

**Office of State Tax Commissioner**  
**2009 North Dakota Telecommunications Gross Receipts Tax**  
**(North Dakota Century Code ch. 57-34)**

Report for the Calendar Year ending December 31, 2008.

Due May 1, 2009

Company Name \_\_\_\_\_ Federal Employer ID No. \_\_\_\_\_

Mailing Address \_\_\_\_\_ Contact Person \_\_\_\_\_

City, State, Zip Code \_\_\_\_\_ Phone No. \_\_\_\_\_

Address of agent, if different from company:

Actual Physical Address \_\_\_\_\_ Mailing Address \_\_\_\_\_

City, State, Zip Code \_\_\_\_\_ City, State, Zip Code \_\_\_\_\_

**See instructions on reverse side**

**2008 Telecommunications Carrier Gross Receipts From Retail Sales**

- |  |    |  |
|--|----|--|
| 1. Telecommunications service originated AND terminated in North Dakota and billed to a North Dakota station (include essential and nonessential service) .....        | \$ |  |
| 2. Interstate and international service originated OR terminated in North Dakota and billed to North Dakota station (include essential and nonessential service) ..... |    |  |
| 3. Cellular and other mobile services provided by the home service provider of a customer whose place of primary use is in North Dakota .....                          |    |  |
| 4. Gross receipts from pay telephones located in North Dakota.....   |    |  |
| 5. Telegraph service billed to a North Dakota station .....  |    |  |
| 6. Amounts assessed against members for the operation and maintenance of the business (applies to mutual companies - see instructions).....                            |    |  |
| 7. Recovered telecommunications services charges previously written off as uncollectible.....  |    |  |
| 8. Charges to another telecommunications carrier for directory assistance originated by a caller in this state.....  |    |  |
| 9. <b>Total Taxable Gross Receipts</b> (sum of lines 1-8).....   | \$ |  |

**Deductions**

- |   |    |      |
|---|----|------|
| 10. State and local sales and use taxes and federal excise taxes if included on line 9.....                               |    |      |
| 11. Amounts paid to another telecommunications carrier for directory assistance originated by a caller in this state..... |    |      |
| 12. Telecommunications service charges written off as uncollectible if included on line 9.....                            |    |      |
| 13. North Dakota telecommunications gross receipts taxes paid by the subscriber if included on line 9.....                |    |      |
| 14. Amounts collected to preserve and advance universal service if included on line 9.....                                |    |      |
| 15. <b>Total Deductions</b> (sum of lines 10-14) .....  |    |      |
| 16. <b>Adjusted Gross Receipts</b> (line 9 less line 15) .....  | \$ |      |
| 17. Tax rate (2½ percent) .....   |    | .025 |
| 18. <b>TAX ON AMOUNT ON LINE 16</b> (line 16 multiplied by line 17).....  | \$ |      |

**Do not remit with this form**

I declare under the penalties of N.D.C.C. § 12.1-11-02, which provides for a Class A misdemeanor for making a false statement in a governmental matter, that this return, including any accompanying schedules and statements, has been examined by me and to the best of my knowledge and belief is a true, correct, and complete return.

Date: \_\_\_\_\_ Signature of Officer: \_\_\_\_\_ Title: \_\_\_\_\_

# 2009 Telecommunications Gross Receipts Tax

## Instructions

This return is due at the **Office of State Tax Commissioner, 600 E. Boulevard Ave., Dept. 127, Bismarck, ND 58505-0599** not later than May 1, 2009. **Do not send any payment with this return.**

You will have an opportunity to protest this assessment to the State Board of Equalization on Tuesday, August 4, 2009. The hearing will be held in the Conference Room, Office of State Tax Commissioner, 8th Floor, State Capitol, 600 E. Boulevard Ave., Bismarck, ND 58505-0599. You or your representative may appear in person, or you may provide written testimony.

In December 2009, you will receive a tax statement from the State Tax Commissioner. The tax will be due January 1, 2010, and will be payable without interest until March 1, 2010.

North Dakota Century Code (N.D.C.C.) ch. 57-34 requires each telecommunications carrier subject to gross receipts taxes under this chapter to file with the tax commissioner **on or before May 1** of each year a report containing a statement of its gross receipts from retail sales of telecommunications service in this state during the preceding calendar year, amounts paid by the carrier on telecommunications service that is taxable under this chapter during the preceding calendar year in state and local sales and use taxes and federal excise taxes, amounts received from or paid to another telecommunications carrier for directory assistance originated by a caller in this state, and any other information as the tax commissioner may require.

“Station” means a subscriber service address located in this state with a distinct call number designation or distinct extension number designation. If this is not a defined location, “station” means the location of the primary use of telecommunications equipment as determined by telephone number, authorization code, or billing address.

“Telecommunications carrier” means a company that is engaged in the business of furnishing telecommunications service within this state. The term includes a reseller of telecommunications service. The term does not include an Internet service provider or a hospital, hotel, motel or similar place of temporary accommodation selling telecommunications service to its patients or guests.

“Telecommunications service” means transmitting for consideration of two-way communication by wire, cable, fiber optics, radio, lightwave, microwave, satellite, or other means. The term includes:

- a. Essential telecommunications service and nonessential telecommunications service as defined in N.D.C.C. § 49-21-01;
- b. Telecommunications service that originates and terminates in this state and is billed to a station in this state;
- c. Interstate telecommunications service that originates or terminates in this state and is billed to a station in this state; and
- d. Telegraph service.

If the Tax Commissioner’s computation of the total tax differs from the amount computed by a telecommunications carrier, the Tax Commissioner shall give notice of the change by mail to that telecommunications carrier by July 15. The State Board of Equalization shall assess the tax after consideration of any contest presented.

Taxes levied under this chapter are due and payable to the State Tax Commissioner on January 1 following the year in which the taxes were assessed. No tax statement will be issued for a tax liability of less than \$5.00.

Line 1: Include local exchange service revenues and intrastate toll revenues.

Line 6: A telecommunications carrier operating on any form of mutual basis shall report all amounts assessed against the members for the operation and maintenance of the business on this line.

In compliance with the Federal Privacy Act of 1974, Public Law 93-579, the disclosure of the individual’s social security number on this form is voluntary pursuant to North Dakota Century Code § 57-34-02. An individual’s social security number is used as an identification number by the Office of State Tax Commissioner for file control purposes and record keeping. If no social security number is provided, the Tax Commissioner will assign an identification number.