

FINAL PRIVATE LETTER RULING

REQUEST LETTER

15-004

March 31, 2015

Office of the Commission
Utah State Tax Commission
210 North 1950 West
Salt Lake City, UT 84134

RE: Request for Sales Tax Letter Ruling on the Taxability of “Interfaces”

To Whom It May Concern:

COMPANY, along with all affiliated entities, (“COMPANY”) respectfully requests the assistance of the Utah State Tax Commission to review and provide guidance on the taxability of “*interfaces*” utilized to facilitate COMPANY’S Data Exchange Services (DEX) which is a component of COMPANY’S PROPRIETARY SOFTWARE.

Company Background

COMPANY PROVIDES DIAGNOSTIC TESTING, SUCH AS ROUTINE BLOOD TESTS TO COMPLEX TESTING. (SENTENCES REMOVED).

COMPANY internally developed the SOFTWARE suite of connectivity solutions to order lab tests, receive timely test results, share clinical information quickly and securely, and prescribe drugs. (SENTENCE REMOVED). The SOFTWARE suite is capable of electronic interconnectivity and is a vital part of the national healthcare information infrastructure. SOFTWARE EHR¹ (electronic health record) is one of the (X) EHRs to utilize the Direct Project exchange protocol which enables physicians to communicate easily with other physicians using a secure email format. It also allows care team stakeholders to collaborate more efficiently, and patients to receive information about their care.

¹ The Electronic Health Record (EHR) is a longitudinal electronic record of patient health information generated by one or more encounters in any care delivery setting. Included in this information are patient demographics, progress notes, problems, medications, vital signs, past medical history, immunizations, laboratory data and radiology reports. The EHR automates and streamlines the clinician's workflow. The EHR has the ability to generate a complete record of a clinical patient encounter - as well as supporting other care-related activities directly or indirectly via interface - including evidence based decision support, quality management, and outcomes reporting.

SOFTWARE supports physicians with a practical, cost-effective electronic health record and electronic lab ordering and results platform. The web-based platform is cloud-based, easy to use with an intuitive interface, and allows access to your medical records anytime, anywhere via the Internet, SOFTWARE Mobile for smartphones or SOFTWARE for the iPad.

(WORDS REMOVED)

(ORDERING A LABORATORY TEST AND OBTAINING RESULTS).

COMPANY developed the web-based platform for the delivery and receipt of clinical laboratory orders, results, and other value added services (the “DEX Service” or “Data Exchange”).
(SENTENCE REMOVED).

In the field of laboratory testing, medical professionals request laboratory tests on behalf of their patients as an important part of the delivery of medical services. A biological sample (e.g., blood, urine, culture, etc.) is taken from the patient by the medical professional. That biological sample is often transported to an independent laboratory, which is requested to conduct a specified test on the biological sample. The results of the test are then communicated by the laboratory to the medical professional for conveyance to the patient.

The growth of the Internet over the last 20 years has increased the global desire to provide more data faster and more efficiently. The Internet includes a vast number of computers and computer networks that are interconnected through communications links. The interconnected computers exchange information using various services, such as electronic mail and the World Wide Web (WWW). The WWW service allows a server computer system (i.e., Web server or Web site) to send graphical Web pages of information to a remote client computer. The remote client computer can then display the Web pages.

The Data Exchange, which is built on the back of internet technology, is a method of receiving an order for a laboratory test of a biological specimen for a patient utilizing a computer network. The method includes facilitating a connection between the client computer (i.e. physician’s office) and the central computer (at COMPANY). A laboratory test request is received at the central computer from the client computer. Patient, billing, and diagnosis information corresponding to the requested laboratory test is also electronically received at the central computer from the client computer. Information is electronically transmitted from the central computer to the client computer for generating a test requisition and a label for use with the biological specimen to be tested and analyzed.

Further, the Data Exchange is also a method of providing results of a laboratory test of a biological specimen using a computer network. A request for laboratory test results is received at the central computer from the client computer. An identification of a patient or group of patients is also received at the central computer from the client computer. The laboratory test results are then electronically transmitted to the client computer.

How the Data Exchange Works

Generally, the Data Exchange provides a Web-based test ordering and results reporting system

that enables physician and hospital clients of a separate laboratory to access patient laboratory test results via the Internet in a secure and reliable way.

