

New York State Department of Taxation and Finance
Taxpayer Services Division
Technical Services Bureau

TSB-H-80(105.1)S
Sales Tax
June 25, 1980

STATE OF NEW YORK
STATE TAX COMMISSION

ADVISORY OPINION

PETITION NO. S800319C

On March 19, 1980, a Petition for Advisory Opinion was received from the Cinema Shares International Distribution Corp., 450 Park Avenue, New York, New York 10022. On May 9, 1980, an amendment to the Petition for Advisory Opinion was received from the Petitioner.

The issue raised in the amended petition is whether the taxable status of the transaction between Home Box Office, Inc. and Petitioner (a film distributor) should be or has been resolved by the determination of the Tax Appeals Bureau involving a contract between Home Box Office, Inc. and another film distributor.

Section 601.4(c) of the Rules of Practice and Procedure of the State Tax Commission provides the scope and procedure with reference to pre-hearing conferences.

The settlement, referred to by Petitioner as a "determination of the Tax Appeals Bureau", was reached through conference over a controversy involving a similar transaction as presented by Petitioner and was not a determination of the State Tax Commission. Such conferences are conducted prior to a hearing and are not considered part of a proceeding. The conference is designed to resolve controversies where possible to eliminate need for a hearing. As such, the agreement reached through that process is applicable only to the transaction in dispute and the party thereto and does not resolve similar questions presented by other taxpayers to the Tax Commission.

Dated: June 10, 1980

s/LOUIS ETLINGER
Deputy Director
Technical Services Bureau