



NYC UXP

NEW YORK CITY DEPARTMENT OF FINANCE
RETURN OF EXCISE TAX BY UTILITIES
FOR USE BY UTILITIES OTHER THAN RAILROADS, BUS COMPANIES, AND OTHER COMMON CARRIERS
(Pursuant to Title 11, Chapter 11 of the Administrative Code)

DO NOT WRITE IN THIS SPACE - FOR OFFICIAL USE ONLY

Check type of return: Final return, Initial return, Amended return
Check type of business entity: Corporation, Partnership, Individual
Date business ended in NYC
Date business began in NYC

NAME AND ADDRESS Correct any errors in name, address and identification numbers

DATE:
EIN / SSN:
ACCOUNT TYPE: UXP
ACCOUNT ID:
PERIOD BEGINNING:
PERIOD ENDING:
DUE DATE:

SCHEDULE A Computation of Gross Income (See instructions) Payment Enclosed

A. Payment Pay amount shown on line 29 - Make check payable to: NYC Department of Finance

Table with columns for GROSS INCOME (see instructions), line numbers, and amounts. Includes rows for OPERATING INCOME and MISCELLANEOUS OPERATING REVENUE.

Table with columns for OTHER INCOME, line numbers, and amounts. Includes rows for interest, royalties, and profits from securities and real property.

Table with columns for COMPUTATION OF AMOUNT DUE, line numbers, and amounts. Includes rows for taxes, credits, and total remittance due.

CERTIFICATION OF TAXPAYER: I hereby certify that this return, including any accompanying schedules or statements has been examined by me, and is, to the best of my knowledge and belief, true, correct and complete.
Signature of owner, partner or officer of corporation
Preparer's signature
Firm's name (or yours, if self-employed)
Address
Zip Code
Preparer's Social Security Number
Firm's Employer Identification Number

**SCHEDULE B**

Enter below all income received during the period covered by this return and NOT reported in Schedule A, page 1.

EXPLANATION	AMOUNT

**SCHEDULE C**

Details of miscellaneous income, lines 7 and 14 reported in Schedule A, page 1.

REFER TO LINE # ON PAGE 1	EXPLANATION	AMOUNT

**ADDITIONAL INFORMATION REQUIRED**

- A. State kind and nature of business \_\_\_\_\_
- B. Telephone number (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_
- C. If a corporation, in what state did you incorporate? \_\_\_\_\_
- D. Does this return cover business at more than one location? .....  Yes  No (IF YES, YOU MUST ATTACH A SCHEDULE LISTING ADDRESS AND GROSS INCOME APPLICABLE TO EACH LOCATION.)
- E. The books of the taxpayer are in the care of: \_\_\_\_\_  

Name ▲
Address ▲
Telephone ▲



## GENERAL INFORMATION

### HIGHLIGHTS OF 1998 LEGISLATION

Chapter 536 of the Laws of 1998 made the following changes to the New York City Utility Tax:

Effective January 1, 1998, a vendor of utility services includes every person not subject to the supervision of the Public Service Commission who provides telecommunications services, which are defined as including any transmission of voice image, data, information and paging through the use of wire, cable, fiber optic, laser, microwave, radio wave, satellite or similar media. See Ad. Code §11-1101.9.

Effective January 1, 1998, receipts from sales of gas, electricity, steam, water or refrigeration or the rendering of gas, electric, steam, water or refrigeration service to a landlord not subject to PSC supervision for resale by such landlord to tenants are not excluded from gross income of a utility.

Effective January 1, 1998, gross operating income of a landlord not subject to PSC supervision does not include income derived from the resale of gas, electricity, steam, water or refrigeration or gas, electric, steam, water or refrigeration service to tenants, provided, that in the case of a resale of gas, electricity, or steam or gas, electric, or steam service, the utility tax has been paid or accrued with respect to a prior sale. If such income of a landlord is subject to tax, the amount of gross income included in gross operating income is deemed to be equal to such landlord's cost, including transportation costs.