A computer network system includes at least one client computer from which a doctor or other medical professional desiring to order a laboratory test for a patient can communicate with a central computer. Client computers are each interconnected by way of the internet to a central computer. A user of a client computer can order a laboratory test by communicating with the central computer. The central computer coordinates and manages each order received from a client computer. The central computer can be connected for communication with several laboratories that may perform a test being ordered by a client computer. The central computer communicates individually with each laboratory.

Application programs residing in the central computer permit electronic ordering of laboratory tests and electronic reporting of laboratory test results to the physician, hospital, or other medical group. The system also provides administrative functions such as verifying that a specific test order is eligible for payment by an insurance plan based on the diagnosis codes identified for the patient.

The client office may be a patient service center (PSC), a physician's office or a hospital, for example. The client, using the Web browser function in the client computer, sends a specific URL (universal resource locator) to the Web server of the central computer. The Web server fetches a log-in page from the database and sends it to the client's computer. After the client logs in with the correct user name and user password, the Web server sends an ordering document URL to the client's Web browser. The client fills in the test order and sends a test order URL to the Web server. The client computer communicates with the central computer to order a test, to ascertain the results of a test, and to handle administrative functions associated with the test order, such as billing and customizing of pages showing diagnosis codes and test order codes.

Upon successful communication to order a test by the client computer, a requisition for the test and specimen labels are generated. The labels may include information correlating the specimen to the patient and the test requisition.

The performing laboratory receives the specimen and performs the testing. The results of the test are sent to the central computer, either manually or automatically by instrument merge. The central computer (or a computer at the performing laboratory) may interpret the test result and provide an alert or an abnormal flag for the attention of the doctor in the event that the test report includes test results that do not fall within a predetermined "normal" range.

Test results are then released by the central computer to the client computer. Test results are provided by electronic transmission over the internet, when requested by the client computer. In this manner, the embodiments of the Data Exchange provides an interactive method for viewing or printing test results of a patient based on client selected criteria.

The "Interfaces"

To facilitate the connectivity and communication between COMPANY'S Data Exchange web-

based platform and the various medical organizations' EMR system, an interface must be configured to allow the two conflicting systems to accurately exchange data. Generally, the EMR system purchased by the doctor's office is not immediately compatible with COMPANY'S proprietary Data Exchange Hub. The purpose of the interface is to provide the translation service (or data manipulation) necessary to electronically transmit the HL7² patient order and results data between the two systems.

COMPANY deals with thousands of physician's offices from across the country. Accordingly, each physician's office could have a different EMR³ (electronic medical record) system. In order to get the required diagnostic results from the COMPANY'S Laboratory system to the physician's office in the most expedient and secure manner, COMPANY must hire third party providers that can "translate" COMPANY'S test codes and results in a manner that they can be read by the various physicians' EMR systems.

The physician's office will direct COMPANY to the EMR third party provider that is most knowledgeable with their specific EMR system. COMPANY will sign an agreement with the third party to provide Data Exchange Services (DEX). Generally the Data Exchange Services are performed at the COMPANY'S "Hub" in CITY, STATE. The third party is granted use of COMPANY'S PROPRIETARY INFORMATION that enables it to "read" the COMPANY'S software and translate it to the physician's software system to which the third party has access. The EMR provider will work with a COMPANY technical analyst to begin to map any of the physician's office insurance provider files, input ID values, and test messages that are exchanged across the interface to ensure proper sending and receipt of the electronic messages. After validation of all test scenarios, the physician's practice is moved to a go-live status and the interface is "turned-on" – meaning confidential medical information can be received and returned (in the case of a bi-directional interface service charge) or test results can be received (in the case of a "results only" interface service charge).

The work provided by the EMR vendor is akin to building a tunnel between two existing systems. There is absolutely no software that is exchanged or licensed. The only data exchanged are HL7 messages. The EMR interface processes the message and then displays it within the EMR software located at the physician's office. Another analogy could view the Data Exchange Hub as a mailbox system from which the physicians' offices can send test orders and receive test results.

The Data Exchange Services (DEX) Agreement between COMPANY and the third party

² High Level Seven is a data interchange transaction protocol for healthcare technology applications that simplifies the ability of different vendor supplied IS systems to assure inter-operability. Although not a software program in itself, HL7 requires that each healthcare software vendor program supports HL7 interfaces for its products.

