

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)
[Redacted],) DOCKET NO. 24119A
Petitioner.) AMENDED DECISION
_____)

On April 12, 2012, the Idaho State Tax Commission issued a decision on Docket No. 24119 to [Redacted] (Petitioner) for taxable years 2002 and 2004 through 2009. The decision modified the Tax Commission’s Notice of Deficiency Determination dated March 4, 2011.

After the Tax Commission issued its decision, Petitioner provided Idaho corporate income tax returns for taxable years 2004 through 2009. Since Petitioner submitted its returns within the appeal period of the decision, the Tax Commission decided that the returns should be incorporated into the Tax Commission’s decision.

The Tax Commission reviewed Petitioner’s returns and found them to be a better representation of Petitioner’s Idaho taxable income. Therefore, the Tax Commission accepts Petitioner’s corporate income tax returns, subject to the normal review process of the Tax Commission, in lieu of the returns prepared by the Tax Discovery Bureau.

Petitioner’s returns did not include interest or penalty as stated in Idaho Code sections 63-3045 and 63-3046. The Tax Commission finds those additions appropriate and hereby makes those additions to Petitioner’s Idaho tax liability. Since Petitioner’s returns are a mix of income and loss years, Petitioner carried back its net operating losses to its profitable years thereby reducing its tax liability, the appropriate interest and penalty is figured on the original tax liability before the loss carrybacks to the date the returns were submitted.

THEREFORE, the decision for Docket No. 24119 dated April 12, 2012, is hereby AMENDED to include the provisions of this amended decision.

THEREFORE, the provisions of this amended decision are APPROVED, AFFIRMED, and MADE FINAL.

IT IS ORDERED that Petitioner pay the following tax, penalty, and interest:

| <u>YEAR</u> | <u>TAX</u> | <u>PENALTY</u> | <u>INTEREST</u> | <u>TOTAL</u> |
|-------------|------------|----------------|-----------------|----------------|
| 2004 | \$3,183 | \$796 | \$2,130 | \$ 6,109 |
| 2005 | 30 | 10 | 18 | 58 |
| 2006 | 30 | 49 | 56 | 135 |
| 2007 | 30 | 529 | 454 | 1,013 |
| 2008 | 30 | 10 | 7 | 47 |
| 2009 | 30 | 10 | 5 | <u>45</u> |
| | | | TOTAL DUE | \$7,407 |
| | | | REMITTANCE | <u>(3,333)</u> |
| | | | BALANCE DUE | <u>\$4,074</u> |

DEMAND for immediate payment of the foregoing amount is hereby made and given.

An explanation of the Petitioner's right to appeal this decision is enclosed.

DATED this _____ day of _____ 2012.

IDAHO STATE TAX COMMISSION

COMMISSIONER

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of _____ 2012, a copy of the within and foregoing DECISION was served by sending the same by United States mail, postage prepaid, in an envelope addressed to:

[Redacted]

Receipt No.
