401(6).

**Short-Period Computation of LLET**—For short-period returns, annualizing gross receipts or gross profits is not permitted. A minimum \$175 is due per taxable year. Taxable year is defined as the period for which a return is made. **KRS 141.010(29)**

**Note: Public Law 86-272 does not protect companies from LLET liability. If a member of the combined group is excluded from the income tax calculations on the combined return because it is protected by P.L. 86-272, it may still be subject to LLET if it is doing business in Kentucky as defined by KRS 141.010(7).**

**General information**—Enter the name, Federal Identification Number, and the Kentucky Corporation/LLET account number of the designated filer of the combined return.

In each column heading, enter the name and FEIN of a member of the combined group doing business in Kentucky.

### Section A -- Kentucky Receipts

**Line 1**—Enter the member's Kentucky gross receipts less returns and allowances.

**Line 2**—Enter the member's share of total additional Kentucky gross receipts from Schedule L-C, Section A, Column B, Line 2 from the limited liability pass-through entity(ies) or general partnership(s) doing business in Kentucky of which the member is a partner, member, or shareholder.

**Line 3**—Add Lines 1 and 2. This is Total Kentucky gross receipts.

**Line 4**—Enter the member's Kentucky Cost of Goods Sold from Schedule COGS, Column A, Line 8. For an entity engaged in activities other than manufacturing, producing, reselling, retailing, or wholesaling, no cost of goods sold deduction can be claimed. **KRS 141.0401(1)(d)**

**Note:** The Kentucky COGS listed on this line only correspond to the gross receipts reported on Line 1.

**Line 5**—Subtract Line 4 from Line 1. **Note:** The Kentucky Gross Profits listed on this line do not include the gross profits from the member's interest in pass-through entity(ies) reported on the Schedule L-C because those are separately stated on Line 6.

**Line 6**—Enter total additional Kentucky gross profits from Schedule L-C, Section A, Line 5 from the limited liability pass-through entity(ies) or general partnership(s) doing business in Kentucky of which the group member is a partner, member, or shareholder.

**Line 7**—Add Lines 5 and 6. This is Total Kentucky gross profits.

### Section B—Total Receipts

**Line 1**—Enter the member's total gross receipts less returns and allowances.

**Line 2**—Enter total additional gross receipts from Schedule L-C, Section B, Column B, Line 2 from the limited liability pass-through entity(ies) or general partnership(s) doing business in Kentucky of which the group member is a partner, member, or shareholder.

**Line 3**—Add Lines 1 and 2. If the sum of the total gross receipts is \$3,000,000 or less, STOP, and enter \$175 on Section E, Line 1.

**Line 4**—Enter the member's total Cost of Goods Sold from Schedule COGS, Column B, Line 8. For an entity engaged in activities other than manufacturing, producing, reselling, retailing, or wholesaling, no cost of goods sold deduction can be claimed. **KRS 141.0401(1)(d)**.

**Note:** The COGS listed on this line only correspond to the gross receipts reported on Line 1.

**Line 5**—Subtract Line 4 from Line 1. **Note:** The Gross Profits listed on this line do not include the gross profits from the member's interest in pass-through entity(ies) reported on the Schedule L-C because those are separately stated on Line 6.

**Line 6**—Enter the total additional gross profits from Schedule L-C, Section B, Line 5 from the limited liability pass-through entity(ies) or general partnership(s) doing business in Kentucky of which the group member is a partner, member, shareholder.

**Line 7**—Add Lines 5 and 6. If the sum of total gross profits is \$3,000,000 or less, STOP, and enter \$175 on Section E, Line 1.

### Section C—Computation of Gross Receipts LLET

**Line 1**—If the member's gross receipts from all sources (Section B, Line 3) are greater than \$3,000,000, but less than \$6,000,000, enter the following:

$$(\text{Section A, line 3} \times 0.00095) - \left[ \frac{\$2,850 \times (\$6,000,000 - \text{Section A, line 3})}{\$3,000,000} \right]$$

But in no case shall the result be less than zero.

**Line 2**—If the member's gross receipts from all sources (Section B, Line 3) are \$6,000,000 or greater, multiply the amount in Section A, Line 3 by 0.00095.

**Line 3**—Enter the amount from Line 1 or Line 2.

### Section D—Computation of Gross Profits LLET

**Line 1**—If the member's gross profits from all sources (Section B, Line 7) are greater than \$3,000,000, but less than \$6,000,000, enter the following:

$$(\text{Section A, line 7} \times 0.0075) - \left[ \frac{\$22,500 \times (\$6,000,000 - \text{Section A, line 7})}{\$3,000,000} \right]$$

But in no case shall the result be less than zero.

**Line 2**—If the member’s gross profits from all sources (Section B, Line 7) are \$6,000,000 or greater, multiply the amount in Section A, Line 7 by 0.0075.

**Line 3**—Enter the amount from Line 1 or Line 2.

### Section E—Computation of LLET Liability

**Line 1**—Enter the lesser of Section C, Line 3, or Section D, Line 3 for each group member here and on Schedule U9, Section A, Line 1. If less than \$175, enter the minimum \$175 here and on Schedule U9, Section A, Line 1.

## INSTRUCTIONS FOR SCHEDULE U9

**Purpose of Schedule**—This schedule is used to compute a combined group’s net income tax and LLET liability.

**General information**—Enter the name, Federal Identification Number, and the Kentucky Corporation/LLET account number of the designated filer of the combined return.

In each column heading, enter the name, FEIN, and Kentucky Corporation/LLET account number (if applicable) of a member of the combined group doing business in Kentucky.

**NOTE: The Combined Totals column should reflect the total amounts for the entire combined group, not just the members recorded on a single page. If a return contains multiple pages of the schedule, the Combined Totals figures should match on each page.**

### Section A—LLET

**Line 1**—For each member, enter the amount from Schedule U8, Section E, Line 1.

**Line 2**—Enter the sum of all tax credit recapture amounts from Schedule RC–R, Line 12, Form 8874(K)-B, Line 3 and/or Schedule DS, Part III, Section B, Line 10. **Attach Schedule RC–R, Form 8874(K)-B and/or Schedule DS.**

**Line 3**—Enter the total of Lines 1 and 2.

**Line 4**—Enter the nonrefundable LLET credit from Kentucky Schedule(s) K–1. **Copies of Kentucky Schedule(s) K–1 must be attached to the tax return in order to claim the credit.**

**Line 5**—Enter the total nonrefundable tax credits from Schedule TCS, Part III, Column E, Line 1. **Attach Schedule TCS.**

**Line 6**—Enter the greater of Line 3 less Lines 4 and 5, or \$175 for each member. Enter the total for the combined group in the Combined Totals column and on Form 720U, Part I, Line 1.

**Line 7**—Enter the amount of tax withheld on Form PTE–WH,

**Line 9. Form PTE–WH must be attached to the tax return.**

**Line 8**—Enter the total LLET estimated tax payments made by or on behalf of the member for the taxable year. Do not include amounts credited from the prior year.

**Line 9**—Enter the refundable certified rehabilitation tax credit. **Attach the Kentucky Heritage Council certification(s).**

**Line 10**—Enter the refundable film industry tax credit. **Attach the Kentucky Film Office certification(s).**

**NOTE:** For applications approved prior to April 27, 2018, this credit is refundable and should be entered here. For applications approved on or after April 27, 2018, this credit is nonrefundable and should be entered on Schedule TCS.

**Line 11**—Enter the amount of LLET paid with Form 720EXT, Extension of Time to File Kentucky Corporation/LLET Return, by or on behalf of each member.

**Line 12**—Enter the amount credited to the member’s 2019 LLET from Form 720, Part I, Line 21 of the 2018 return (or as determined by the designated filer).

**Line 13**—Enter the income tax overpayment from Section B, Line 17 credited to the 2019 LLET. If filing an amended return, enter the amount from the original return.

**Line 14**—Enter the LLET paid by or on behalf of the member on the original return. This line is used only when filing an amended return.

**Line 15**—Enter the LLET overpayment by or on behalf of the member on the original return. This line is used only when filing an amended return.

**Line 16**—If the total of Lines 6 and 15 is greater than the total of Lines 7 through 14, enter the LLET due for each member.

**Line 16 Combined Totals column, TOTAL LLET DUE**—This line should be completed after following the instructions for Line 22 to allow for the offset of LLET due with other members’ overpayments after credits to income tax, interest, penalty, and for credits to 2020 LLET.

**Line 17**—If the total of Lines 6 and 15 is less than the total of Lines 7 through 14, enter the LLET overpayment for each member.

**Line 18**—Enter the portion of Line 17 to be credited to the 2019 income tax liability of the member. If filing an amended return, do not enter an amount on this line.

**Line 19**—Enter the portion of Line 17 to be credited to 2019 LLET interest for each member. Enter the total for the combined group in the Combined Totals column.

**Line 20**—Enter the portion of Line 17 to be credited to 2019 LLET penalty for each member. Enter the total for the combined group in the Combined Totals column.

**Line 21**—Enter the portion of Line 17 to be credited to 2020 LLET for each member. If filing an amended return, do not enter an amount on this line.

**Line 22**—Enter the net amount overpaid (Line 17 less Lines 18 through 21) for each member. If the sum of all members' amounts on Line 16 (LLET Due) is greater than the sum of all members' amounts on Line 22, enter the net amount of LLET due on the **TOTAL LLET DUE** line in the Combined Totals column and on Form 720U, Part I, Line 2. If the sum of all members' amounts on Line 22 is greater than the sum of all members' amounts on Line 16 (LLET due), enter the amount to be refunded on the **REFUND AMOUNT** line in the Combined Totals column and on Form 720U, Part I, Line 3. If Line 16 and Line 22 are equal, enter zero on the TOTAL LLET DUE and the REFUND AMOUNT lines.

**Section B—Income Tax**

**Line 1**—Enter the amount from Schedule U5, Section D, Line 8.

**Line 2**—Enter the sum of all tax credit recapture amounts from Schedule RC-R, Line 13, Form 8874(K)-B, Line 3 and/or Schedule DS, Part III, Section B, Line 11. **Attach Schedule RC-R, Form 8874(K)-B or Schedule DS.**

**Line 3**—Enter the amount of the Tax Installment on LIFO Recapture. A corporation may be liable for the additional tax due to LIFO recapture under federal Regulations Section 1.1363-2, if the corporation used the LIFO inventory pricing method for its last tax year as a C corporation prior to becoming an S corporation. To determine the LIFO recapture, complete the worksheet below.

1. Kentucky taxable net income after NOLD from Schedule U5, Section D, Line 7.... \_\_\_\_\_
2. LIFO recapture amount..... \_\_\_\_\_
3. Add Lines 1 and 2..... \_\_\_\_\_
4. Income tax on the amount on Line 3 above..... \_\_\_\_\_
5. Income tax from Schedule U5, Section D, Line 8..... \_\_\_\_\_
6. Line 4 less Line 5..... \_\_\_\_\_
7. Tax installment on LIFO Recapture (Line 6 multiplied by 25%) (enter on Schedule U9, Section B, Line 3)..... \_\_\_\_\_

**Line 4**—Add the totals for Lines 1 through 3. Enter the total for the combined group in the Combined Totals column.

**Line 5**—Enter the amount from Line 8 of the Corporation LLET Credit Worksheet(s). KRS 141.0401(3)(a) provides that the LLET credit allowed a member or partner of a limited liability pass-through entity against tax imposed by KRS 141.040 is the member's or partner's proportionate share of the LLET for the current year after the subtraction of the minimum tax of \$175 and any credits identified in KRS 141.0205. The LLET credit allowed is applied to income tax assessed on income from the limited liability pass-through entity. Any remaining LLET credit from the limited liability pass-through entity is disallowed.

