

Instructions For Form 6900

2013 Alaska Partnership Information Return

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WHAT'S NEW

Form 6900 and these instructions are updated to clarify which partnerships must file a Form 6900.

In addition, the Tax Division is currently implementing a new tax revenue management system. The 2013 Form 6900 will not be available for filing electronically. The Tax Division will keep taxpayers apprised of future availability of electronic filing of Form 6900.

GENERAL INSTRUCTIONS

Adoption of the Internal Revenue Code

Under AS 43.20.021, Alaska adopts the Internal Revenue Code, Sections 1-1399 and 6001-7872, with full force and effect, unless excepted to or modified by provisions of Alaska law. This includes federal provisions applicable to partnerships. In addition, AS 43.20.160 and AS 43.20.300 require the Department of Revenue (DOR) to apply, as far as practicable, the administrative and judicial interpretations of the federal income tax law.

Attribution Rule

Under Alaska Regulation 15 AAC 20.320, the tax attributes of a partnership, including apportionment factors, are attributed to the partners on the basis of their respective ownership interests, as modified by the partnership agreement. This means that the

partner itself is treated as if it had directly conducted the activities in the state.

Alaska Statutes

Effective 1/1/2013, the State Revisor of Statutes renumbered certain statutes applicable to Alaska corporate income tax, as shown below. These instructions refer to the revised statute citations, as necessary.

Section Title	Previous	Revised
Income from sources in the state of nonresident partners	AS 43.20.051	AS 43.20.141
Allocation and apportionment	AS 43.20.065	AS 43.20.142
Transportation carriers	AS 43.20.071	AS 43.20.143
Oil and gas producers and pipelines	AS 43.20.072	AS 43.20.144
Affiliated groups	AS 43.20.073	AS 43.20.145

Limited Liability Company (LLC)

An LLC doing business in the state must file an Alaska return consistent with its federal tax status. If the LLC is characterized as a partnership for federal income tax purposes, the LLC must file Form 6900. If the LLC is characterized as a corporation for federal income tax purposes, the LLC does not file Form 6900, but must file Form 6000, 6020, 6100, or 6150 (corporation net income tax return).

Purpose of Form

Form 6900 is an information return reporting certain partnership information, and includes Form 6900, Schedule K-1 to report information to partners classified as corporations or partnerships for federal tax purposes. Form 6900, along with Schedule K-1, reports apportionment factor information, certain income modifications, and activities that may generate tax credits for the partners.

Who Must File

A partnership or an LLC treated as a partnership for tax purposes (hereafter "partnership"), which conducts business in the state (also known as having "nexus" with the state) is required to file Form 6900. If all of the partners or LLC members (hereafter "partners") are natural persons or are effectively treated as natural persons, the partnership is not required to file Form 6900. The partnership must file Form 6900 if any partner is a corporation or another partnership.

A natural person is a real human being, as opposed to a legal person. Natural persons file individual income tax returns for U.S. tax purposes. Alaska treats partners that are not corporations or partnerships for federal tax purposes as natural persons ("effectively treated as natural persons".) Partners effectively treated as natural persons are entities that report their items of income, deductions, and credits directly on a federal individual income tax return.

A partnership is required to file Form 6900, even if the partnership itself does not conduct business in the state, but owns a partnership interest in a lower-tier partnership doing business in the state, because of the attribution rule.

Nexus

Nexus, sometimes referred to as “doing business” within the state, is the act of conducting business activity within the state and may exist as a result of an entity’s direct activity, the activity of its employees or agents, or through its interest in a lower-tier partnership or LLC. Nexus-creating activities may include, but are not limited to:

- 1) owning or using property in the state, including leased or mobile property;
- 2) presence of employees in the state for business purposes;
- 3) making sales into the state; or
- 4) the generation of income from sources within the state without regard to whether there is a physical presence in the state.

Publicly Traded Partnerships

Generally, a Publicly Traded Partnership (PTP) is taxed as a corporation, under Internal Revenue Code (IRC) Section 7704, for federal and Alaska purposes. A PTP must file Form 6000, 6020, 6100 or 6150 (Alaska corporation net income tax return). A PTP does not file Form 6900.

If a PTP meets the exception under IRC Section 7704(c), it is treated as a partnership for federal and Alaska purposes and is required to file Form 6900. If you are filing a Form 6900 for a PTP with a high volume of partners, contact the Tax Division to determine if you are eligible to provide partner information in an excel format.

When to File

The Alaska partnership return must be filed within 30 days of the date on which the partnership’s federal return is required to be filed. Thus, the due date is not necessarily the 15th day of the month following the federal due date.