³ The Electronic Medical Record (EMR) is technology that meets provider needs for real-time data access and evaluation in medical care. In concert with clinical workstations, point-of-care devices, and clinical data repository technologies, the EMR provides the means for longitudinal data storage and access. The result will be increased efficiency, reduced cost, and improved quality of care.

interface provider does not authorize the retail sale of software. Under the agreement between COMPANY and the EMR provider, the provider does not issue a license for the software. Neither COMPANY nor the physician's office have access or rights to use or control the interface as access to the interface is restricted solely to the EMR third party provider. COMPANY and the physician's office are only able to send and receive data to and from the interface. The interface performs the translation services without the interaction of COMPANY or the physician's office.

In addition, neither COMPANY nor the physicians group can directly or indirectly sell, license, or otherwise provide any part of the interface, nor can they compile, disassemble, or reverse engineer any component of the interface offered by the EMR systems provider. COMPANY merely enters into a services agreement with the third party interface provider who provides the processing platform to translate the COMPANY'S results into HL7 machine readable format for the physician's office, or vice versa in the case of the physician's office ordering a test from COMPANY.

The interface provider is given access to COMPANY'S Data Exchange system, and in turn access is granted by the third party to the physician's software. Through a secure internet connection, the third party EMR provider performs their services remotely from their respective offices. It is not necessary for the interface provider to travel to COMPANY'S laboratories, the physician offices or the COMPANY'S Hub to perform any service.

Analysis

In Utah, sales tax is only imposed upon those services that are specifically enumerated by statute. (See Utah Code Ann. 59-12-103) Information services or database access are one such service that is not specifically stated under Utah statute as being a taxable service. (See *Id.*) Information services or data processing services is a service that "allows data to be acquired, generated, processed, retrieved, or stored, and delivered by an electronic transmission to a purchaser" who's primary purpose for the transaction is the information requested. (See Utah Code Ann. 59-12-102) These services are specifically excluded by statute from the definition of taxable telecommunications services. (See *Id.*) As telecommunications is a taxable service, as specified by Utah statute, and information or data processing services are specifically excluded from this definition, then information or data processing are not a taxable service in Utah. (See *Id.*)

Also, any transaction involving a service, and the later transfer of tangible personal property, the transaction as a whole is exempt if the essence of the transaction is for the non-taxable service. (See *Haroldson, Inc. v. State Tax Commission*, Utah Supreme Ct., 805 P2d 176 (1990)) In *Haroldson v. State Tax Commission*, the Supreme Court of Utah determined that the "essence" of the transaction involved was for the purchase of the tangible personal property, and that the services provided as a component of the transaction were only incidental to the purchase of the tangible personal property, and were therefore not sufficient to make the transaction "essentially (a) . . . service transaction." (See *Id.*)

COMPANY contends that their purchases of "interfaces" qualify as a non-enumerated service. The interface suppliers provide COMPANY'S clients with the ability to access a collection of

records or data electronically and to extract the desired information that they seek. These electronic services that the interfaces supply are exempt from sales tax in Utah as they qualify as information services/data processing services as they process and generate the data requested by the client and deliver the results electronically. (See Utah Code Ann. 59-12-102 & 103) Furthermore, the interface suppliers also allow COMPANY'S clients the ability to access the data they seek by manipulating/mapping the data from COMPANY'S computers and restructuring this data to a format that is compatible with the client computer. These services allow the patient information to be retrieved securely and privately; in a manner that can be easily understood/read by various medical record systems.

COMPANY also contends that although the end product delivered to the client is the data they requested or ordered, the essence of the transaction to delivery this data is the services provided by the interfaces. The interfaces map the data requested and retrieve/order the tests sent by the client. The essence of the service provided is this mapping and retrieval of the data to provide to the client in a format that is compatible with the client computer.

Therefore, COMPANY respectfully requests a ruling by the Utah State Tax Commission finding that the services provided by the "interfaces" are a non-enumerated service, and are therefore not taxable.

Included with this letter ruling request, you will find the following additional documentation...

1. Power of Attorney form
2. (SENTENCE REMOVED)
3. Copy of the Data Exchange Services (DEX) Agreement

If there are any follow up questions, please do not hesitate to contact me at PHONE NUMBER or by email at EMAIL ADDRESS.

COMPANY looks forward to your reply to this request for a private letter ruling on the taxability of these interfaces.

Thank you for your time and consideration in this matter.