Enter on Line 2 of the worksheet, the Kentucky net distributive share income from the limited liability pass-through entity that is included in the corporation's Kentucky taxable income on Line 1. If the corporation is taxable only in Kentucky, enter the net distributive share income from the Kentucky Schedule K-1. If the corporation is taxable in Kentucky and taxable in another state, enter the net distributive share income from the Kentucky Schedule K-1 multiplied by the corporation's apportionment factor from Schedule U5, Section A, Line 7. If the net distributive share income includes amounts not related to the unitary business, include only the amount from Schedule U6, Column E on Line 2.

**Corporation LLET Credit Worksheet**

Complete a separate worksheet for each limited liability pass-through entity. **Attach each worksheet to the return and retain a copy for your records.**

Name \_\_\_\_\_

Address \_\_\_\_\_

FEIN \_\_\_\_\_ KY Acct # \_\_\_\_\_

Percentage of Ownership \_\_\_\_\_ %

1. Kentucky taxable net income after NOLD Schedule U5, Section D, Line 7..... \_\_\_\_\_
2. Kentucky net distributive share income from Kentucky Schedule K-1 (see instructions above)..... \_\_\_\_\_
3. Line 1 less Line 2..... \_\_\_\_\_
4. Income tax from Schedule U5, Section D, Line 8..... \_\_\_\_\_
5. Income tax on the amount on Line 3 above..... \_\_\_\_\_
6. Line 4 less Line 5. If Line 5 is greater than Line 4, enter -0-..... \_\_\_\_\_
7. Nonrefundable LLET credit from Kentucky Schedule K-1 (Form 765 or Form 765-GP)..... \_\_\_\_\_
8. Lesser of Line 6 or Line 7, enter here and on Schedule U9, Section B, Line 5... \_\_\_\_\_

**Line 6**—Enter the amount from Section A, Line 6, less \$175.

**Line 7**—Enter total credits from Kentucky Schedule TCS, Part III, Column F, Line 2. **Attach Schedule TCS.**

**Line 8**—Enter the amount of Line 4 less Lines 5 through 7, but not less than zero. Enter the total for the combined group in the CombinedTotals column and on Form 720U, Part II, Line 1.

**Line 9**—Enter the total of estimated income tax payments made by or on behalf of the member for the taxable year. Do not include the amount credited from the prior year.

**Line 10**—Enter the total of income tax paid by or on behalf of the member with Form 720EXT, Extension of Time to File Kentucky Corporation/LLET Return.

**Line 11**—Enter the amount credited to the 2019 income tax by or on behalf of the member from Form 720, Part II, Line 20 of the 2018 return.

**Line 12**—Enter the LLET overpayment from Section A, Line 18 credited to the 2019 income tax. If filing an amended return, enter the amount from the original return.

**Line 13**—Enter the corporation income tax paid by or on behalf of the member on the original return. This line is used only when filing an amended return.

**Line 14**—Enter the corporation income tax overpayment on the original return. This line is used only when filing an amended return.

**Line 15**—If the total of Lines 8 and 14 is greater than the total of Lines 9 through 13, enter the income tax due for each member.

**Line 15 Combined Totals Column, TOTAL INCOME TAX DUE**—This line should be completed after following the instructions for Line 21 to allow for the offset of income tax due with other members' overpayments after credits to LLET, interest, penalty, and for credits to 2020 corporation income tax.

**Line 16**—If the total of Lines 8 and 14 is less than the total of Lines 9 through 13, enter the income tax overpayment for each member.

**Line 17**—Enter the portion of Line 16 to be credited to the member's 2019 LLET on Section A, Line 13. If filing an amended return, do not enter an amount on this line.

**Line 18**—Enter the portion of Line 16 to be credited to 2019 corporation income tax interest for each member. Enter the total for the combined group in the Combined Totals column.

**Line 19**—Enter the portion of Line 16 to be credited to 2019 corporation income tax penalty for each member. Enter the total for the combined group in the Combined Totals column.

**Line 20**—Enter the portion of Line 16 to be credited to the member's 2020 corporation income tax. If filing an amended return, do not enter an amount on this line.

**Line 21**—Enter the net amount overpaid (Line 16 less Lines 17 through 20) for each member. If the sum of all members' amounts on Line 15 (income tax due) is greater than the sum of all members' amounts on Line 21, enter the net amount of income tax due on the **TOTAL INCOME TAX DUE** line in the CombinedTotals column and on Form 720U, Part II, Line 2. If the sum of all members' amounts on Line 21 is greater than the sum of all members' amounts on Line 15 (income tax due), enter the amount to be refunded on the **REFUND AMOUNT** line in the CombinedTotals column and on Form 720U, Part II, Line 3. If Line 15 and Line 21 are equal, enter zero on the **TOTAL INCOME TAX DUE** and **REFUND AMOUNT** lines.

## INSTRUCTIONS FOR SCHEDULE U10

**Purpose of Schedule**—This schedule is used to compute the amount of Kentucky net operating loss (NOL) deduction that can be utilized by taxpayer members of a combined group and the NOL amounts that can be carried forward to succeeding tax periods.

KRS 141.202(5)(c) allows taxpayer members of a combined group to utilize Kentucky NOL deductions against the amount of taxable income derived from the unitary business apportioned to this state, provided the group member was doing business in Kentucky in the year the loss was incurred. It also allows other taxpayer members of the combined group to deduct losses incurred by another taxpayer member of the group in certain situations. Under KRS 141.202(5)(c)2., the taxpayer member may share the net operating loss carryover with other taxpayer members of the combined group if the other taxpayer members were members of the combined group in the tax year that the loss was incurred. Furthermore, utilization of one taxpayer member's NOL by another taxpayer member is subject to a 50% limitation if the loss was incurred in a taxable year prior to the first year in which a combined return was required, per KRS 141.202(5)(c)3., or in a taxable year in which the taxpayer member that incurred the loss was not a member of the combined group, per KRS 141.202(5)(c)4.

Net operating losses generated on or after January 1, 2018, may only offset up to 80% of taxable income, but any unused amounts are available for carryforward indefinitely per IRC Sec. 172.

**NOTE: If any members of the combined group were included in a Kentucky consolidated nexus group in 2018 or earlier with an NOL carryforward amount, the amounts of any unused NOL carryforward must be calculated on a post-apportionment basis and assigned pro rata to the loss corporations in the nexus group in the year the loss was generated. See 103 KAR 16:250 for further instructions and examples.**

**General information**—Enter the name, Federal Identification Number, and the Kentucky Corporation/LLET account number of the designated filer of the combined return. In each column heading, enter the name and FEIN, and the Kentucky Corporation/LLET account number of each taxpayer member.

### **PART I – Net Operating Loss Deduction**

#### **Section A—NOL Generated on or before December 31, 2017 (Pre-2018)**

**Line 1**—Enter the amount from Schedule U5, Section D, Line 5.

**Line 2**—Enter the member's share of the post-apportioned NOL carryforward from tax years ending on or before December 31, 2017.

**Line 3**—Enter the lesser of Line 1 or Line 2.

**Line 4**—Subtract Line 2 from Line 1. If the result is negative, enter zero. This is the taxable net income remaining after subtracting the pre-2018 Kentucky NOL deduction.

**Line 5**—If Line 2 is greater than Line 1, subtract Line 1 from Line 2. This is the pre-2018 NOL carryforward.

#### **Section B—NOL Generated on or after January 1, 2018 (Post-2017)**

**Line 1**—Enter the amount from Part I, Section A, Line 4.

**Line 2**—Multiply the current year taxable net income from Part I, Section A, Line 1 by 80%.

**Line 3**—Enter the lesser of Line 1 or Line 2. This is the corporation's maximum allowable post-2017 NOL deduction.

**Line 4**—Enter the member's share of the post-apportioned NOL carryforward from tax years ending on or after January 1, 2018.

**Line 5**—Enter the lesser of Line 3 or Line 4. This is the amount of post-2017 NOL that may be utilized this tax year by the member.

**Line 6**—Subtract Line 5 from Line 1. If the result is negative, enter zero. This is the taxable net income remaining after subtracting the post-2017 Kentucky NOL deduction.

**Line 7**—If Line 4 is greater than Line 5, subtract Line 5 from Line 4. This is the post-2017 NOL carryforward before sharing.

### **Section C—Sharing of NOLs Between Combined Group Members**

**Line 1**—Enter the amount from Part I, Section B, Line 6.

**Line 2**—Multiply the current year taxable net income reported on Part I, Section A, Line 1 by 50%. This is the maximum amount of shared NOL that the member may deduct this year.

**Line 3**—Enter the amount of shared NOL utilized by the corporation. The amount may not exceed the lesser of line 1 or 2. *A supporting statement must be attached to reflect which member's (s') NOL was shared and utilized.*

**NOTE: Per KRS 141.202(5)(c)(2), any amount of NOL carryforward that is deducted by another taxpayer member of the combined group shall reduce the amount of NOL that may be carried forward by the group member that originally incurred the loss.**

**Line 4**—Subtract Line 3 from Line 1. This is the taxable net income remaining after deducting shared NOL.

### **Section D—Total Net Operating Loss Deduction**

**Line 1**—Add Part I, Section A, Line 3, plus Part I, Section B, Line 5, plus Part I, Section C, Line 3, then enter here and on Schedule U5, Section D, Line 6. This is the member's amount of NOLD utilized.

### **PART II**

#### **Section A—Net Operating Loss Carryforward for NOL Generated on or before December 31, 2017 (Pre-2018)**

**Line 1**—Enter the amount from Part I, Section A, Line 5.

**Line 2**—NOL shared with other members. A supporting statement must be attached to show which member's (s') NOL was utilized by the group member.

**Line 3**—Subtract Line 2 from Line 1. This is the member's remaining Pre-2018 NOL carryforward after sharing.

#### **Section B—Net Operating Loss Carryforward for NOL Generated on or after January 1, 2018 (Post-2017)**

**Line 1**—Enter the amount from Part I, Section B, Line 7.

**Line 2**—NOL shared with other members. **A supporting statement must be attached to show which member's (s') NOL was utilized by the group member.**

**Line 3**—Subtract Line 2 from Line 1. This is the member's remaining Post-2018 NOL carryforward after sharing.

Schedule TCS is used by corporations to apply tax credits for entities subject to the corporation income tax imposed by KRS 141.040 and/or the limited liability entity tax (LLET) imposed by KRS 141.0401. The amount of tax credit against each tax can be different. *Taxpayer* as used in this section refers to the corporation.

**Economic Development Tax Credits**— This section is completed only if a corporation has been approved for one or more of the credits authorized by the:

- **Kentucky Rural Economic Development Act** (KREDA – KRS 154.22)
- **Metropolitan College Consortium** (MCC – KRS 141.381)
- **Kentucky Small Business Tax Credit Program** (KSBTC – KRS 141.384)
- **Kentucky Industrial Development Act** (KIDA – KRS 154.28)
- **Kentucky Jobs Retention Agreement** (KJRA – KRS 154.25)
- **Kentucky Industrial Revitalization Act** (KIRA – KRS 154.26);
- **Kentucky Jobs Development Act** (KJDA – KRS 154.32);
- **Kentucky Business Investment Program** (KBI – KRS 154.32)
- **Kentucky Reinvestment Act** (KRA – KRS 154.34)
- **Skills Training Investment Credit Act** (STICA – KRS 154.12)
- **Incentives for Energy Independence Act** (IEIA – KRS 154.27)

To qualify for the KREDA, KIDA, KJRA, KIRA, KJDA, KBI, KRA, or IEIA credits, a corporation must be approved by the Kentucky Economic Development Finance Authority (KEDFA) and must have executed and activated the appropriate agreement with KEDFA. Form(s) and instructions for the computation of the credit(s) will be mailed to the approved taxpayer after activation. To claim any of these credits, the applicable tax credit schedule or schedules must be attached to the tax return.