Extension of Time to File

A federal extension automatically extends the Alaska filing due date to 30 days after the federal extended due date. This is also true if the Internal Revenue Service (IRS) extends a due date because of an event such as a natural disaster situation. Be sure to attach a copy of the federal extension to the Form 6900.

Who Must Sign

The return must be signed by a general partner or LLC member manager.

Where to Send Return

Mail the return with attachments to:

TAX DIVISION
ALASKA DEPARTMENT OF REVENUE
PO BOX 110420
JUNEAU AK 99811-0420

Other Related Forms

A corporation, or an LLC that is treated as a corporation for tax purposes (hereafter “corporation”), must file a Form 6000, 6020, 6100 or 6150 (corporation net income tax return), if the corporation is a partner in a partnership doing business in the state.

Amended Returns

A partnership may amend a prior year partnership return by providing a corrected Form 6900, with the appropriate box checked on page 1 under Return Information.

Internal Revenue Service (IRS) Audit

A partnership is required to file an amended Alaska partnership return to report any amendment of the taxpayer’s federal partnership return, or any adjustment made by the IRS. The Alaska amended return must be filed within 60 days after the final determination of the federal adjustment to avoid assessment of a penalty for failure to file. If the date that the adjustment is finalized is later than the date on the federal Revenue Agent’s Report, the reason must be satisfactorily explained to avoid assessment of a penalty for failure to file.

Note: The partnership’s obligation to report any IRS audit adjustment is not affected by the expiration of the statute of limitations period for the partnership’s original Alaska partnership return.

Penalties

A partnership that does not file a complete partnership return by the due date, including extension, is subject to a penalty for failure to file a partnership return, under Alaska’s adoption of IRC Section 6698. The penalty imposed is calculated by multiplying \$195 by the number of required Schedules K-1 (excluding any partner that is a natural person or is effectively treated as a natural person).

Additional penalties may apply if the partnership does not furnish the Form 6900, Schedule K-1 to a partner.

Paid Preparer Authorization

If the partnership wants to allow the DOR to discuss its return with the paid preparer who signed it, the applicable box in the signature area of the return must be checked. This authorization applies only to the preparer whose signature appears at the bottom of the return. It does not apply to the firm.

If the applicable box is checked, the partnership is authorizing the DOR to contact the paid preparer to answer any questions that arise during the processing of the return. The partnership is also authorizing the paid preparer to:

- 1) Contact the DOR for information about the processing of the return, and
- 2) Respond to certain DOR notices about the return.

The partnership is not authorizing the paid preparer to represent the partnership before the DOR. If the partnership wants to revoke the authorization, the partnership must file a Form 774 Power of Attorney.

If You Need Help

If you have questions, need additional information or require other assistance, see our web-site at www.tax.alaska.gov, or call:

Juneau: 907-465-2320
Anchorage: 907-269-6620

Required Attachments

A copy of the signed federal Form 1065, pages 1-5 must be attached to Form 6900 to constitute a complete filing.

If the partnership is reporting any activities that may generate a potential credit (to be claimed by a partner), then the appropriate form for that credit must be attached. These forms are available on our web-site at www.tax.alaska.gov.

SPECIFIC INSTRUCTIONS

Partnership Identification

Enter the legal name and federal Employer Identification Number (EIN) of the partnership.

Contact Person

Provide the name, email address, and telephone number of an individual to whom correspondence regarding this return should be directed. This must be a general partner, LLC member manager, or employee authorized to receive confidential tax information. Generally, we cannot discuss tax matters with an outside party unless we have a Power of Attorney (see Paid Preparer Authorization above).

Return Information

Check all boxes that apply.

Other Information

Question 1: The purpose of this series of questions is to identify a partnership that is required to file a return in Alaska. A partnership is not required to file, if any of the following three situations apply:

- 1) All of the partners are natural persons or are effectively treated as natural persons; or
- 2) The partnership is a “publicly traded partnership” that does **not** meet the exception under IRC Section 7704(c); or
- 3) The partnership
 - a) Does not conduct business in Alaska, and
 - b) Has no property in Alaska, and
 - c) Does not own an interest in a lower-tier partnership that is required to file Form 6900.

Nested Partnerships

If you answered yes to question 1c on page 1 of the Form 6900, then answer questions 2-5 to include activities attributed to the partnership from lower-tier partnerships. A lower-tiered partnership is required to file Form 6900 if it has nexus in Alaska and any partner is a corporation or another partnership, even if the partners of the higher-level partnership are all natural persons or those effectively treated as natural persons.

Question 1d

If all partners are natural persons or are effectively treated as natural persons, answer question 1d “no.” The partnership does not need to file Form 6900. If one or more partners is a natural person or is effectively treated as a natural person, and one or more additional partners is a corporation or partnership, answer “yes” to question 1d. A Form 6900, Schedule K-1 is not required for partners that are natural persons or are effectively treated as natural persons.