Respectfully,

NAME, CMI, MST
Authorized Representative
COMPANY
Account: #####

RESPONSE LETTER
PRIVATE LETTER RULING 15-004

September 28, 2015

NAME
COMPANY-2
ADDRESS
CITY-1, STATE-1 ZIP CODE

RE: Private Letter Ruling Request – Utah Sales and Use Taxability of Sales Involving
Computer Software Interfaces

Dear NAME:

This letter is in response to your inquiry about the Utah sales and use taxability of certain purchases involving computer software interfaces that facilitate the communication between separate electronic medical records (“EMR”) systems. After considering the facts presented, the Commission has determined that the sales you described are not subject to Utah sales and use taxes.

I. Facts

In your request letter and through subsequent telephone conversations, you explained the following. COMPANY (“Company”) sells diagnostic medical testing to its customers, which include physicians’ offices and hospitals. Physicians and patients use the test results to make health care decisions.

In the past, the Company received through paper its customers’ orders and returned by paper the customers’ test results. Subsequently, the Company received and sent information through fax transmittals. Currently, the Company receives and sends information by HL7 messages through electronic medical records (“EMR”) system links.

The Company has its own in-house EMR system, which includes the Data Exchange (DEX) Service. The Company’s customers, such as physicians’ offices, have their own EMR systems, which differ from the Company’s. Most of the Company’s customers purchased their EMR systems from five or six vendors. Some of the Company’s customers purchased their EMR systems from two to three dozen other vendors.¹

¹ Some of the Company’s customers purchased the SOFTWARE EMR system from the Company, but those customers are not part of this private letter ruling.

Although both the Company and its customers have EMR systems, these EMR systems cannot directly communicate the HL7 messages between each other. Instead, the Company and its customers must send their HL7 messages through computer software interfaces. These interfaces include computer code or instructions that manipulate the format of the data sent in the HL7 messages between the Company's EMR system and customers' EMR systems so that the data is correctly read by each party's EMR system. These interfaces do not change the software of any party's EMR system.

The Company does not develop the computer software interfaces. Instead, the Company cooperates with the vendors who sold to the Company's customers the customers' EMR systems. These vendors develop and provide the computer software interfaces used to connect the Company's EMR system to the EMR systems of the Company's customers. You characterized the computer software interfaces as "highly customized." The Company learns which vendors provided the EMR systems to each of the Company's customers by asking the customers for the vendors' information.

The Company has entered into agreements with the vendors that provided the customers' EMR systems. These agreements allow those vendors to access confidential information about the Company's EMR system so the vendors can develop the interfaces. The Company has described these vendors as EMR providers or as unrelated third-party interface providers ("interface providers"). The Company does not charge the interface providers for the agreements discussed in this paragraph. The Company provides the interface providers with a document that is approximately 300 pages long that outlines the requirements and specifications for an interface to work with the Company's EMR system.

The confidential information about the Company's EMR system is akin to a description of a unique language used by the Company's EMR system. Competitors of the Company do not use the same language for their EMR systems. The EMR systems of the Company's customers also have their own languages. An interface provider's interface allows communications to flow back and forth between the Company's EMR system and a particular customer's EMR system. An interface provider's interface that was developed for the Company's EMR system cannot also connect a customer of the Company to the EMR systems of the Company's competitors. Additionally, a single interface from an interface provider does not allow the Company to connect to the EMR systems of all of the Company's customers. Multiple interfaces are needed to connect the Company to all of its customers.

For each physician's office or other customer of the Company, an interface provider remotely tests the use of an interface to determine that the interface is working correctly before the interface provider turns on the interface for use with the actual communications. In your request letter, you explained this testing as follows:

The EMR provider [interface provider] will work with a [Company's] technical analyst to begin to map any of the physician's office insurance provider files, input ID values, and test messages that are exchanged across the interface to ensure proper sending and receipt of the electronic messages. After validation of

all test scenarios, the physician's practice is moved to a go-live status and the interface is "turned-on" – meaning confidential medical information can be received and returned (in the case of a bi-directional interface service charge) or test results can be received (in the case of a "results only" interface service charge).

The interface providers invoice the Company for the sales that involve the use of the interfaces. The interface providers do not typically invoice the Company's customers for such sales. Furthermore, the interface providers do not invoice the Company for the EMR systems of the Company's customers. The purchases by the Company's customers of their EMR systems are unrelated to the transactions that are the subject of this private letter ruling. Some interface providers bill the Company an upfront fee for the use of the interfaces, typically \$\$\$\$\$ to \$\$\$\$\$, but no yearly renewal charge. Other interface providers bill the Company both a smaller charge for the initial setup with a customer of the Company and a yearly renewal charge. One or two other interface providers bill the Company a "per click" charge or fee based on the number of communications received and sent by the Company to a customer of the Company. Under all of these scenarios, the interface provider is required to keep an active connection between the Company and a customer of the Company. If the EMR system of a customer of the Company undergoes a major upgrade, the interface provider must continue to ensure the transfer of HL7 messages is unhindered.