Effective January 1, 1998, landlords not subject to PSC supervision of all whose gross operating income for utility tax purposes for any period consists of income not subject to tax as described in the preceding paragraph are not required to file Form NYC-UXS for that period. An information return may be required to be filed by September 1, of each year.

Effective for tax periods beginning after 1998, returns are only required semiannually for taxpayers whose utility tax liability is \$100,000 or less for the preceding calendar year, determined on an annualized basis. Taxpayers first becoming subject to the utility tax must file monthly returns for every month of the calendar year in which they first become subject to tax.

### SCHEDULE A - COMPUTATION OF GROSS INCOME

Enter in Schedule A that part of gross income, without any deductions, derived from business conducted wholly within the territorial limits of NYC. Enter all other gross income in Schedule B, page 2.

#### GROSS INCOME

##### Include:

- all receipts from any sale made, including receipts from the sales of residuals and by-products (except sale of real property) or service rendered in the City, including cash, credits and property of any kind or nature (whether or not the sale is made or the service is rendered for profit) without any deduction for any cost, expense or discount paid;
- profit from the sale of real property;
- profit from the sale of securities;
- profit from the sale of non-inventoriable personal property;
- receipts from interest, dividends and royalties (other than interest and dividends received from corporations) without deduction for any expense; and
- gains or profits from any source whatsoever.

##### Do not include:

- gross income from sales for resale other than sales of gas, electricity, steam, water or refrigeration or gas, electric, steam, water or refrigeration service to a vendor of utility services for resale to tenants.

#### UTILITY

Every person subject to the supervision of the Department of Public Service of the State of New York.

#### IMPOSITION/BASIS/RATE OF TAX

The tax is imposed on every utility for the privilege of exercising a franchise or franchises, holding property or doing business in New York City.

A utility other than a railroad, bus company or other common carrier is taxable at 2.35% of gross income as defined above.

#### INTEREST

If the tax is not paid on or before the due date, interest must be paid on the amount of the underpayment from the due date to the date paid. For information as to the applicable rate of inter-

est, call Taxpayer Assistance at (718) 935-6000. Interest amounting to less than \$1 need not be paid.

## **PENALTIES**

- a) If you fail to file a return when due, add to the tax (less any payments made on or before the due date or any credits claimed on the return) 5% for each month or partial month the form is late, up to 25%, unless the failure is due to reasonable cause.
- b) If the return is filed more than 60 days late, the minimum late filing penalty will be equal to the lesser of a) \$100 or b) 100% of the total tax required to be shown on the return (less any payments or credits claimed).
- c) If you fail to pay the tax shown on the return by the prescribed filing date, add to the tax (less any payments made or any credits claimed on the return) 1/2% for each month or partial month the payment is late up to 25%, unless the failure is due to reasonable cause.
- d) The total of the additional charges in a) and c) may not exceed 5% for any one month except as provided for in b).
- e) Additional penalties may be imposed on any underpayment of the tax.

If you claim not to be liable for these additional charges, a statement in support of your claim should be attached to the return.

## **FILING A RETURN AND PAYMENT OF TAX**

Returns are due on or before the 25th day of each month, if filing on a monthly basis, covering gross income for the preceding calendar month. However, for tax periods beginning in 1999, if a taxpayer's liability for the utility tax is \$100,000 or less for the preceding calendar year, determined on an annualized basis, the taxpayer must file returns for the current tax period on a semiannual basis on July 25 and January 25 following the end of each six-month period of the current calendar year beginning on January 1 and July 1. For 1999, the filing requirements will be based on the taxpayer's liability for 1998.

Payment must be made in U.S. dollars, drawn on a U.S. bank. Checks drawn on foreign banks will be rejected and returned. Make remittance payable to the order of: NYC DEPARTMENT OF FINANCE.

## **MAIL REMITTANCE AND RETURN TO:**

NYC DEPARTMENT OF FINANCE  
ATP-UTILITY TAX  
25 ELM PLACE, 3RD FLOOR  
BROOKLYN, NY 11201-5807