Question 2: If the partnership engages in the production or transportation of oil or gas in Alaska, then any corporation that is a partner (directly, or through a high-tier partnership), is subject to AS 43.20.144, the rules applicable to oil and gas producers and pipelines. For the partnership, this affects the information required on Schedule A.

Question 3: Indicate whether the partnership has an ownership interest in any foreign corporation. Attach a schedule showing the name, EIN, country of incorporation, and the ownership percentage held of each foreign corporation. If the partnership has an ownership interest in a foreign corporation, the ownership is attributed to any corporate partner, and may affect the Alaska corporate income tax reporting of that partner.

Question 4: If you answered yes to question 3 on page 1 of the Form 6900, then indicate whether any of the foreign corporations, in which an ownership interest was held, are a “tax haven corporation” as defined in 15 AAC 20.900(b)(4). If the partnership has an interest in a “tax haven corporation,” the ownership is attributed to any corporate partner, and may affect the Alaska corporate income tax reporting of that partner, if the partner is subject to water’s edge combined reporting under AS 43.20.145.

Question 5: Indicate whether the partnership has an ownership interest in any foreign partnership. Attach a schedule showing the name, EIN, and the ownership percentage held of each foreign partnership. If the partnership has an ownership interest in a foreign corporation, the ownership is attributed to the upper-tier partnership, including all tax attributes such as apportionment factor. This affects the reporting of apportionment factor information on Schedule A. See instructions for Schedule A below.

Schedule A

Schedule A is used to report relevant income modifications, apportionment data, and potential credits, and to attribute those items to partners, other than natural persons or those effectively treated as natural persons. It is similar in concept to the federal Form 1065, Schedule K.

General Instructions for Schedule A: Enter in Schedule A, column A the relevant information for the entire partnership. Enter in Schedule A, column B the amount from Schedule B, line 2 (see instructions for Schedule B). This is the percentage of ownership held by partners, other than natural persons or those effectively treated as natural persons. Enter in Schedule A, column C the distributable portion of the items in column A (multiply column A by the percentage in column B). This is the portion of items attributable to partners, other than natural persons or those effectively treated as natural persons. The amount of items in Schedule A, column C will be reported on Form 6900, Schedules K-1 for the partners, other than natural persons or those effectively treated as natural persons.

Nested Partnerships

If you answered yes to question 1c on page 1 of Form 6900, then the amounts in Schedule A, column A must include amounts attributed to the partnership from lower-tier partnerships.

Income/Expense Items Subject to Alaska Modification: A corporate partner must report certain income modifications for purposes of Alaska corporate income tax, under AS 43.20.031(c) or AS 43.20.144(b). Under 15 AAC 20.320, income and expenses of the partnership are attributed to the partner, as if the partner had directly engaged in those activities itself.

Certain potential modification items are not required to be reported on Form 6900. Generally, this is true where an item is separately stated on federal Form 1065, Schedule K, such as dividends, charitable contributions, and capital gains, because those items retain their character and are separately reported on the corporate partner’s federal Form 1120.

Note: If a partner is subject to AS 43.20.144 (oil and gas producers and pipelines), then the partner will be required to report modifications to depreciation, depletion, and intangible drilling costs under AS 43.20.144(b). This would include modification of the corporate partner's share of costs incurred by the partnership. Since such costs are subject to certain elections by the corporate partner, the partnership is not required to report those items on Form 6900. In these circumstances, the corporate partner should contact the partnership to gather the relevant information.

Apportionment Data: This information will be used to calculate a corporate partner's apportionment factor. In addition to general regulations cited below, special industry rules may apply. See Alaska Administrative Code (AAC) Title 15, Chapter 19 for further information.

Lines 3a-3b: Report the average value of owned property in Alaska (line 3a) and everywhere (line 3b). Owned property is valued at its original cost, which is the unadjusted basis for federal income tax purposes at the time of acquisition adjusted by subsequent additions, improvements, or partial dispositions. Owned property does not include construction in progress. Owned property does not include intangible personal property. See 15 AAC 19.141-181 for further details.

Lines 4a-4b: Rented property is valued at eight times the annual rents paid. See 15 AAC 19.191 for further details.

Lines 5a-5b: Report gross receipts derived during the tax year from transactions and activities attributable to Alaska (line 5a) and everywhere (line 5b) in the regular course of the partnership's regular trade or business. See 15 AAC 19.251-302 for further details.

Lines 6a-6b: Report compensation paid in Alaska (line 6a) and everywhere (line 6b). Do not complete lines 6a-6b, if you answered yes to question 2 on page 1 of Form 6900.

