

Gross Receipts Tax Letter Attachment

South Dakota Codified Laws

[49-1A-3](#). Annual intrastate gross receipts tax levied -- Amount. There is hereby levied on each public utility as defined in [49-34A-1\(12\)](#), which is subject to the rate regulation of the commission, and all telecommunications companies as defined in [SDCL 49-31-1\(26\)](#), a tax of not more than .0015 or two hundred fifty dollars, whichever is greater upon the annual intrastate gross receipts derived by the public utility or telecommunications company from its customers within the State of South Dakota during the preceding calendar year. The two hundred fifty dollar minimum gross receipt tax does not apply to telecommunications companies providing local exchange service as defined in [49-31-1\(13\)](#) or to radio common carriers.

[49-1A-4](#). Annual report of gross receipts -- Filing date -- Verification -- Annual rate setting and tax assessment. On **April first** of each year, each company shall file with the Public Utilities Commission, on forms prescribed by the commission, the amount of its gross receipts derived from the company's customers within the State of South Dakota during the preceding calendar year. Such report shall be sworn to and verified by an officer of the company. On **May first** of each year the commission shall, by order, establish the rate and assess the tax authorized in [SDCL 49-1A-3](#) which, together with any funds remaining from the current fiscal year and the two hundred fifty dollar minimum gross receipt tax, will fund the commission's budget for the next fiscal year and provide a contingency reserve in an amount not to exceed the prior year's budget.

[49-1A-5](#). Tax payment date. The tax levied by this chapter is due and payable to the state treasurer on **July fifteenth** of each year.

[49-1A-6](#). Penalty for late payment -- Collection procedure. If the tax levied under this chapter is not paid on the due date, a penalty of ten percent of the amount of the tax shall be imposed for each month of such delinquency. The tax may be enforced and collected by distress and sale of the personal property of such company in the same manner as is provided for the collection of mobile home taxes pursuant to chapter 10-22

Administrative Rules

[20:10:24:04](#). Certificate of authority -- Information filed after certification. After a telecommunications company has received a certificate of authority from the commission, the company shall submit to the commission on June 1 each year thereafter a report identifying the exchanges, routes, or other geographic areas of this state where it is providing or expects to provide services. The report shall include the number and type of customers being served.

[20:10:32:12](#). Annual reporting requirements. After a telecommunications company has received a certificate of authority to provide local exchange services from the commission, the company shall submit to the commission by June 1 of each year thereafter the following information:

- (1) A report of its annual revenues from the preceding year resulting from operations in South Dakota;
- (2) A report identifying specifically the areas within its service area in the state where the company is operational and actually providing local exchange services. The report must separately identify areas being served primarily through resale and areas served by facilities of the companies; and
- (3) The number of access lines being served, segregated between business and residential local exchange customers