



CT-397

New York State Department of Taxation and Finance

Report of Annual License Fee
Agricultural Cooperative Marketing or
Financing Corporations and
District Heating/Cooling Cooperatives
Cooperative Corporations Law, Article 5

Print or type

For calendar year

Form with fields: Employer identification number, File number, Business telephone number, Legal name of corporation, Trade name/DBA, Mailing name, State or country of incorporation, Date received, Date of incorporation, Date began business in NYS, Audit (for Tax Department use only)

Payment - pay \$10.00 - Make check or money order payable to: New York State Corporation Tax
Payment enclosed \$10.00

The above corporation was incorporated under the Cooperative Corporations Law on (mm-dd-yy)

for the purpose of

Certification: I certify that this report and any attachments are to the best of my knowledge and belief true, correct, and complete.

Authorized person table with fields: Printed name of authorized person, Signature of authorized person, Official title, E-mail address of authorized person, Telephone number, Date

Instructions

Form CT-1, Supplement to Corporation Tax Instructions

See Form CT-1 for the following topics:

- Changes for the current tax year (general and by Tax Law Article)
• Business information (how to enter and update)
• Entry formats
- Dates
- Negative amounts
- Percentages
- Whole dollar amounts
• Third-party designee
• Paid preparer identification numbers
• Is your return in processible form?
• Use of reproduced and computerized forms
• Electronic filing and electronic payment mandate
• Web File
• Form CT-200-V
• Collection of debts from your refund or overpayment
• Fee for payments returned by banks
• Reporting requirements for tax shelters
• Tax shelter penalties
• Voluntary Disclosure and Compliance Program

- Your rights under the Tax Law
• Need help?
• Privacy notification

Who must file

Section 77 of the Cooperative Corporations Law exempts certain cooperative corporations from franchise taxes, corporation taxes, or license fee requirements under Tax Law, Article 9, section 181. In place of those taxes and the license fee, the following corporations must file this form and pay an annual license fee of \$10:

- Agricultural cooperative marketing corporations, with or without capital stock, organized for the purpose of marketing agricultural products;
• Agricultural cooperative financing corporations, with or without capital stock, organized for the purpose of making loans to their members producing agricultural products;
• Cooperative corporations with annual sales of less than \$500,000, organized for the purpose of purchasing food products for sale to their members;
• Heating/cooling cooperative corporations without stock, that have federal Internal Revenue Code (IRC) section 501(c)(12) status and are organized for producing and/or distributing district heating and/or cooling services solely for use by their members. The heating or cooling facility must be located in a city with a population of more than 200,000 but less

than 300,000, and must have at least 35% of the service, as measured by relative thermal usage, distributed to and used by members who:

- qualify as certain exempt organizations under the New York State Sales and Use Tax Law (for example, governmental, educational, charitable, religious); or
 - qualify as cooperative corporations without stock, that have federal IRC section 501(c)(12) status.
- Members of heating/cooling cooperative corporations as described above.

Types of cooperative corporations that are not exempt from franchise tax, corporation tax, or license fee requirements under Tax Law section 181, and therefore are not required to file this form, are:

- Agricultural cooperative corporations with capital stock organized for the sole purpose of raising crops are subject to the franchise tax imposed by Tax Law, Article 9, section 185. (See Form CT-185, *Cooperative Agricultural Corporation Franchise Tax Return*.)
- Cooperative corporations with capital stock that operate for a profit are taxable under Tax Law Article 9-A. (See Form CT-3, *General Business Corporation Franchise Tax Return*, or Form CT-4, *General Business Corporation Franchise Tax Return Short Form*.)

Payment

Make your check or money order payable in United States funds. We will accept a foreign check or foreign money order only if payable through a United States bank or if marked **Payable in U.S. funds**.

When and where to file

On or before March 15th following the close of the calendar year, mail this completed form and \$10 check or money order to:

**NYS CORPORATION TAX
REGISTRATION UNIT
W A HARRIMAN CAMPUS
ALBANY NY 12227**

Private delivery services

If you choose, you may use a private delivery service, instead of the U.S. Postal Service, to mail in your form and tax payment. However, if, at a later date, you need to establish the date you filed or paid your tax, you cannot use the date recorded by a private delivery service **unless** you used a delivery service that has been designated by the U.S. Secretary of the Treasury or the Commissioner of Taxation and Finance. (Currently designated delivery services are listed in Publication 55, *Designated Private Delivery Services*. See *Need help?* for information on obtaining forms and publications.) If you have used a designated private delivery service and need to establish the date you filed your form, contact that private delivery service for instructions on how to obtain written proof of the date your form was given to the delivery service for delivery.