II. Issues

Under the facts you have presented, you have inquired whether the sales made by the interface providers to the Company for the use of the interfaces are subject to Utah sales and use taxes. In response, this ruling finds the Company's purchases of the use of the interfaces are not subject to Utah sales and use taxes. The analysis for this conclusion is provided in the "IV. Analysis" section, which follows the "III. Applicable Law" section.

III. Applicable Law

Utah Code Ann. § 59-12-103(1) imposes Utah sales and use tax on various transactions including the following in part:

A tax is imposed on the purchaser . . . for amounts paid or charged for the following transactions:

- (a) retail sales of tangible personal property made within the state;
-
- (k) amounts paid or charged for leases or rentals of tangible personal property if within this state the tangible personal property is:
 - (i) stored;
 - (ii) used; or
 - (iii) otherwise consumed;

- (l) amounts paid or charged for tangible personal property if within this state the tangible personal property is:
 - (i) stored;
 - (ii) used; or
 - (iii) consumed; . . .
-

Utah Code Ann. § 59-12-102, effective 7/1/15, defines multiple terms, including the following in part:

- (26) "Computer" means an electronic device that accepts information:
 - (a) (i) in digital form; or
 - (ii) in a form similar to digital form; and
 - (b) manipulates that information for a result based on a sequence of instructions
- (27) "Computer software" means a set of coded instructions designed to cause:
 - (a) a computer to perform a task; or
 - (b) automatic data processing equipment to perform a task.

-
- (93) (a) *"prewritten computer software" means computer software that is not designed and developed:*
 - (i) *by the author or other creator of the computer software; and*
 - (ii) *to the specifications of a specific purchaser.*

-
- (107) "Retail sale" or "sale at retail" means a sale, lease, or rental for a purpose other than:
 - (a) resale;
 - (b) sublease; or
 - (c) subrent.

-
- (109)(a) "Sale" means any transfer of title, exchange, or barter, conditional or otherwise, in any manner, of tangible personal property or any other taxable transaction under Subsection 59-12-103(1), for consideration.
 - (b) *"Sale" includes:*

-
- (v) *any transaction under which right to possession, operation, or use of any article of tangible personal property is granted under a lease or contract and the transfer of possession would be taxable if an outright sale were made.*

-
- (124)
 - (b) *"Tangible personal property" includes:*
 - (v) *prewritten computer software, regardless of the manner in which the prewritten computer software is transferred.*
-

(Emphasis added.)

Utah Administrative Code R865-19S-92(2) explains the following for “custom computer software”

The sale, rental or lease of custom computer software constitutes a sale of personal services and is exempt from the sales or use tax, regardless of the form in which the software is purchased or transferred. Charges for services such as software maintenance, consultation in connection with a sale or lease, enhancements, or upgrading of custom software are not taxable.

(Emphasis added.)

IV. Analysis

The Company’s purchases from interface providers of the use of the interfaces are not subject to Utah sales and use taxes because the interfaces are custom computer software instead of prewritten computer software.

For background, under § 59-12-103(1)(a), (k), and (l), Utah imposes sales and use taxes on retail sales, leases, rentals, and uses of tangible personal property when such transactions occur in this state. Under § 59-12-102(124)(b)(v), tangible personal property includes prewritten computer software.² Thus, retail sales, leases, rentals, and uses of prewritten computer software are subject to Utah sales and use taxes when such transactions occur in this state. Under § 59-12-102(109), “sale” is broadly defined to include “any transaction under which *right to possession, operation, or use* of any article of tangible personal property is granted under a lease or contract and the transfer of possession would be taxable if an outright sale were made” (emphasis added). Therefore, a sale of a right to use prewritten computer software can be subject to Utah sales and use taxes even when a purchaser has not acquired other property rights in connection with the prewritten computer software. Utah Administrative Code R865-19S-92(2) clarifies that custom computer software is not subject to Utah sales and use taxes, with that administrative rule stating in part the following: “The sale, rental or lease of custom computer software constitutes a sale of personal services and is exempt from the sales or use tax . . .” Accordingly, an essential issue for this ruling is whether the interfaces are prewritten computer software or are custom computer software. As explained below, the interfaces you presented are custom computer software.

