



**PUBLIC NOTICE & AGENDA
Multistate Tax Commission
Uniformity Committee
Meetings via Teleconference**

**Tuesday, January 28, 2014
Tuesday, February 4, 2014
Tuesday, February 11, 2014
Tuesday, February 18, 2014
Tuesday, February 25, 2014
3:30 p.m. Eastern**

NOTE: In the event that not all of these teleconferences will prove to be necessary, the Commission will publish a notice of cancellation of the unnecessary teleconferences

Via Teleconference
Dial-In Number: 1-888-809-4012
Conference Code: 663672

I. Welcome and Introductions

II. Public Comments

III. Review of Report of the Hearing Officer, Multistate Tax Compact Article IV (UDIPTA) Proposed Amendments

Specific Hearing Officer recommendations to be reviewed by Uniformity Committee for recommendation to and further consideration by, the Executive Committee (page references are to the Hearing Officer Report as published on the MTC website at http://www.mtc.gov/uploadedFiles/Multistate_Tax_Commission/Pomp%20final%20final3.pdf):

1. Should Section 18 contain an explicit provision stating that the party invoking alternative apportionment should have the burden of proof that the statutory conditions for alternative apportionment have been satisfied? Should the burden of proof be the same for either the taxpayer or the tax administrator? Hearing Officer Report ("Report"), p. 27.

2. Should Section 18 prohibit the tax administrator from imposing a penalty on a taxpayer (except in cases where the transactions at issue are the result of tax avoidance such as sham transactions, or lack economic substance, do not reflect arm's length pricing, violate the step transaction doctrine, or otherwise reflect a tax avoidance strategy), when the tax administrator has successfully invoked alternative apportionment but the taxpayer complied with the general apportionment rules in filing its return? Report, p. 29.
3. Should the Executive Committee consider the Hearing Officer's redraft of Article IV.1 (a) and (e) (definitions of apportionable and non-apportionable income)? Report, p. 53.
4. Should receipts from hedging transactions and the treasury function be included in the receipts factor under Article IV.1 (g)? Report, p. 107.
5. Should the Executive Committee consider the Hearing Officer's two alternative drafts of Article IV.1 (g) (definition of gross receipts)? Report, p. 111
6. Should Section 18 prohibit the tax administrator from retroactively revoking his prior approval of a taxpayer's alternative apportionment method, unless there has been a material change in, or a material misrepresentation of, the facts provided by the taxpayer upon which the tax administrator reasonably relied? Report, p. 31
7. Should the use of alternative apportionment under Section 18 be limited to isolated, limited or non-recurring situations? Should the state be required to address issues arising from a common fact pattern or common filing position by regulation rather than by invoking Section 18? Report, p. 32.

Materials to be reviewed prior to teleconference. Memo of Shirley Sicilian, General Counsel, to the MTC Executive Committee of May 3, 2012:

[http://www.mtc.gov/uploadedFiles/Multistate_Tax_Commission/Events/2011-12_Committee_Meetings/EC%20memo%20-%20Art%20IV%20%20\(09-19-2012\).pdf](http://www.mtc.gov/uploadedFiles/Multistate_Tax_Commission/Events/2011-12_Committee_Meetings/EC%20memo%20-%20Art%20IV%20%20(09-19-2012).pdf)

Report of the Hearing Officer:

http://www.mtc.gov/uploadedFiles/Multistate_Tax_Commission/Pomp%20final%20final3.pdf

IV. Next Steps

V. Adjourn

*If you would like additional information about this meeting, contact Sheldon Laskin, Multistate Tax Commission, 444 North Capitol Street, N.W., Suite 425, Washington, D.C. 20001
Telephone (410) 484 - 2790, E-mail slaskin@mtc.gov*

