

17 NCAC 05D .0114 REMEDY

(a) If the Secretary finds that the statutory formula does not fairly represent the corporation's business activity in North Carolina, he may require:

- (1) separate accounting;
- (2) the exclusion of any one or more of the factors;
- (3) the inclusion of one or more additional factors which will fairly represent the taxpayer's business activity in this State, or
- (4) the employment of any other method to effectuate and equitable allocation and apportionment of the taxpayer's income.

(b) In the case of a request for relief from the statutory apportionment formula for both franchise tax and income tax, the Secretary shall make separate determinations as to whether an alternative apportionment method is warranted.

History Note: *Authority G.S. 105-122(c1)(2); 105-130.4(t1); 105-262;*
Eff. April 1, 2008;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,
2017.