To understand custom computer software, we first consider the definitions of computer software, computer, and prewritten computer software. Computer software is defined in § 59-12-102(27) as follows:

"Computer software" means a set of coded instructions designed to cause:
(a) a computer to perform a task; or

² Prewritten computer software is defined in § 59-12-102(93) and analyzed later in this ruling.

- (b) automatic data processing equipment to perform a task.

Computer is defined in § 59-12-102(26) as follows:

"Computer" means an electronic device that accepts information:

- (a) (i) in digital form; or
- (ii) in a form similar to digital form; and
- (b) manipulates that information for a result based on a sequence of instructions.

Applying these definitions to the interfaces, each interface is “computer software”; each interface is “a set of coded instructions designed to cause . . . a computer to perform a task.” Next we consider whether each interface is prewritten computer software.

Under § 59-12-102(93), prewritten computer software is defined as follows:

"prewritten computer software" means computer software that is *not* designed and developed:

- (i) by the author or other creator of the computer software; and
- (ii) to the specifications of a specific purchaser.

(Emphasis added.)

Applying the above definition to the interfaces, each interface is *not* prewritten computer software because each interface is both of the following:

- (1) “designed and developed . . . by the author or other creator of the computer software”
- (2) “designed and developed . . . to the specifications of a specific purchaser.”

Item (1), above, has been met because the interface providers are “the author[s] or . . . creator[s]” that “designed and developed” each interface. Item (2), above, has also been met. The interface providers “designed and developed” each interface “to the specifications of [the Company],” which is “a specific purchaser.” The Company is the “specific purchaser” because the interface providers invoice the Company for the use of the interfaces and the Company pays the interface providers based on the amounts shown on these invoices.³ Each interface is “designed and developed . . . to the specifications of [the Company]” because the Company enters into agreements with the interface providers then the Company provides the interface providers with the Company’s confidential information so the interface providers can develop the interfaces. Additionally, each interface is designed to the Company’s specifications because each interface connects a customer of the Company only to the Company and not to the Company’s competitors.

Each interface is not prewritten computer software; each is custom computer software. Under R865-19S-92(2) the sale of custom computer software is the “sale of personal services and is exempt from the sales or use tax . . .” Thus, under the facts you presented, the interface

³ We do not opine on any possible charges paid by the customers of the Company to the interface providers for the interfaces.

providers' sales to the Company of the use of the interfaces are not subject to Utah sales and use taxes.

V. Conclusion

As explained in this letter, the interface providers' sales to the Company of the use of the interface providers' interfaces are not subject to Utah sales and use taxes. Instead, such sales are nontaxable sales of the interface providers' personal services.

The Tax Commission's conclusions are based on the facts as you described them and the Utah law currently in effect. Should the facts be different or if the law were to change, a different conclusion may be warranted. If you feel we have misunderstood the facts as you have presented them, you have additional facts that may be relevant, or you have any other questions, please feel free to contact the Commission.

Additionally, you may also appeal the private letter ruling in the following two ways.

First, you may file a petition for declaratory order, which would serve to challenge the Commission's interpretation of statutory language or authority under a statute. This petition must be in written form, and submitted within thirty (30) days after the date of this private letter ruling. You may submit your petition by any of the means given below. Failure to submit your petition within the 30-day time frame could forfeit your appeal rights. Declaratory orders are discussed in Utah Administrative Code R861-1A-34 C.2., available online at <http://tax.utah.gov/commission/effective/r861-01a-034.pdf>, and in Utah Administrative Code R861-1A-31, available online at <http://tax.utah.gov/commission/effective/r861-01a-031.pdf>.

Second, you may file a petition for redetermination of agency action if your private letter ruling leads to an audit assessment, a denial of a claim, or some other agency action at a division level. This petition must be written and may use form TC-738, available online at <http://tax.utah.gov/forms/current/tc-738.pdf>. Your petition must be submitted by any of the means given below, within thirty (30) days, generally, of the date of the notice of agency action that describes the agency action you are challenging.

You may access general information about Tax Commission Appeals online at <http://tax.utah.gov/commission-office/appeals>. You may file an appeal through any of the means provided below:

- **Best way**—by email: taxappeals@utah.gov
- By mail: Tax Appeals
USTC
210 North 1950 West
Salt Lake City, UT 84134

- By fax: 801-297-3919

For the Commission,

Rebecca L. Rockwell
Commissioner

RLR/aln
15-004