To claim the STICA or MCC credit, a copy of the tax credit certification(s) received from Bluegrass State Skills Corporation reflecting the amount of credit awarded must be attached to the tax return. The credit for either the STICA or MCC must be claimed on the tax return filed for the taxable year during which the final authorizing resolution is adopted by Bluegrass State Skills Corporation. The STICA credit not used during the year in which the final authorizing resolution is adopted by Bluegrass State Skills Corporation may be carried forward three successive years; the MCC credit not used during the year in which the final authorizing resolution is adopted by Bluegrass State Skills Corporation may be carried forward to tax years ending before April 15, 2027. If a STICA or MCC credit is being carried forward from a prior year, attach a schedule reflecting the original credit available, the amount of the credit used each year, and the balance of the credit.

To claim the KSBTC credit, a copy of the tax credit notification received from KEDFA reflecting the amount of credit awarded must be attached to the tax return. The credit for the KSBTC must be claimed on the tax return for the taxable year during which the credit was approved by KEDFA. The tax credit not used during the year of approval by KEDFA may be carried forward up to five years. If a KSBTC credit is being carried forward from a prior year, attach a schedule reflecting the original credit available, the amount of the credit used each year, and the balance of the credit.

Economic development tax credits are allowed against the taxes imposed by KRS 141.040 and KRS 141.0401.

Information regarding the approval process for these credits may be obtained from the Cabinet for Economic Development, Department for Financial Incentives (telephone: 502-564-4554) or Bluegrass State Skills Corporation (telephone: 502-564-2021).

**Farming Operation Networking Tax Credit**—A qualified farming operation which has a farm operation networking project approved by the Cabinet for Economic Development per KRS 141.410 to KRS 141.414 is allowed a credit against the taxes imposed by KRS 141.040 or KRS 141.020 and KRS 141.0401 attributable to the project per KRS 141.412. The annual tax credit is available for the first five (5) years that the farming operation is involved in the networking project. The annual tax credit is equal to the approved costs incurred by the qualified farming operation during the tax year and must not exceed the income, Kentucky gross profits, or Kentucky gross receipts of the qualified farming operation generated by or arising out of the qualified farming operation's participation in a networking project. Schedule FON must be attached to the tax return claiming the credit. **KRS 141.412**

**Certified Rehabilitation Tax Credit**—This credit is allowed only if the taxpayer has been approved for the credit by the Kentucky Heritage Council. Credit is allowed against the taxes imposed by KRS 141.020 or KRS 141.040 and KRS 141.0401 or KRS 136.505 for qualified rehabilitation expenses on certified historic structures. Certification copies must be attached to the return claiming the credit. **KRS 171.3961 and KRS 171.397**

**Unemployment Tax Credit**—If a taxpayer hired a Kentucky resident classified as unemployed for at least 60 days and the resident remains in the employ of the taxpayer for 180 consecutive days during the tax year (a qualified person), the taxpayer may be entitled to the unemployment tax credit against the taxes imposed by KRS 141.020 or KRS 141.040 and KRS 141.0401. For each qualified person, a one-time nonrefundable credit of \$100 may be claimed. The period of unemployment must be certified by the Education and Workforce Development Cabinet, Department of Workforce Investment, Office of Employment and Training, Frankfort, KY, and a copy of the certification must be maintained by the taxpayer. For certification questions, call 502-564-7456. Schedule UTC must be attached to the return claiming this credit. **KRS 141.065**

**Recycling/Composting Tax Credit**—A taxpayer, which purchases recycling and/or composting equipment to be used exclusively in Kentucky for recycling or composting post-consumer waste materials, may be entitled to a nonrefundable credit against the taxes imposed by KRS 141.020, KRS 141.040, and KRS 141.0401 in an amount equal to 50 percent of the installed cost of the equipment. Application for this credit must be made on Schedule RC and a copy of the schedule reflecting the amount of credit approved by the Department of Revenue must be attached to the tax return on which the credit is claimed. The amount of this credit claimed for the tax year may not exceed 25 percent of the tax liability and cannot exceed 10 percent of the credit approved in the first year of eligibility.

For taxable years beginning after December 31, 2004, a taxpayer which purchases recycling and/or composting equipment to be used exclusively in Kentucky for recycling or composting post-consumer waste material that qualifies as a Major Recycling Project is entitled to a nonrefundable credit against the taxes imposed by KRS 141.020, KRS 141.040, and KRS 141.0401. The credit is an amount equal to 50 percent of the installed cost of the recycling or composting equipment limited to: 50 percent of the excess of the total of each tax liability over the baseline tax liability of the taxpayer or \$2,500,000. To qualify, the taxpayer must: (1) invest more than \$10,000,000 in recycling or composting equipment to be used exclusively in this state;

(2) have more than 750 full-time employees with an average hourly wage of more than 300 percent of the federal minimum wage; and (3) have plant and equipment with a total cost of more than \$500,000,000. Application for this credit must be made on Schedule RC and a copy of the schedule reflecting the amount of credit approved by the Department of Revenue must be attached to the tax return on which the credit is claimed. The credit is limited to a period of 10 years commencing with the approval of the recycling credit application.

A taxpayer is entitled to claim the recycling credits in KRS 141.390(2)(a) and (b), but cannot claim both for the same recycling and/or composting equipment. **KRS 141.390**

**Coal Conversion Tax Credit**—A corporation which converts boilers from other fuels to Kentucky coal or which substitutes Kentucky coal for other fuels in a boiler capable of burning coal and other fuels to produce energy for specific purposes may be entitled to a credit against the taxes imposed by KRS 141.040 and KRS 141.0401 equal to 4.5 percent of expenditures for Kentucky coal (less transportation costs). Unused portions of this credit may not be carried forward or back. Schedule CC must be attached to the tax return claiming this credit. **KRS 141.041**

**Kentucky Investment Fund Tax Credit**—A taxpayer which makes a cash contribution to an investment fund approved by KEDFA per KRS 154.20–250 to KRS 154.20–284 is entitled to a nonrefundable credit equal to 40 percent of the investor's proportional ownership share of all qualified investments made by the investment fund and verified by the authority. The credit may be applied against the taxes imposed by KRS 141.020 or 141.040, 141.0401, 136.320, 136.300, 136.310, 136.505, and 304.3–270. **A copy of the notification from KEDFA reflecting the amount of credit granted and the year in which the credit may first be claimed must be attached to the tax return claiming this credit.**

The tax credit amount that may be claimed by an investor in any tax year must not exceed 50 percent of the initial aggregate credit amount approved by the authority for the investment fund which is proportionally available to the investor. **Example:** *An investor with a 10 percent investment in a fund which has been approved for a total credit to all investors of \$400,000 is limited to \$20,000 maximum credit in any given year (\$400,000 x 10% x 50%).*

If the amount of credit that may be claimed in any tax year exceeds the tax liabilities, the excess credit may be carried forward, but the carryforward of any excess tax credit will not increase the limitation that may be claimed in any tax year. Any credit not used in 15 years, including the year in which the credit may first be claimed, will be lost.

Information regarding the approval process for these credits may be obtained from the Cabinet for Economic Development, Department of Financial Incentives at 502-564-4554. **KRS 141.068**

**Qualified Research Facility Tax Credit**—A taxpayer is entitled to a credit against the taxes imposed by KRS 141.020 or KRS 141.040 and KRS 141.0401 of 5 percent of the qualified costs of construction, remodeling, expanding, and equipping facilities in Kentucky for "qualified research." Any unused credit may be carried forward 10 years. Schedule QR, Qualified Research Facility Tax Credit, must be attached to the tax return on which this credit is claimed. Federal Form 6765, Credit for Increasing Research Activities, must also be attached if applicable. See instructions for Schedule QR for more information regarding this credit. **KRS 141.395**

**GED Incentive Tax Credit**—A taxpayer is entitled to a credit against the taxes imposed by KRS 141.020 or KRS 141.040 and KRS 141.0401. The credit reflected on this line must equal the sum of the credits reflected on the attached GED-Incentive Program Final Reports. This credit may be claimed only in the year during which the learning contract was completed and unused portions of the credit may not be carried forward or back. For information regarding the program, contact the Education and Workforce Development Cabinet, Kentucky Adult Education, Council on Postsecondary Education at 502-573-5114. The GED-Incentive Program Final Report (DAEL-31) for each employee that completed a learning contract during the tax year must be attached to the tax return claiming the credit. **KRS 151B.402**

**Voluntary Environmental Remediation Tax Credit**—The taxpayer must have an agreed order and be approved by the Energy and Environment Cabinet per KRS 224.1-514. Maximum tax credit allowed to be claimed per taxable year is 25 percent of the approved credit. This credit may be claimed against the taxes imposed by KRS 141.020 or KRS 141.040 and KRS 141.0401. For more information regarding credit for voluntary environmental remediation property, contact the Energy and Environment Cabinet at 502-564-6716. Schedule VERB must be attached to the tax return claiming this credit. **KRS 141.418**

**Biodiesel Tax Credit**—Producers and blenders of biodiesel and producers of renewable diesel are entitled to a tax credit against the taxes imposed by KRS 141.020 or KRS 141.040 and KRS 141.0401. The taxpayer must file a claim for biodiesel credit with the Department of Revenue by January 15 each year for biodiesel produced or blended and the renewable diesel produced in the previous calendar year. The department will issue a credit certification (Schedule BIO) to the taxpayer by April 15. The credit certification must be attached to the tax return claiming this credit. **KRS 141.423 and 103 KAR 15:140**

**Clean Coal Incentive Tax Credit**—Effective for tax years ending on or after December 31, 2006, a nonrefundable, nontransferable credit against the taxes imposed by KRS 136.120 or KRS 141.020 or KRS 141.040 and KRS 141.0401 will be allowed for a clean coal facility. Per KRS 141.428, a clean coal facility means an electric generation facility beginning commercial operation on or after January 1, 2005, at a cost greater than \$150 million that is located in the Commonwealth of Kentucky and is certified by the Energy and Environment Cabinet as reducing emissions of pollutants released during generation of electricity through the use of clean coal equipment and technologies. The amount of the credit is \$2 per ton of eligible coal purchased that is used to generate electric power at a certified clean coal facility, except that no credit will be allowed if the eligible coal has been used to generate a credit under KRS 141.0405 for the taxpayer, parent, or subsidiary. **KRS 141.428**

**Ethanol Tax Credit**—Producers of ethanol are entitled to a tax credit against the taxes imposed by KRS 141.020 or KRS 141.040 and KRS 141.0401. The taxpayer must file a claim for ethanol credit with the Department of Revenue by January 15 each year for ethanol produced in the previous calendar year. The department will issue a credit certification (Schedule ETH) to the taxpayer by April 15. The credit certification must be attached to the tax return claiming this credit. **KRS 141.4242 and 103 KAR 15:110**

**Cellulosic Ethanol Tax Credit**—Producers of cellulosic ethanol are entitled to a tax credit against the taxes imposed by KRS 141.020 or KRS 141.040 and KRS 141.0401. The taxpayer must file a claim for ethanol credit with the Department

of Revenue by January 15 each year for cellulosic ethanol produced in the previous calendar year. The department will issue a credit certification (Schedule CELL) to the taxpayer by April 15. The credit certification must be attached to the tax return claiming this credit. **KRS 141.4244 and 103 KAR 15:120**

**Railroad Maintenance and Improvement Tax Credit**—For tax years beginning on or after January 1, 2010, an owner of any Class II railroad or Class III railroad located in Kentucky or any person who transports property using the rail facilities of a Class II railroad or Class III railroad located in Kentucky or furnishes railroad-related property or services to a Class II railroad or Class III railroad located in Kentucky, but only with respect to miles of railroad track assigned to the person by a Class II railroad or Class III railroad, is entitled to a nonrefundable credit against taxes imposed by KRS 141.020 or KRS 141.040 and KRS 141.0401 in an amount equal to fifty percent of the qualified expenditures paid or incurred to maintain or improve railroads located in Kentucky, including roadbeds, bridges, and related structures, that are owned or leased as of January 1, 2008, by a Class II or Class III railroad.

