**Private Letter Ruling**

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| **Ruling Number:** | **P-2004-033** |

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| **Tax Type:** | **Kansas Retailers' Sales Tax** |
| **Brief Description:** | **Charges for renting tower space on a communications tower.** |
| **Keywords:** |  |
| **Approval Date:** | **06/30/2004** |

**Body:**

Office of Policy & Research  
  
  
June 30, 2004

XXXX  
XXXX  
XXXX  
  
Re: Request for Private Letter Ruling  
  
Dear XXXX:  
  
You requested a private letter ruling on the question of whether charges for renting tower space on a communications tower to a company for use in operating its paging system for that company’s employees are subject to sales tax. You indicate that your company owns a communications tower (a “guided” tower), but not the ground it sits on. Our understanding is that in the typical situation, your company “rents tower space” to users who may have paging systems or two-way radios that rely on the tower space to operate, and those users may install their own equipment on the tower. In other situations, your company owns and installs the equipment on the tower used in facilitating operation of these communication systems, which may be used by several entities.  
  
Please be advised that we would not consider such charges subject to sales tax as the rental of tangible personal property.  
  
This is a private letter ruling pursuant to K.A.R. 92-19-59. It is based solely on the facts provided in your request. If it is determined that undisclosed facts were material or necessary to an accurate determination by the department, this ruling is null and void. This ruling will be revoked in the future by the operation of law without further department action if there is a change in the statutes, administrative regulations, or case law, or published revenue ruling, that materially effects this private letter ruling. If I may be of further assistance, please contact me at (785) 296-3081.  
  
Very truly yours,  
  
  
  
Richard L. Cram  
  
  
**Date Composed: 07/06/2004 Date Modified: 07/09/2004**