

BAC

Business Advisory Council

November 30, 2009

Streamlined Sales Tax Issue Resolution Committee {Sent Via E-Mail}
Attn: Bruce Johnson, Committee Chair
4205 Hillsboro Pike, Suite 305
Nashville, TN 37215

Re: Withdraw of BAC's Petition for Reconsideration Regarding North Dakota's Annual Compliance Review in 2008 – Issue Now Moot

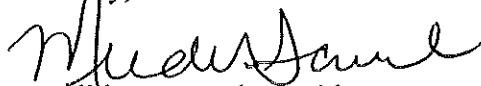
Dear Committee Chair Bruce Johnson:

On November 20, 2009, the Business Advisory Council (“BAC”) received a letter from Myles Vosberg, Director of Tax Administration for the North Dakota Office of State Tax Commissioner, notifying the BAC that the definition of “prepaid calling services” is in fact in North Dakota’s sales and use tax law, Streamlined Sales Tax Chapter 57-39.4. Based on Mr. Vosberg’s written statement that the definition is applicable to North Dakota’s sales and use tax laws, the BAC hereby withdraws its petition regarding North Dakota being found in substantial compliance with each requirement of the Streamlined Sales and Use Tax Agreement in the 2008 Annual Compliance Review.

While the BAC remains concerned with the definition not being North Dakota’s Communications Rule 81-04.1-04-41.1, Mr. Vosberg has indicated the North Dakota Office of State Tax Commissioner is committed to putting that definition in the Communications Rule. The BAC trusts this will occur in a timely manner; however, if this is not done the BAC reserves the right to file a petition for resolution or raise this issue in a future annual compliance review.

Please let me know if you have any questions.

Sincerely,



Meredith Garwood, President
Business Advisory Council
(704) 731-3593
Meredith.garwood@twcable.com

Cc: Scott Peterson, SSUTA Executive Director
BAC Board Officers
Myles Vosberg, ND Director of Tax Administration