



State of Georgia

Department of Revenue

Suite 15300

1800 Century Boulevard

Atlanta, Georgia 30345

(404) 417-2100

January 21, 2010

Bart L. Graham
Commissioner

[REDACTED]

Re: Formal withdrawal of a Commissioner's Letter of Determination per O.C.G.A. § 48-6-71 dated September 30, 2003. The determination concerned the issue of payment of Intangible Recording Tax on Long-Term Promissory Notes made by Non-profit Electric Membership Corporations Payable to a Non-profit Finance Cooperative and secured by a Deed to Secure Debt in which the Rural Utilities Service, an Agency of the United States Department of Agriculture, is a party.

Dear [REDACTED]

I am writing to you at the direction of Commissioner Graham pursuant to the above-captioned matter. For your convenience, enclosed please find a copy of a Letter of Determination, dated September 30, 2003, which was issued by the Department. The intent of this communication is to formally withdraw that letter, and any and all legal authority so conveyed by its contents with respect to an exemption from payment of intangible recording tax, under the statutory powers granted to the Commissioner pursuant to O.C.G.A. § 48-6-71.

Since that date, during his administration Commissioner Graham has deliberately implemented a comprehensive array of policies and procedures throughout all divisions in the Department. With respect to Intangible Recording Tax, specifically Letter of Determination requests, the Commissioner has implemented a policy whereby he will consider those types of requests on a fact-specific, case-by-case basis. As I am certain you are aware, the corresponding Regulation is Ga. Comp. R. & Regs. r. 560-11-8-.15 Determination Letter Requests.

This letter, therefore, supersedes any prior letters from the Commissioner that in any way relate to the issue(s) presented, specifically, those letters dated September 3, 2003, and September 30, 2003. (A copy of the September 3 letter is also enclosed for your convenience.)

[REDACTED]
January 21, 2010

Page Two

From this date forward, should the subject parties with regard to this matter desire to record either amended or supplemental instruments that are secured by any previously recorded security instrument(s), or record a new security instrument in other counties in Georgia for which an exemption from payment of any part of intangible recording tax is sought, the Department would be pleased to review a formal Letter of Determination request for same, with accompanying documents, on a case-by-case basis.

With respect to specific transactions, and to the extent that the prospective security instrument presented includes an exempt party such as the Rural Utilities Service, the Department, after consideration of the specific facts and finding everything in order, would generally issue a favorable "transaction-specific" ruling under such circumstances.

Sincerely,


Frank M. O'Connell

Enclosures

FOC/RJL/me

cc: Bart L. Graham, Commissioner
Timothy A. Mitchell, Esq., Tax Law and Policy
Reg Lansberry, Tax Law and Policy