The credit allowed must not exceed the product of \$3,500 multiplied by the sum of: (1) The number of miles of railroad track in Kentucky owned or leased by the eligible taxpayer as of the close of the taxable year; and (2) The number of miles of railroad track in Kentucky assigned to the eligible taxpayer by a Class II railroad or Class III railroad which owns or leases the railroad track as of the close of the taxable year. Attach Schedule RR-I to the return claiming this credit. **KRS 141.385**

**Railroad Expansion Tax Credit**—For tax years beginning on or after January 1, 2010: (a) a corporation that owns fossil energy resources subject to tax under KRS 143.020 or KRS 143A.020 or biomass resources and transports these resources using rail facilities; or (b) a railway company subject to tax under KRS 136.120 that serves a corporation that owns fossil energy resources subject to tax under KRS 143.020 or KRS 143A.020 or biomass resources is entitled to a nonrefundable tax credit against taxes imposed under KRS 141.040 and KRS 141.0401 equal to twenty-five percent of the expenditures paid or incurred by the corporation or railway company to expand or upgrade railroad track, including roadbeds, bridges, and related track structures, to accommodate the transport of fossil energy resources or biomass resources.

The credit amount approved for a calendar year for all taxpayers under KRS 141.386 is limited to \$1 million. If the total amount of approved credit exceeds \$1 million, the department will determine the amount of credit each corporation and railroad company receives by multiplying \$1 million by a fraction, the numerator of which is the amount of approved credit for a corporation or railway company and the denominator of which is the total approved credit for all corporations and railway companies.

Each corporation or railway company eligible for the credit must file Schedule RR-E by the fifteenth day of the first month following the close of the preceding calendar year. The department will determine the amount of the approved credit and issue a credit certificate to the corporation or railway company by the fifteenth day of the third month following the close of the calendar year. **KRS 141.386**

**ENDOW Kentucky Tax Credit** – A taxpayer making an endowment gift to a permanent endowment fund of a qualified community foundation, county-specific component fund, or affiliate community foundation, which has been certified under KRS 147A.325, is entitled to a tax credit equal to twenty percent (20%) of the endowment gift, not to exceed \$10,000.

The nonrefundable tax credit is allowed against the taxes imposed by KRS 141.020 or KRS 141.040 and KRS 141.0401 and if not used in the year the tax credit is awarded, may be carried forward for a period not to exceed five years. The department will issue a credit certification (Schedule ENDOW) to a taxpayer upon receiving proof that the endowment gift was made to the approved community foundation per KRS 141.438(7). Schedule ENDOW must be attached to the taxpayer's tax return each year to claim the credit. A partner, member, or shareholder of a pass-through entity must attach a copy of Schedule K-1, Form 720S, 765, or 765-GP to the partner's, member's, or shareholder's tax return each year to claim the tax credit. **Note:** This credit may limit charitable contribution deductions allowed under Section 170 of the IRC. See the IRC and federal regulations for additional information on any limitations. **KRS 141.438 and 103 KAR 15:195**

**New Markets Development Program Tax Credit**—A taxpayer that makes a qualified equity investment per KRS 141.432(7) in a qualified community development entity defined by KRS 141.432(6) is entitled to a nonrefundable tax credit against the taxes imposed by KRS 141.020, 141.040, 141.0401, 136.320, 136.330, 136.340, 136.350, 137.370, 136.390, or 304.3-270. The total amount of tax credits that may be awarded by the department is limited to \$10 million. "Qualified low-income community investment" means any capital or equity investment in, or loan to, any qualified active low-income community business made after June 4, 2010. With respect to any one qualified active low-income community business, the maximum amount of qualified active low-income community investments that may be made in the business, on a collective basis with all of its affiliates, with the proceeds of qualified equity investments that have been certified under KRS 141.433 is \$10 million, whether made by one or several qualified community development entities.

The amount of the credit will be equal to 39% of the purchase price of the qualified equity investment made by the taxpayer. A taxpayer is allowed to claim zero percent (0%) for each of the first two credit allowance dates, seven percent (7%) for the third allowance date, and eight percent (8%) for the next four allowance dates. "Credit allowance date" means with respect to any qualified equity investment: (a) the date on which the investment is initially made; and (b) each of the six anniversary dates of that date thereafter. **KRS 141.432 to KRS 141.434**

**Food Donation Tax Credit**—For taxable years beginning on or after January 1, 2018, the tax credit was repealed. Any unused credit may be carried forward for up to four (4) succeeding years after the credit was claimed. See Schedule TCS, Part II, line 18 to claim this credit. **KRS 141.392**

**Distilled Spirits Tax Credit**—For taxable years beginning on or after January 1, 2015, a nonrefundable and nontransferable credit against the tax imposed by KRS 141.020 or KRS 141.040 and KRS 141.0401 is available to taxpayers who pay Kentucky property tax on distilled spirits.

The distilled spirits credit is equal to: 100 percent of the property tax assessed and timely paid for taxable years beginning on or after January 1, 2019.

The amount of the credit is contingent on the costs associated with the following capital improvements at the premises of the distiller: construction, replacement, or remodeling of warehouses or facilities; purchases of barrels and pallets used for the storage and aging of distilled spirits in maturing warehouses; acquisition, construction, or installation of equipment for the use in the manufacture, bottling, or shipment of distilled spirits; addition or replacement of access roads or parking facilities; and construction, replacement, or remodeling of facilities to market or promote tourism, including but not limited to a visitor's center. Attach Schedule DS to the return claiming the credit. **KRS 141.389**

**Film Industry Tax Credit**—For applications approved on or after April 27, 2018, a nonrefundable and nontransferable credit against the taxes imposed by KRS 141.020 or KRS 141.040 and KRS 141.0401 is available for taxpayers who have received notification from the film office that the approved company has satisfied all requirements of KRS 148.542 to KRS 148.546. Attach film office certification to the return claiming the credit.  
**KRS 141.383**

**Inventory Tax Credit**—For taxable years beginning on or after January 1, 2018, a nonrefundable and nontransferable tax credit is allowed against the taxes imposed by KRS 141.020 or KRS 141.040 and KRS 141.0401 for ad valorem (property) taxes timely paid on inventory. This credit is phased in as follows: 25% in 2018; 50% in 2019; 75% in 2020; 100% in 2021 and thereafter. Attach Schedule INV to the return claiming the credit.  
**KRS 141.408**

**TANGIBLE PERSONAL PROPERTY TAXES**—The listing period for tangible personal property is January 1 through May 15 of each year. Each taxpayer is responsible for reporting his tangible personalty subject to ad valorem taxation. The Tangible Personal Property Tax Return, Revenue Form 62A500, and instructions can be obtained from your local county property valuation administrator’s office or the Office of Property Valuation. You may also go to [www.revenue.ky.gov](http://www.revenue.ky.gov) to download these forms. A separate form must be filed for each location in Kentucky where you have tangible personal property. Do not attach a copy of Form 62A500 to Form 720U.

**Kentucky State Treasury—Unclaimed Property**

**Individuals**

The Kentucky State Treasury may be holding unclaimed property for you or your family. The Treasury holds hundreds of millions of dollars from bank accounts, payroll checks, life insurance, utility deposits, and other types of property that have been unclaimed by the owners. Please visit [www.treasury.ky.gov](http://www.treasury.ky.gov) or [www.missingmoney.com](http://www.missingmoney.com) for more information on how to locate and claim any funds that may belong to you.

**Businesses**

Kentucky businesses are required to comply with the Kentucky Revised Uniform Unclaimed Property Act, codified as KRS Chapter 393A. If you have uncashed vendor checks, payroll checks, unclaimed customer deposits or refunds, or other types of property belonging to third-parties, you may be required to turn the property over to the Kentucky State Treasury. Please review KRS Chapter 393A, or visit [www.treasury.ky.gov](http://www.treasury.ky.gov) for more information.

**Kentucky Department of Revenue  
Mission Statement**

*As part of the Finance and Administration Cabinet, the mission of the Kentucky Department of Revenue is to administer tax laws, collect revenue, and provide services in a fair, courteous, and efficient manner for the benefit of the Commonwealth and its citizens.*

\* \* \* \* \*

*The Kentucky Department of Revenue does not discriminate on the basis of race, color, national origin, sex, age, religion, disability, sexual orientation, gender identity, veteran status, genetic information, or ancestry in employment or the provision of services.*

**TAXPAYER ASSISTANCE**

*Forms:*

Operations and Support Services Branches  
P. O. Box 518  
Frankfort, KY 40602-0518  
502-564-3658

Website: [www.revenue.ky.gov](http://www.revenue.ky.gov)  
Email: [Financerevenueformsandenvelopes@ky.gov](mailto:Financerevenueformsandenvelopes@ky.gov)

*Information:*

Division of Corporation Tax  
Department of Revenue  
501 High Street, Station 52  
Frankfort, KY 40601-2103  
502-564-8139

*Mailing/Payment:*

*Mail the return to:*

*Kentucky Department of Revenue, P. O. Box 856910,  
Louisville, KY 40285-6910. Make the check(s) payable to the  
Kentucky State Treasurer.*

*Mail returns with no tax due or refund requests to: Kentucky  
Department of Revenue, P. O. Box 856905, Louisville, KY  
40285-6905.*

**KENTUCKY TAXPAYER SERVICE CENTERS**

Information and forms are available from Kentucky Taxpayer Service Centers in the following cities.

**Ashland**, 1539 Greenup Avenue, 41101-7695  
606-920-2037

**Bowling Green**, 201 West Professional Park Court, 42104-3278  
270-746-7470

**Corbin**, 15100 North US 25E, Suite 2, 40701-6188  
606-528-3322

**Frankfort**, 501 High Street, 40601-2103  
502-564-5930

**Hopkinsville**, 181 Hammond Drive, 42240-7926  
270-889-6521

**Louisville**, 600 West Cedar Street  
2nd Floor West, 40202-2310  
502-595-4512

**Northern Kentucky**, Turfway Ridge Office Park  
7310 Turfway Road, Suite 190  
Florence, 41042-4871  
859-371-9049

**Owensboro**, Corporate Center  
401 Frederica Street,  
Building C, Suite 201, 42301-6295  
270-687-7301

**Paducah**, Clark Business Complex, Suite G  
2928 Park Avenue, 42001-4024  
270-575-7148

**Pikeville**, Uniplex Center, Suite 203  
126 Trivette Drive, 41501-1275  
606-433-7675



JULY 2018

# YOUR RIGHTS AS A KENTUCKY TAXPAYER

As part of the Finance and Administration Cabinet, the mission of the Kentucky Department of Revenue (DOR) is to administer tax laws, collect revenue, and provide services in a fair, courteous, and efficient manner for the benefit of the Commonwealth and its citizens.