The term "compensation" means wages, salaries, commissions and any other form of remuneration paid directly to employees for personal services. Payments made to an independent contractor, or to any person not properly classified as an employee, are excluded. See 15 AAC 19.211-241 for further details.

Lines 7a-7b: Report tariffs paid in Alaska (line 7a) and everywhere (line 7b). "Tariffs" are amounts received by the partnership for transporting oil or gas by pipeline, regardless of whether the tariffs are paid by third parties or by a related party. See 15 AAC 20.500(a) for further details.

Lines 8a-8b: Report cumulative intangible drilling costs incurred in Alaska (line 8a) and everywhere (line 8b). See 15 AAC 20.500(b) for further details.

Lines 9a-9b: Report the number of barrels of oil or natural gas liquids (NGLs), net of royalty to an unrelated party, produced in Alaska (line 9a) and everywhere (line 9b). See 15 AAC 500(c) for further details.

Lines 10a-10b: Report one-sixth of the number of Mcf of gas, net of royalty to an unrelated party, produced from properties in Alaska (line 10a) and everywhere (line 10b). See 15 AAC 20.500(c) for more details.

Alaska Incentive Credits and Credit Recapture Allocated to Partners: Form 6900 is used to report the allocation of certain Alaska incentive credits, and recapture of credit for cessation of

operations under AS 43.20.046(h) and AS 43.20.047(h). The film production tax credit is not reported on Form 6900 because the taxpayer (corporation) must produce a credit certificate issued by the DOR directly to, and in the name of, the corporation claiming the credit.

Line 11: You must complete and attach Form 6320 to the partnership return. Enter on line 11 the amount from Form 6320, line 4.

Line 12: You must complete and attach Form 6310 to the partnership return. Enter on line 12 the amount from Form 6310, line 6.

Line 13: You must complete and attach Form 665 to the partnership return. Enter on line 13 the amount from Form 665, line 5.

Line 14: You must complete and attach Form 6325 to the partnership return. Enter on line 14 the amount from Form 6325, line 5.

Line 15: If the gas storage facility tax credit is being allocated to partners, then Form 6321 must be completed and attached to the partnership return. Enter on line 15 the amount from Form 6321, line 8. If the partnership is itself claiming the gas storage facility tax credit, then a separate claim for refund may be claimed by filing Form 6322 separately. See instructions for Form 6321 and 6322 for further information.

Line 16: If the LNG storage facility credit is being allocated to partners, then Form 6323 must be completed and attached to the partnership return. Enter on line 16 the amount from Form 6323, line 3. If the partnership is itself claiming the LNG storage facility tax credit, then a separate claim for refund may be claimed by filing Form 6324 separately. See instructions for Form 6323 and 6324 for further information.

Line 17: If the gas storage facility tax credit was originally allocated to partners, then the increase to tax for cessation of operations recapture must be similarly allocated to partners. Form 6321 must be completed and attached to the partnership return. Enter on line 17 the amount from Form 6321, line 13. See instructions for Form 6321 and 6322 for further information.

Line 18: If the LNG storage facility credit was originally allocated to partners, then the increase to tax for cessation of operations recapture must be similarly allocated to partners. Form 6323 must be completed and attached to the partnership return. Enter on line 18 the amount from Form 6323, line 8. See instructions for Form 6323 and 6324 for further information.

Schedule B

All partners must be fully accounted for on Schedule B. If additional lines are necessary, attach additional Schedules B, completing lines 2 and 4 only on the first Schedule B.

Line 1: List the legal name of all partners, other than natural persons or those effectively treated as natural persons, in column A. Enter in column B the percentage ownership held by each partner. This should agree to the partner's proportionate share, for federal income tax purposes.

Enter in column D the appropriate entity code from the following:

- C corporation
- P partnership, or LLC treated as a partnership for federal tax purposes

Indicate in column E if a special allocation is made to the partner under Internal Revenue Code Section 704.

Line 3: List the names of all partners that are natural persons or effectively treated as natural persons, in column A. Enter in column B the percentage ownership held by each partner. Indicate in column C if a special allocation is made to the partner under Internal Revenue Code Section 704.

The sum of lines 2 and 4 must equal 100%.

Form 6900, Schedule K-1

A partnership is required to prepare and give a Form 6900, Schedule K-1 to each partner that is not a natural person or is not effectively treated as a natural person. A Form 6900, Schedule K-1 is not required for partners who are natural persons or are effectively treated as natural persons.

Complete a Schedule K-1 for each partner that is not a natural person or effectively treated as a natural person, to report that partner's distributive share of amounts reported on Schedule A.