

SCHEDULE A

41A720A (10-15)

Commonwealth of Kentucky
DEPARTMENT OF REVENUE

Taxable Year Ending

Mo. / Yr.

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

APPORTIONMENT AND ALLOCATION

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

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

Name of Corporation or Pass-through Entity	Federal Identification Number	Kentucky Corporation/LLET Account Number
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☐ Check this box and complete Schedule A-C, Apportionment and Allocation – Continuation Sheet: (i) if the corporation filing this tax return is a partner or member of a limited liability pass-through entity or general partnership (organized or formed as a general partnership after January 1, 2006) doing business in Kentucky; or (ii) if the pass-through entity filing this tax return is a partner or member of a pass-through entity doing business in Kentucky.

☐ Check this box and complete Schedule A-N, Apportionment Factor Schedule (For a Nexus Consolidated Tax Return), if the corporation is filing a mandatory nexus consolidated tax return as provided by KRS 141.200(11).

If apportionment method other than statutory formula is used:

☐ Check this box: (i) if the department has granted written approval to use an alternative allocation and apportionment method as provided by KRS 141.120(9)(a), and attach a copy of the approval letter to the tax return; or (ii) if the company has made an irrevocable five year election to use an allocation and apportionment method as provided by KRS 141.120(9)(b), and attach a copy of the election to the tax return.

SECTION I. COMPUTATION OF APPORTIONMENT FRACTION				SECTION II. APPORTIONMENT AND ALLOCATION OF INCOME			
Convert lines 3, 4, 7, 10, 11 and 12 to a percentage carried to four decimal places.							
1. Kentucky sales	1		00	1. Net income (from Form 720, Part III, line 20)	1		00
2. Total sales	2		00	2. Deduct nonbusiness income (if applicable):			
3. Sales factor (line 1 divided by line 2).....	3		%	(a) Interest	2(a)		00
4. Double-weighted Sales factor (line 3 multiplied by 2)	4		%	(b) Rents.....	2(b)		00
5. Average value of Kentucky real/tangible property (Section III).....	5		00	(c) Royalties.....	2(c)		00
6. Average value of total real/tangible property (Section IV).....	6		00	(d) Net gain or loss on sale or exchange of capital assets.....	2(d)		00
7. Property factor (line 5 divided by line 6).....	7		%	(e) Total (lines (a) through (d))	2(e)		00
8. Kentucky payrolls	8		00	(f) Less related expenses (attach schedule).....	2(f)	(00)
9. Total payrolls	9		00	3. Net nonbusiness income.....	3		00
10. Payroll factor (line 8 divided by line 9)	10		%	4. Business income (line 1 less line 3).....	4		00
11. Total (add lines 4, 7 and 10).....	11		%	5. Business income apportioned to Kentucky (line 4 multiplied by Section I, line 12)	5		00
12. Apportionment fraction—line 11 divided by 4 or number of factors present (sales representing 2 factors)	12		%	6. Add Kentucky nonbusiness income (if applicable):			
				(a) Interest	6(a)		00
				(b) Rents.....	6(b)		00
				(c) Royalties.....	6(c)		00
				(d) Net gain or loss on sale or exchange of capital assets.....	6(d)		00
				(e) Total (lines (a) through (d))	6(e)		00
				(f) Less Kentucky related expenses (attach schedule)	6(f)	(00)
				7. Kentucky net nonbusiness income.....	7		00
				8. Taxable net income (line 5 plus line 7) (enter here and on Form 720, Part III, line 21).....	8		00

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

Instructions for Schedule A—Apportionment and Allocation

General—A corporation that is taxable in this state and taxable in another state shall apportion and allocate net income to Kentucky in accordance with KRS 141.120. A pass-through entity doing business within and without the state shall compute an apportionment fraction in accordance with KRS 141.206(12). Public service companies (defined in KRS 136.120) and financial organizations shall apportion and allocate net income in accordance with KRS 141.120(10) and Regulations 103 KAR 16:100 through 103 KAR 16:150.

A corporation must use the statutory formula unless the corporation has been required or granted approval in writing by the Department of Revenue to use an alternative method provided by KRS 141.120(9)(a) or the corporation qualifies for and elects an alternative apportionment method provided by KRS 141.120(9)(b). A copy of the letter from the Department of Revenue requiring or granting approval to use a method other than the statutory formula or a statement electing an alternative apportionment method in accordance with KRS 141.120(9)(b)(1) or (2) must be attached to the return when filed.

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

Attach Schedule A-N, Apportionment Factor Schedule (For a Nexus Consolidated Tax Return), to Schedule A reflecting the computation of the consolidated factors.

COMPUTATION OF APPORTIONMENT FRACTION

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

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

A corporation or pass-through entity not required to file Schedule A-C shall compute its apportionment fraction as follows:

Sales—Total sales include all gross receipts other than nonbusiness receipts, except as provided in KRS 141.121. Sales of real or tangible personal property are assigned to Kentucky if the property is located in Kentucky or is shipped or delivered to a purchaser in Kentucky. Sales of tangible personal property to the U.S. government are assigned to Kentucky if the property is shipped from Kentucky.

KRS 141.120(8)(c)(3) provides that sales other than sales of tangible personal property are assigned to Kentucky if the income-producing activity is performed entirely within Kentucky or if the income-producing activity is performed both within and without Kentucky and a greater portion of the income-producing activity is performed in Kentucky than in any other state based on cost of performance. The following are general guidelines for assigning these receipts to Kentucky but should not be considered all-inclusive:

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

Kentucky and a corporation's Kentucky distributive share of net income from a partnership doing business in Kentucky.

- B. Rents or royalties from real or tangible personal property are assigned to Kentucky if the property is located in Kentucky. In the case of mobile property, the rent is assigned to Kentucky if the lessee's base of operations for the property is in Kentucky.
- C. Receipts from the performance of services are assigned to Kentucky if the services are performed entirely in Kentucky or the services are performed both within and without Kentucky but a greater portion is performed in Kentucky than in any other state based on cost of performance.

Property—Total property includes all real and tangible personal property owned or rented and used during the taxable year. Property owned is valued at original cost. Leased property is valued at eight times the annual rental rate less any nonbusiness subrentals. Real and tangible personal properties are assigned to Kentucky if owned or rented and used in Kentucky. Exclude (a) construction in progress and (b) property which has been certified by Kentucky as a pollution control facility and is owned or leased by the corporation. Safe harbor lease property must be included in the factor of the seller/lessee at cost and excluded from the property factor of the purchaser/lessor.

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

Apportionment Fraction—To compute the apportionment fraction, the sales factor must be multiplied by two and the property and payroll factors must each be multiplied by one and the total divided by four. A corporation which does not have sales, property or payroll must average only the factors which are present to determine the weighted apportionment fraction.

APPORTIONMENT AND ALLOCATION OF INCOME

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

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

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