As a Kentucky taxpayer, you have the right to expect the DOR to honor its mission and uphold your rights every time you contact or are contacted by the DOR.

Some Kentucky taxpayer rights are very specific, such as when and how to protest a Notice of Tax Due or the denial of a refund. Others are more general.

The following is a summary of your rights and the DOR's responsibilities to you as a Kentucky taxpayer.

## RIGHTS OF TAXPAYER

### **Privacy**

You have the right to privacy with regard to information you provide pertaining to returns, reports, or the affairs of your business.

### **Assistance**

You have the right to advice and assistance from the DOR in complying with state tax laws.

### **Explanation**

You have the right to a clear and concise explanation of:

- ✓ basis of assessment of additional taxes, interest and penalties, or the denial or reduction of any refund or credit claim;
- ✓ procedure for protest and appeal of a Notice of Tax Due, a reduction or denial of a refund, or a denial of a request for additional time to file a supporting statement; and
- ✓ tax laws and changes in tax laws so that you can comply with the law.

### **Protest and Appeal**

You have the right to file a protest with the DOR if you disagree with a Notice of Tax Due, a reduction or denial of a refund, or a denial of a request for additional time to file a supporting statement. If you file a timely protest, you have a right to a conference to discuss the matter. If you are not satisfied with the Department's final ruling following your protest, you may appeal the final ruling to the Kentucky Claims Commission, Tax Appeals pursuant to KRS 131.110(5) and KRS 49.220 et. seq. (See reverse for procedure to file a protest.)

### **Representation**

You have the right to representation by your authorized agent (attorney, accountant, or other person) in any hearing or conference with the DOR. You have the right to be informed of this right prior to the conference or hearing. If you intend for your representative to attend the conference or hearing in your place, you will be required to give your representative a power of attorney before the DOR can discuss tax matters with your authorized agent. See Form 20A100.

### **Recordings**

You have the right to make an audio recording of any meeting, conference, or hearing with the DOR. The DOR has the right to make an audio recording, if you are notified in writing in advance or if you make a recording. You have the right to receive a copy of the recording.

### **Consideration**

You have the right to consideration of:

- ✓ waiver of penalties or collection fees if "reasonable cause" for reduction or waiver is given ("reasonable cause" is defined in KRS 131.010(9) as: "an event, happening, or circumstance entirely beyond the knowledge or control of a taxpayer who has exercised due care and prudence in the filing of a return or report or the payment of monies due the department pursuant to law or administrative regulation");
- ✓ installment payments of delinquent taxes, interest, and penalties;
- ✓ waiver of interest and penalties, but not taxes, resulting from incorrect written advice from the DOR if all facts were given and the law did not change or the courts did not issue a ruling to the contrary;
- ✓ extension of time for filing reports or returns; and
- ✓ payment of charges incurred resulting from an erroneous filing of a lien or levy by the DOR.

### **Guarantee**

You have the right to a guarantee that DOR employees are not paid, evaluated, or promoted based on taxes assessed or collected, or a tax assessment or collection quota or goal imposed or suggested.

### **Damages**

You have the right to file a claim for actual and direct monetary damages with the Kentucky Claims Commission if a DOR employee willfully, recklessly, and intentionally disregards your rights as a Kentucky taxpayer.

### **Interest**

You may have the right to receive interest on an overpayment of tax.

## DEPARTMENT OF REVENUE RESPONSIBILITIES

The DOR has the responsibility to:

- ✓ perform audits and conduct conferences and hearings with you at reasonable times and places;
- ✓ authorize, require, or conduct an investigation or surveillance of you only if it relates to a tax matter;
- ✓ make a written request for payment of delinquent taxes which are due and payable at least 30 days prior to seizure and sale of your assets;
- ✓ conduct educational and informational programs to help you understand and comply with the laws;
- ✓ publish clear and simple statements to explain tax procedures, remedies, your rights and obligations, and the rights and obligations of the DOR;
- ✓ notify you in writing when an erroneous lien or levy is released and, if requested, notify major credit reporting companies in counties where lien was filed;

- ✓ advise you of procedures, remedies, and your rights and obligations with an original notice of audit or when an original Notice of Tax Due is issued, a refund or credit is denied or reduced, or whenever a license or permit is denied, revoked, or canceled;
- ✓ notify you in writing prior to termination or modification of a payment agreement;
- ✓ furnish copies of the agent's audit workpapers and a written narrative explaining the reason(s) for the assessment;
- ✓ resolve tax controversies on a fair and equitable basis at the administrative level whenever possible;
- ✓ notify you in writing at your last known address at least 60 days prior to publishing your name on a list of delinquent taxpayers for which a tax or judgment lien has been filed; and
- ✓ notify you by certified mail 20 days prior to submitting your name to the relevant agency for the revocation or denial of professional license, driver's license, or motor vehicle registration.

**PROTEST AND APPEAL PROCEDURE**

**Protest**

If you receive a Notice of Tax Due, or if the DOR notifies you that a tax refund has been reduced or denied, or the DOR denies your request for additional time to file a supporting statement, you have the right to protest. To do so:

- ✓ submit a written protest within 60 days from the original notice date (or 45 days if the original notice date is prior to 07/01/2018); notice of refund reduction or denial, or denial of a request for additional time to file a supporting statement;
- ✓ identify the type of tax involved and give the account number, Social Security number, or other identification number and attach a copy of the DOR Notice of Tax Due or refund denial to support that your protest is timely;
- ✓ explain why you disagree;
- ✓ attach any proof or documentation available to support your protest or request additional time to support your protest;
- ✓ sign your statement, include your daytime telephone number and mailing address; and
- ✓ mail to the Kentucky Department of Revenue, Frankfort, Kentucky 40620.

**Conference**

You have the right to request a conference to discuss the issue.

**Final Ruling**

If you do not want to have a conference or if the conference did not resolve your protest, you have the right to request a final ruling of the DOR so that you can appeal your case further.

**Appeal**

If you do not agree with the DOR's final ruling, you can file a written appeal with the Kentucky Claims Commission. If you do not agree with the decision of the Kentucky Claims Commission, you have the right to appeal their ruling to the Kentucky courts (first to the circuit court in your home county or in Franklin County, then to the Kentucky Court of Appeals, and finally to the Kentucky Supreme Court).

**NOTE:** The above protest and appeal procedures do not apply for real property which is valued by the local property valuation administrator (PVA). Contact the local PVA for information about how to appeal the valuation of real property.

**TAXPAYER OMBUDSMAN**

The DOR has a Taxpayer Ombudsman whose job is to serve as an advocate for taxpayers' rights. One of the main functions of the Ombudsman is to ensure that your rights as a Kentucky taxpayer are protected.

Also, an important function of the Taxpayer Ombudsman is to confer with DOR employees when you have a problem or conflict that you have been unable to resolve. However, it is not the role of the Ombudsman to intercede in an audit,

handle a protest, waive taxes, penalty or interest, or answer technical tax questions. To file a protest, see PROTEST AND APPEAL PROCEDURE. Please do not mail your protest to the Ombudsman.

The Taxpayer Ombudsman is your advocate and is there to make sure your rights are protected. If you think you are not being treated fairly or if you have a problem or complaint, please contact the Ombudsman for assistance.

The Taxpayer Ombudsman may be contacted by telephone at 502-564-7822 (between 8:00 a.m. and 5:00 p.m. weekdays). The mailing address is: Department of Revenue, Taxpayer Ombudsman, P. O. Box 930, Frankfort, Kentucky 40602-0930.

**WHERE TO GET ASSISTANCE**

The DOR has offices in Frankfort and taxpayer service centers in nine cities and towns throughout Kentucky. DOR employees in the service centers answer tax questions and provide assistance. You may obtain assistance by contacting any of the following:

**Ashland Taxpayer Service Center**  
1539 Greenup Avenue, 41101-7695  
606-920-2037

**Bowling Green Taxpayer Service Center**  
201 West Professional Park Court, 42104-3278  
270-746-7470

**Corbin Taxpayer Service Center**  
15100 North US25E, Suite 2, 40701-6188  
606-528-3322

**Frankfort Taxpayer Service Center**  
501 High Street, 40601-2103  
502-564-4581 (*Taxpayer Assistance*)

**Hopkinsville Taxpayer Service Center**  
181 Hammond Drive, 42240-7926  
270-889-6521

**Louisville Taxpayer Service Center**  
600 West Cedar Street, 2nd Floor West, 40202-2310  
502-595-4512

**Northern Kentucky Taxpayer Service Center**  
Turfway Ridge Office Park  
7310 Turfway Road, Suite 190  
Florence 41042-4871  
859-371-9049

**Owensboro Taxpayer Service Center**  
401 Frederica Street, Building C, Suite 201, 42301-6295  
270-687-7301

**Paducah Taxpayer Service Center**  
Clark Business Complex, Suite G  
2928 Park Avenue, 42001-4024  
270-575-7148

**Pikeville Taxpayer Service Center**  
Uniplex Center, 126 Trivette Drive, Suite 203, 41501-1275  
606-433-7675

\* \* \* \* \*

The DOR has an online taxpayer service center where you can download forms, publications, and obtain general information about the department. The address is [www.revenue.ky.gov](http://www.revenue.ky.gov).

The information in this brochure merely summarizes your rights as a Kentucky taxpayer and the responsibilities of the Department of Revenue. The Kentucky Taxpayers' Bill of Rights may be found in the Kentucky Revised Statutes (KRS) at Chapter 131.041-131.083. Additional rights and responsibilities are provided for in KRS 131.020, 131.110, 131.170, 131.1817, 131.183, 131.190, 131.500, 131.654, 133.120, 133.130, 134.580, and 134.590.

*The Kentucky Department of Revenue does not discriminate on the basis of race, color, national origin, sex, age, religion, disability, sexual orientation, gender identity, veteran status, genetic information or ancestry in employment or the provision of services.*

Printing costs paid from state funds.

Commonwealth of Kentucky  
**DEPARTMENT OF REVENUE**

**10F100 (7-18)**



➤ See instructions. Taxable period beginning \_\_\_\_\_, 20 \_\_\_\_, and ending \_\_\_\_\_, 20 \_\_\_\_.

<b>A</b> Number of Corporations in Waters-Edge Group  _____	<b>D</b> Federal Identification Number _____	<b>E</b> Kentucky Corporation/LLET Account Number (Required) _____	
<b>B</b> Number of Corporations with Kentucky Nexus  _____	Name of Designated Filer Corporation _____ <input type="checkbox"/> Change of Name		<b>Taxable Year Ending</b> ____ / ____ M M / Y Y
	Number and Street _____		State and Date of Incorporation _____
<b>C</b> Check if applicable: <input type="checkbox"/> Amended return <input type="checkbox"/> Amended return—RAR  Attach explanation of changes statement.	City _____	State _____	
	Telephone Number _____		Principal Business Activity in KY _____
	Foreign Country (if not United States) _____		
<b>F</b> Check if applicable: <input type="checkbox"/> Initial return <input type="checkbox"/> Change of accounting period		<input type="checkbox"/> Short-period return (Complete Box G) <input type="checkbox"/> Final return (Complete Box G)	
Primary NAICS Code Number in KY (See <a href="http://www.census.gov">www.census.gov</a> ) _____			

**G EXPLANATION OF FINAL RETURN AND/OR SHORT-PERIOD RETURN**

Check if applicable:

<input type="checkbox"/> Ceased operations in Kentucky	<input type="checkbox"/> Change in filing status
<input type="checkbox"/> Change of ownership	<input type="checkbox"/> Merger
<input type="checkbox"/> Successor to previous business	<input type="checkbox"/> Other _____

**PART I—COMBINED GROUP LLET SUMMARY**

1 <b>Total LLET liability.</b> Enter the combined totals column amount from Schedule U9, Section A, line 6.	1		00
2 <b>Total LLET due.</b> Enter the combined totals column amount from Schedule U9, Section A, line 16.....	2		00
3 <b>Total LLET amount to be refunded.</b> Enter the combined totals column amount from Schedule U9, Section A, line 22 .....	3		00

**PART II—COMBINED GROUP INCOME TAX SUMMARY**

1 <b>Total income tax liability.</b> Enter the combined totals column amount from Schedule U9, Section B, line 8 .....	1		00
2 <b>Total income tax due.</b> Enter the combined totals column amount from Schedule U9, Section B, line 15.....	2		00
3 <b>Total income tax amount to be refunded.</b> Enter the combined totals column amount from Schedule U9, Section B, line 21 .....	3		00

<b>Enclose</b>	Include federal form 1120 with all supporting schedules and statements.	<b>Refund or No Payment</b>	Kentucky Department of Revenue P. O. Box 856905 Louisville, KY 40285-6905
<b>Payment</b>	Check Payable: <b>Kentucky State Treasurer</b> E-Pay Options: <a href="http://www.revenue.ky.gov">www.revenue.ky.gov</a>	<b>With Payment</b>	Kentucky Department of Revenue P. O. Box 856910 Louisville, KY 40285-6910

TAX PAYMENT SUMMARY				OFFICIAL USE ONLY	
<b>LLET</b>		<b>INCOME</b>			
1 LLET due (Part I, Line 2)	\$ _____	1 Income Tax Due (Part II, Line 2)	\$ _____	P W 2 0 4  V A L  #	
2 Interest	\$ _____	2 Interest	\$ _____		
3 Penalty	\$ _____	3 Penalty	\$ _____		
4 Subtotal	\$ _____	4 Subtotal	\$ _____		
<b>TOTAL PAYMENT</b> (Add Subtotals)..... ➤ \$ _____					



- See instructions.
- Attach to Form 720U.

Name of Designated Filer	Federal Identification Number  _____ - _____	Kentucky Corporation/LLET Account Number  _____
--------------------------	--	---

**IMPORTANT:** Questions 3-14 must be completed by all corporations. If this is the corporation's initial return or if the corporation did not file a return under the same name and same federal identification number for the preceding year, questions 1 and 2 must be answered. **Failure to do so may result in a request for a delinquent return.**

	Name		
	<b>FEIN</b>	-- - - - -	-- - - - -
1 Check the box if the corporation is a new business.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2 If the corporation is a successor to a previously existing business, enter the following:			
2(a) Previous business name .....			
2(b) Previous business address .....			
2(c) Previous business FEIN.....	-- - - - -	-- - - - -	-- - - - -
3 If a foreign corporation, enter the date qualified to do business in Kentucky .....	_ / _ / _	_ / _ / _	_ / _ / _
4 List the following Kentucky account numbers. Enter N/A for any number not applicable.			
4(a) Kentucky Secretary of State Organization.....			
4(b) Employer Withholding .....			
4(c) Sales and Use Tax Permit.....			
4(d) Consumer Use Tax .....			
4(e) Unemployment Insurance .....			
4(f) Coal Severance and/or Processing Tax .....			
5 The corporation's books are in care of: (Name and address).....			
6 List any disregarded entities and their FEINs that are owned by the member included in each column. Attach a supporting statement if more than 3 are owned by any member.			
6(a) Name 1 .....			
6(b) FEIN 1 .....	-- - - - -	-- - - - -	-- - - - -
6(c) Name 2 .....			
6(d) FEIN 2 .....	-- - - - -	-- - - - -	-- - - - -
6(e) Name 3 .....			
6(f) FEIN 3 .....	-- - - - -	-- - - - -	-- - - - -
7 If the corporation was a partner or member in a pass-through entity doing business in Kentucky, list the name and federal I.D. number of the pass-through entity(ies). Attach a supporting statement if more than three entities.			
7(a) Name 1 .....			
7(b) FEIN 1 .....	-- - - - -	-- - - - -	-- - - - -
7(c) Name 2 .....			
7(d) FEIN 2 .....	-- - - - -	-- - - - -	-- - - - -
7(e) Name 3 .....			
7(f) FEIN 3 .....	-- - - - -	-- - - - -	-- - - - -



Name			
FEIN	---	---	---
8 Was the corporation doing business in Kentucky other than through its interest held in a pass-through entity doing business in Kentucky? .....	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
9 Are related party costs as defined in KRS 141.205(1)(I) included for this member? If yes, attach Schedule RPC, Related Party Costs Disclosure Statement, and enter any related party cost additions on Form 720U, Schedule U4, line 6..	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
10 If the entity filing this Kentucky tax return or any entity included in the tax return is organized as a limited cooperative association per KRS Chapter 272A, enter each limited cooperative association's name, address, and federal I.D. number included in the return. ....	---	---	---
11(a) Is the entity filing this Kentucky tax return or any entity included in this tax return organized as a statutory trust or a series statutory trust per KRS Chapter 386A?.....	(a) <input type="checkbox"/> Yes <input type="checkbox"/> No	(a) <input type="checkbox"/> Yes <input type="checkbox"/> No	(a) <input type="checkbox"/> Yes <input type="checkbox"/> No
11(b) If yes, is the entity filing this Kentucky tax return or any entity included in this tax return a series within a statutory trust?.....	(b) <input type="checkbox"/> Yes <input type="checkbox"/> No	(b) <input type="checkbox"/> Yes <input type="checkbox"/> No	(b) <input type="checkbox"/> Yes <input type="checkbox"/> No
11(c) If yes, for each series within a statutory trust, enter the name, address, and federal I.D. number of the statutory trust registered with the Kentucky Secretary of State .....	---	---	---
12 Was this return prepared on: (a) cash basis, (b) accrual basis, or (c) other.....	(a) <input type="checkbox"/> (b) <input type="checkbox"/> (c) _____	(a) <input type="checkbox"/> (b) <input type="checkbox"/> (c) _____	(a) <input type="checkbox"/> (b) <input type="checkbox"/> (c) _____
13 Did the corporation file a Kentucky tangible personal property tax return for January 1, 2020? ..	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
14(a) Is the corporation currently under audit by the Internal Revenue Service? .....	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
14(b) If yes, enter years under audit.....			
14(c) If the Internal Revenue Service has made final and unappealable adjustments to the corporation's taxable income which have not been reported to the department <b>check the box</b> and file an amended return. See instructions. <b>Attach a copy of the final determination to each amended return</b> .....	Check here <input type="checkbox"/>	Check here <input type="checkbox"/>	Check here <input type="checkbox"/>

**OFFICER INFORMATION**

Attach a schedule listing the name, home address, and Social Security number of the vice president, secretary, and treasurer of designated filer corporation.

Has the attached officer information changed from the last return filed?  Yes  No

President's Name \_\_\_\_\_ President's Home Address \_\_\_\_\_

President's Social Security Number \_\_\_\_\_

Date Became President \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

<b>Sign Here</b>	Signature of Officer	Date
	Name of Officer	Title
<b>Paid Preparer Use</b>	Signature of Preparer	Date
	Name of Preparer or Firm	ID Number
	Email and/or Telephone No.	May the DOR discuss this return with this preparer? <input type="checkbox"/> Yes <input type="checkbox"/> No



➤ **Complete Sections A through D. See instructions.**    ➤ **Attach to Form 720U.**

Name of Designated Filer	Kentucky Corporation/LLET Account Number  _____	Federal Identification Number  _____-_____-_____
Name of the designated filer for last year, if different from above		FEIN, if different from above  _____-_____-_____
Name of the controlling corporation <input type="checkbox"/> If the controlling corporation is a member of the unitary group, check the box.		FEIN, if different from above  _____-_____-_____

**Section A – List All Members** (see specific instructions)

Corp. No.	A Name	B FEIN	C Year Ending (Mo/Yr)	D Protected by PL. 86-272	E LLET Exemption Code	F New Member	G Percent of Voting Power	H Owned by Corp. No (or Excluded Corp.)
1		_____-_____-_____		<input type="checkbox"/>	_____	<input type="checkbox"/>		
2		_____-_____-_____		<input type="checkbox"/>	_____	<input type="checkbox"/>		
3		_____-_____-_____		<input type="checkbox"/>	_____	<input type="checkbox"/>		
4		_____-_____-_____		<input type="checkbox"/>	_____	<input type="checkbox"/>		
5		_____-_____-_____		<input type="checkbox"/>	_____	<input type="checkbox"/>		
6		_____-_____-_____		<input type="checkbox"/>	_____	<input type="checkbox"/>		
7		_____-_____-_____		<input type="checkbox"/>	_____	<input type="checkbox"/>		
8		_____-_____-_____		<input type="checkbox"/>	_____	<input type="checkbox"/>		
9		_____-_____-_____		<input type="checkbox"/>	_____	<input type="checkbox"/>		
10		_____-_____-_____		<input type="checkbox"/>	_____	<input type="checkbox"/>		
11		_____-_____-_____		<input type="checkbox"/>	_____	<input type="checkbox"/>		
12		_____-_____-_____		<input type="checkbox"/>	_____	<input type="checkbox"/>		
13		_____-_____-_____		<input type="checkbox"/>	_____	<input type="checkbox"/>		
14		_____-_____-_____		<input type="checkbox"/>	_____	<input type="checkbox"/>		
15		_____-_____-_____		<input type="checkbox"/>	_____	<input type="checkbox"/>		

**Section B – List any Mergers with Members Listed in Section A** (see specific instructions)

	A Entity that was merged with member	B Member listed in Section A									
1	<table style="width:100%; border-collapse: collapse;"> <tr><td style="width:70%; border-bottom: 1px solid black;"></td><td style="width:30%; border-bottom: 1px solid black;">_____-_____-_____</td></tr> <tr><td style="text-align: center;">Name</td><td style="text-align: center;">FEIN</td></tr> </table>		_____-_____-_____	Name	FEIN	<table style="width:100%; border-collapse: collapse;"> <tr><td style="width:70%; border-bottom: 1px solid black;"></td><td style="width:30%; border-bottom: 1px solid black;">_____-_____-_____</td></tr> <tr><td style="text-align: center;">Name</td><td style="text-align: center;">FEIN</td></tr> </table>		_____-_____-_____	Name	FEIN	____/____/____ Date of Merger
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2	<table style="width:100%; border-collapse: collapse;"> <tr><td style="width:70%; border-bottom: 1px solid black;"></td><td style="width:30%; border-bottom: 1px solid black;">_____-_____-_____</td></tr> <tr><td style="text-align: center;">Name</td><td style="text-align: center;">FEIN</td></tr> </table>		_____-_____-_____	Name	FEIN	<table style="width:100%; border-collapse: collapse;"> <tr><td style="width:70%; border-bottom: 1px solid black;"></td><td style="width:30%; border-bottom: 1px solid black;">_____-_____-_____</td></tr> <tr><td style="text-align: center;">Name</td><td style="text-align: center;">FEIN</td></tr> </table>		_____-_____-_____	Name	FEIN	____/____/____ Date of Merger
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3	<table style="width:100%; border-collapse: collapse;"> <tr><td style="width:70%; border-bottom: 1px solid black;"></td><td style="width:30%; border-bottom: 1px solid black;">_____-_____-_____</td></tr> <tr><td style="text-align: center;">Name</td><td style="text-align: center;">FEIN</td></tr> </table>		_____-_____-_____	Name	FEIN	<table style="width:100%; border-collapse: collapse;"> <tr><td style="width:70%; border-bottom: 1px solid black;"></td><td style="width:30%; border-bottom: 1px solid black;">_____-_____-_____</td></tr> <tr><td style="text-align: center;">Name</td><td style="text-align: center;">FEIN</td></tr> </table>		_____-_____-_____	Name	FEIN	____/____/____ Date of Merger
	_____-_____-_____										
Name	FEIN										
	_____-_____-_____										
Name	FEIN										

Continued on next page



**Section C—List All Members Who Left the Group During the Tax Year** (see specific instructions)

	A Entity that was sold		B Entity to which member in Column A was sold		
1	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Name	FEIN	Name	FEIN	Date of Sale
2	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Name	FEIN	Name	FEIN	Date of Sale
3	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Name	FEIN	Name	FEIN	Date of Sale

**Section D—Provide Information About Your Excluded Members**  
(see specific instructions and complete Section D if one or more members are excluded.)

1 Enter the total number of members excluded

Excluded Corp.	A Name	B FEIN	C Reason for Exclusion					
			KRS 141.202			KRS 141.040(1)(a)	Voting Stock	Not Unitary
			8(a)	8(b)	8(c)			
A		<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B		<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C		<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D		<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E		<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F		<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
G		<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H		<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I		<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J		<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
K		<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
L		<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M		<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N		<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
O		<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



➤ See instructions. ➤ Attach to Form 720U.

Name of Designated Filer

Federal Identification Number

Kentucky Corporation/LLET Account Number

Name				Elimination Adjustments	Combined Totals
FEIN					
1(a) Gross receipts or sales.....					
1(b) Less returns and allowances .....					
1(c) Balance .....					
2 Cost of goods sold.....					
3 Gross profits (line 1(c) less line 2).....					
4 Dividends and inclusions .....					
5 Interest.....					
6 Gross rents.....					
7 Gross royalties.....					
8 Capital gain net income.....					
9 Net gain or (loss) from Form 4797 .....					
10 Other Income .....					
11 <b>Total Income (add lines 3 through 10)</b> .....					
12 Compensation of officers.....					
13 Salaries and wages.....					
14 Repairs and maintenance .....					
15 Bad debts .....					
16 Rents.....					
17 Taxes and licenses.....					
18 Interest.....					
19 Charitable contributions .....					
20 Depreciation from Form 4562 not claimed on Form 1125-A or elsewhere on return .....					
21 Depletion.....					
22 Advertising .....					
23 Pension, profit-sharing, etc., plans .....					
24 Employee benefit programs.....					
25 Other deductions .....					
26 <b>Total deductions (add lines 12 through 25)</b> .....					



	Name	FEIN	Elimination Adjustments		Combined Totals
27	Taxable income before NOL deduction and special deductions (subtract line 26 from line 11) .....				
28	Adjustments to recognize deferred income from intercompany transactions .....				
29	Other adjustments based on federal law (attach statement) .....				
30	Modified taxable income (add lines 27 through 29) .....				



➤ See instructions. ➤ Attach to Form 720U.

Name of Designated Filer	Federal Identification Number  _____ - _____	Kentucky Corporation/LLET Account Number  _____
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	Name FEIN			Elimination Adjustments	Combined Totals
1 Modified federal taxable income from Schedule U3, line 30 .....	- - - - -	- - - - -	- - - - -		
<b>Additions</b>					
2 Interest income (state and local obligations) .....					
3 State taxes based on net/gross income .....					
4 Depreciation adjustment .....					
5 Deductions attributable to nontaxable income .....					
6 Related party expenses .....					
7 Dividend paid deduction (REIT) .....					
8 Loss from Form 4797 found on Schedule U3, line 9.					
9 Federal allowable depletion from Schedule U3, line 21 .....					
10 Federal contribution deductions from Schedule U3, line 19 .....					
11 Terminal Railroad Corporation adjustments .....					
12 Federal allowable passive activity loss .....					
13 Federal taxable loss of all exempt corporations .....					
14 Adjustments for qualified construction allowance(s) for short-term lease(s) .....					
15 Enter additions to federal taxable income from Kentucky Schedule(s) K-1 .....					
16 Internal Revenue Code adjustments (see instructions) .....					
17 Other additions (attach explanation) .....					
18 Revenue Agent Report (RAR) .....					
19 <b>Total (add lines 1 through 18)</b> .....					

Continued on next page



Name FEIN				Elimination Adjustments	Combined Totals
<b>Subtractions</b>					
20 Interest income (U.S. obligations).....					
21 Dividend income .....					
22 Federal work opportunity credit .....					
23 Depreciation adjustment.....					
24 Capital gain from Schedule U3, line 8.....					
25 Gain from Form 4797 found on Schedule U3, line 9					
26 50% of the gross royalty income derived from any disposal of coal with a retained economic interest defined in IRC § 631(c) and all IRC § 272 expenses if the corporation elects not to use percentage depletion .....					
27 Terminal Railroad Corporation adjustments .....					
28 Kentucky allowable passive activity loss.....					
29 Kentucky allowable depletion.....					
30 Adjustments for qualified construction allowance(s) for short-term lease(s).....					
31 Internal Revenue Code adjustments (see instructions) .....					
32 Other subtractions (attach explanation) .....					
33 Revenue Agent Report (RAR).....					
34 <b>Net Income (line 19 less lines 20 through 33)</b> .....					



➤ Complete Sections A through D for each member of the combined group. See instructions.

➤ Attach to Form 720U.

Name of Designated Filer	Federal Identification Number ____ - _____	Kentucky Corporation/LLET Account Number _____
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Name FEIN			
	____ - _____	____ - _____	____ - _____
Check the box and complete Schedule U6 if the corporation is a partner or member of a limited liability pass-through entity or general partnership doing business in Kentucky.	Check Here <input type="checkbox"/>	Check Here <input type="checkbox"/>	Check Here <input type="checkbox"/>

SECTION A

			Combined Totals
1	Enter the combined totals column amount from Schedule U4, line 34. This is the total income of the combined group .....		
2	Enter any income, less any expense or loss, other than the apportionable income of the combined group .....		
3	Combined group's apportionable income or loss from unitary business (line 1 less line 2) .....		
4	<b>Apportionment Method Code</b> .....		
5(a)	Kentucky receipts of corporation ...		
5(b)	Kentucky receipts of pass-through entity(ies) (attach Schedule U6).....		
5(c)	<b>Kentucky receipts (add lines 5(a) and 5(b))</b> .....		
6(a)	Total receipts of corporation.....		
6(b)	Total receipts of pass-through entity(ies) (attach Schedule U6).....		
6(c)	<b>Total receipts (add lines 6(a) and 6(b))</b> .....		
7	<b>Apportionment Factor.</b> Divide line 5(c) of each column by line 6(c) of the Combined Totals Column (round to the fourth decimal place). Each 3-factor apportionment member should complete a separate Schedule A and attach it to the 720U.....		

Continued on next page



<b>Name</b>				<b>Combined Totals</b>
<b>FEIN</b>	---	---	---	

**SECTION B**

1 Combined group's apportionable income or loss (enter the amount from Section A, Line 3) .....				
2 Less: Charitable contribution deduction (see instructions) .....				
3 Combined group's apportionable income or loss after charitable contribution deduction (line 1 less line 2) .....				
4 Member's Kentucky taxable share of combined group's apportionable income (multiply line 3 by apportionment factor from Section A, line 7 (see instructions) .....				

**SECTION C**

**Nonapportionable Income and Allocation  
(if applicable)**

<b>1 Nonapportionable income or loss</b>				
1(a) Interest.....				
1(b) Rents.....				
1(c) Royalties.....				
1(d) Net gain or loss on the sale or exchange of capital assets .....				
1(e) Total (add lines 1(a) through 1(d)).....				
1(f) Less related expenses (attach schedule) .....				
2 Net nonapportionable income or loss (line 1(e) less line 1(f)) (Combined Amount should match amount on Section A, line 2).....				
<b>3 Kentucky nonapportionable income or loss</b> .....				
3(a) Interest.....				
3(b) Rents.....				
3(c) Royalties.....				
3(d) Net gain or loss on the sale or exchange of capital assets .....				
3(e) Total (add lines 3(a) through 3(d)).....				
3(f) Less related expenses (attach schedule) .....				
4 Kentucky net nonapportionable income or loss (line 3(e) less line 3(f))				
5 Income of distinct business activity conducted wholly by the taxpayer member separately apportioned (attach statement).....				



Name				Combined Totals
FEIN	---	---	---	

**SECTION D**

1	Member's net nonapportionable and separately apportioned income (add Section C, lines 4 and 5 and Schedule U7, Section A, line 9) .....				
2	Member's Kentucky taxable share of combined group's apportionable income (enter amount from Section B, line 4) .....				
3	Net Income (add lines 1 and 2).....				
4	Less: Charitable contribution deduction remaining to be allocated to member (see instructions) .....				
5	Taxable Net Income (line 3 less line 4) .....				
6	Net Operating Loss Deduction .....				
7	Taxable Net Income after NOLD (line 5 less line 6) .....				
8	Income Tax Due (line 7 multiplied by 5%) .....				





- See instructions.
- Attach to Form 720U.

Name of Designated Filer	Federal Identification Number  _____ - _____	Kentucky Corporation/LLET Account Number  _____
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	Name	FEIN		Combined Totals
	_____	_____	_____	
	_____	_____	_____	

**SECTION A—Apportionment of Gains and Losses**

1	Kentucky net short term capital gains or (losses) .....	
2	Kentucky net long term capital gains or (losses) .....	
3	Kentucky net IRC Section 1231 gains or (losses) .....	
4	Kentucky net involuntary conversion gains or (losses).....	

5(a) Apportioned net short term capital gains or (losses) (Line 1 multiplied by the member's apportionment factor from Schedule U5, Section A, line 7) .....			
5(b) Kentucky allocated nonapportionable net short term capital gains or (losses) .....			
5(c) Kentucky apportioned net short term capital gains or (losses) from other combined group(s) .....			
5(d) Total net short term capital gains or (losses). Add Lines 5(a) through 5(c) .....			

6(a) Apportioned net long term capital gains or (losses) (Line 2 multiplied by the member's apportionment factor from Schedule U5, Section A, line 7) .....			
6(b) Kentucky allocated nonapportionable net long term capital gains or (losses) .....			
6(c) Kentucky apportioned net long term capital gains or (losses) from other combined group(s) .....			
6(d) Total net long term capital gains or (losses). Add Lines 6(a) through 6(c) .....			

Continued on next page



Name				Combined Totals
FEIN	---	---	---	

**SECTION A—Apportionment of Gains and Losses—Continued**

7(a) Apportioned net IRC Section 1231 gains or (losses) (Line 3 multiplied by the member's apportionment factor from Schedule U5, Section A, line 7) .....				
7(b) Kentucky allocated nonapportionable net IRC Section 1231 gains or (losses).....				
7(c) Kentucky apportioned net IRC Section 1231 gains or (losses) from other combined group(s).....				
7(d) Total net IRC Section 1231 gains or (losses). Add Lines 7(a) through 7(c) .....				
8(a) Apportioned net involuntary conversion gains or (losses)(Line 4 multiplied by the member's apportionment factor from Schedule U5, Section A, line 7) .....				
8(b) Kentucky allocated nonapportionable net involuntary conversion gains or (losses).....				
8(c) Kentucky apportioned net involuntary conversion gains or (losses) from other combined group(s) .....				
8(d) Total net involuntary conversion gains or (losses). Add Lines 8(a) through 8(c).....				
9 Member's net Kentucky gain or (loss). Add lines 5(d), 6(d), 7(d), and 8(d) using the rules of IRC Sections 1231, 1222, and 1211. See instructions. Any resulting gain (or loss not subject to IRC Section 1211 limit) should be added to the sum on Schedule U5, Section D, line 1 .....				



- **Complete Sections A through E for each member of the combined group doing business in Kentucky. See instructions.**
- **Attach to Form 720U.**

Name of Designated Filer	Federal Identification Number  ____ - _____	Kentucky Corporation/LLET Account Number  _____
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	Name		
	FEIN	-	-
	_____	_____	_____

**Section A – Kentucky Receipts**

1 Gross receipts less returns and allowances.....			
2 Kentucky additional gross receipts from Schedule L–C, Section A, line 2 for each group member that is a partner or member of a limited liability pass-through entity or general partnership doing business in Kentucky.....			
3 Total Kentucky gross receipts (add lines 1 and 2)....			
4 Kentucky cost of goods sold (attach Schedule COGS for each entity) .....			
5 Kentucky gross profits .....			
6 Kentucky additional gross profits from Schedule L–C, Section A, line 5 for each group member that is a partner or member of a limited liability pass-through entity or general partnership doing business in Kentucky.....			
7 Total Kentucky gross profits (add lines 5 and 6) .....			

**Section B – Total Receipts**

1 Total gross receipts less returns and allowances ....			
2 Additional total gross receipts from Schedule L–C, Section B, line 2 for each group member that is a partner or member of a limited liability pass-through entity or general partnership doing business in Kentucky.....			
3 Total gross receipts (add lines 1 and 2) .....			
4 Cost of goods sold (attach Schedule COGS for each entity).....			
5 Gross profits .....			
6 Additional total gross profits from Schedule L–C, Section B, line 5 for each group member that is a partner or member of a limited liability pass-through entity or general partnership doing business in Kentucky.....			
7 Total gross profits (add lines 5 and 6).....			

Continued on next page



**If Section B, line 3 or 7 for the entity is less than \$3,000,000, STOP and enter \$175 in Section E, line 1.**



	<b>Name</b>		
	<b>FEIN</b>	---	---

**Section C – Computation of Gross Receipts**

<p>1 If entity's gross receipts from all sources (Section B, line 3) are greater than \$3,000,000, but less than \$6,000,000, enter the following:</p> <p>(Section A, line 3 x 0.00095) – <math>\left[ \frac{\\$2,850 \times (\\$6,000,000 - \text{Section A, line 3})}{\\$3,000,000} \right]</math></p> <p>but in no case shall the result be less than zero .....</p>			
<p>2 If entity's gross receipts from all sources (Section B, line 3) are \$6,000,000 or greater, enter the following: Section A, Line 3 x 0.00095.....</p>			
<p>3 Enter the amount from line 1 or line 2.....</p>			

**Section D – Computation of Gross Profits LLET**

<p>1 If entity's gross profits from all sources (Section B, line 7) are greater than \$3,000,000, but less than \$6,000,000, enter the following:</p> <p>(Section A, line 7 x 0.0075) – <math>\left[ \frac{\\$22,500 \times (\\$6,000,000 - \text{Section A, line 7})}{\\$3,000,000} \right]</math></p> <p>but in no case shall the result be less than zero .....</p>			
<p>2 If the entity's gross profits from all sources (Section B, line 7) are \$6,000,000 or greater, enter the following: Section A, line 7 x 0.0075.....</p>			
<p>3 Enter the amount from line 1 or line 2.....</p>			

**Section E – Computation of LLET Liability**

<p>1 Enter the lesser of Section C, line 3 or Section D, line 3 for each entity. If less than \$175, enter the minimum \$175.....</p>			
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► **Complete Sections A and B for all members. See instructions.**      ► **Attach to Form 720U.**

Name of Designated Filer	Federal Identification Number  _____ - _____	Kentucky Corporation/LLET Account Number  _____
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	<b>Name</b>			
	<b>FEIN</b>	_____ - _____	_____ - _____	<b>Combined Totals</b>
<b>Kentucky Corp/LLET No.</b>	_____ - _____	_____ - _____	_____ - _____	

**SECTION A – LLET**

1 Enter amount from Schedule U8, Section E, line 1 .....	.00	.00	.00	
2 Tax credit recapture.....	.00	.00	.00	
3 Total (add lines 1 and 2).....	.00	.00	.00	
4 Nonrefundable LLET credit from Kentucky Schedule(s) K-1.....	.00	.00	.00	
5 Nonrefundable tax credits (attach Schedule TCS) .....	.00	.00	.00	
6 <b>LLET liability</b> (greater of line 3 less lines 4 and 5 or \$175 minimum)...	.00	.00	.00	.00
7 Withholding tax (Form PTE-WH) ..	.00	.00	.00	
8 Estimated tax payments .....	.00	.00	.00	
9 Certified rehabilitation tax credit..	.00	.00	.00	
10 Film industry tax credit.....	.00	.00	.00	
11 Extension payment.....	.00	.00	.00	
12 Prior year's tax credit .....	.00	.00	.00	
13 Income tax overpayment from Section B, line 17 .....	.00	.00	.00	
14 LLET paid on original return.....	.00	.00	.00	
15 LLET overpayment on original return .....	.00	.00	.00	<b>TOTAL LLET DUE</b> <i>Calculate after line 22</i>
16 <b>LLET Due</b> (lines 6 and 15 less lines 7 through 14).....	.00	.00	.00	.00
17 <b>LLET Overpayment</b> (lines 7 through 14 less lines 6 and 15).....	.00	.00	.00	
18 Credited to 2019 income tax .....	.00	.00	.00	
19 Credited to 2019 interest .....				
20 Credited to 2019 penalty .....				
21 Credited to 2020 LLET .....	.00	.00	.00	<b>REFUND AMOUNT</b>
22 <b>Net Amount Overpaid</b> .....				.00



<b>Name</b>				<b>Combined Totals</b>
<b>FEIN</b>	---	---	---	
<b>Kentucky Corp/LLET No.</b>	---	---	---	

**SECTION B—Income Tax**

1 <b>Income Tax.</b> Enter amount from Schedule U5, Section D, line 8 .....	.00	.00	.00	
2 Tax credit recapture.....	.00	.00	.00	
3 Tax installments on LIFO recapture	.00	.00	.00	
4 <b>Total</b> (add lines 1 through 3).....	.00	.00	.00	.00
5 Nonrefundable LLET credit from the Corporation LLET Credit Worksheet(s) (see instructions)....	.00	.00	.00	
6 Nonrefundable LLET credit (Section A, line 6 less \$175) .....	.00	.00	.00	
7 Nonrefundable tax credits (attach Schedule TCS) .....	.00	.00	.00	
8 Net income tax liability (line 4 less lines 5 through 7, but not less than zero) .....	.00	.00	.00	.00
9 Estimated tax payments .....	.00	.00	.00	
10 Extension payments.....	.00	.00	.00	
11 Prior year's tax credit .....	.00	.00	.00	
12 LLET overpayment from Section A, line 18 .....	.00	.00	.00	
13 Corporation income tax paid on original return .....	.00	.00	.00	
14 Corporation income tax overpayment on original return...	.00	.00	.00	<b>TOTAL INCOME TAX DUE</b> <i>Calculate after line 21</i>
15 <b>Income Tax Due</b> (lines 8 and 14 less lines 9 through 13).....	.00	.00	.00	.00
16 <b>Income Tax Overpayment</b> (lines 9 through 13 less lines 8 and 14).....	.00	.00	.00	
17 Credited to 2019 LLET.....	.00	.00	.00	
18 Credited to 2019 interest .....				
19 Credited to 2019 penalty .....				
20 Credited to 2020 corporation income tax.....	.00	.00	.00	<b>REFUND AMOUNT</b>
21 <b>Net Amount Overpaid</b> .....				.00



- See instructions.
- Attach to Form 720U.

Name of Designated Filer	Federal Identification Number  ____-____-____	Kentucky Corporation/LLET Account Number  ____-____-____
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	<b>Name</b>		
	<b>FEIN</b>		
<b>Kentucky Corp/LLET No.</b>			

**PART I—Net Operating Loss Deduction**

**Section A—NOL Generated on or before December 31, 2017 (Pre-2018)**

1 Corporation's current year taxable net income. Enter the amount from Schedule U5, Section D, line 5.....			
2 Corporation's share of post-apportioned NOL carryforward from tax years ending on or before 12/31/2017.....			
3 Enter the lesser of line 1 or line 2. This is the amount of pre-2018 NOL that may be utilized this tax year by the corporation.....			
4 Subtract line 2 from line 1. If negative, enter zero. This is the taxable net income remaining after pre-2018 NOLD.....			
5 <b>Pre-2018 NOL carryforward before sharing.</b> If line 2 is greater than line 1, subtract line 1 from line 2 and enter the NOL carryforward here.....			

**Section B—NOL Generated on or after January 1, 2018 (Post-2017)**

1 Enter the amount from Part I, Section A, line 4.....			
2 Multiply Part I, Section A, line 1 by 80%. This is the maximum amount of post-2017 NOL that may be deducted by the corporation this year.....			
3 Enter the lesser of line 1 or line 2. This is the corporation's maximum allowable post-2017 NOL deduction.....			
4 Corporation's share of post-apportioned NOL carryforward from tax years ending on or after January 1, 2018.....			
5 Enter the lesser of line 3 or line 4. This is the amount of post-2017 NOL that may be utilized this tax year by the corporation.....			
6 Subtract line 5 from line 1. If negative, enter zero. This is the taxable net income remaining after post- 2017 NOL.....			
7 <b>Post-2017 NOL carryforward before sharing.</b> If line 4 is greater than line 5, subtract line 5 from line 4 and enter here.....			

Continued on next page



	<b>Name</b>		
	<b>FEIN</b>	---	---
	<b>Kentucky Corporation/LLET Acct. No.</b>	---	---

**Section C—Sharing of NOLs Between Combined Group Members**

1 Enter the amount from Part I, Section B, line 6.....			
2 Multiply Part I, Section A, line 1 by 50%. This is the maximum amount of shared NOL that the corporation may deduct this year .....			
3 Enter the amount of shared NOL utilized by the corporation. The amount may not exceed the lesser of line 1 or 2. <i>A supporting statement must be attached to reflect which member's (s') NOL was shared and utilized</i> .....			
4 Subtract line 3 from line 1. This is the taxable net income remaining after deducting shared NOL .....			

**Section D—Total Net Operating Loss Deduction**

1 Sum Part I, Section A, line 3, plus Part I, Section B, line 5, plus Part I, Section C, line 3, then enter here and on Schedule U5, Section D, line 6. This is the corporation's amount of NOLD utilized .....			
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**PART II—Net Operating Loss Carryforward**

**Section A—Net Operating Loss Carryforward for NOL generated on or before December 31, 2017 (Pre-2018)**

1 Enter the amount from Part I, Section A, line 5.....			
2 NOL shared with other members. See instructions.			
3 Pre-2018 NOL carryforward after sharing. Line 1 less line 2 .....			

**Section B—Net Operating Loss Carryforward for NOL generated on or after January 1, 2018 (Post-2017)**

1 Enter the amount from Part I, Section B, line 7.....			
2 NOL shared with other members. See instructions.			
3 Post-2017 NOL carryforward after sharing. Line 1 less line 2.....			