SCHEDULE PH
(Form 1120)

Department of the Treasury
Internal Revenue Service

Computation of U.S. Personal Holding Company Tax

for calendar year 1971, or other taxable year

beginning ....., 1971, and ending ....., 19. .....

1971

Name

Employer identification number

Computation of Undistributed Personal Holding Company Income

ADDITIONS

1 Taxable income before net operating loss deduction and special deductions (line 28, Form 1120) . . . . . .

2 Contributions deducted in computing line 1 (line 19, Form 1120) . . . . . .

3 Excess of expenses and depreciation under section 545(b)(8) (Schedule A) . . . . . .

4 Amount added to taxable income where lien in favor of the United States is satisfied or released . . . . . .

5 Total of lines 1 through 4 . . . . . .

6 Federal and foreign income, war profits, and excess profits taxes not deducted in computing line 1 (attach schedule) . . . . . .

7 Contributions deductible under section 545(b)(2) (attach schedule—see instructions for limitation) . . . . . .

8 Net operating loss for the preceding taxable year deductible under section 545(b)(4) . . .

9 (a) Excess of net long-term capital gain over net short-term capital loss (line 8, separate Schedule D, Form 1120)

SCHEDULE C–2.—Computation of Qualified Indebtedness. NOTE.—If you were a personal holding company for the preceding taxable year, omit lines 1 through 6 and enter on line 7 the amount of qualified indebtedness as of the beginning of the taxable year covered by this return. If you were not a personal holding company for the preceding taxable year, complete all applicable lines.

1 Enter amount of indebtedness which was incurred after December 31, 1933, and before January 1, 1964, and which was outstanding as of the first day of the first taxable year beginning after December 31, 1963		
2 Less: Amounts included in line 1 which were irrevocably set aside before the first day of the first taxable year beginning after December 31, 1963, to pay or retire indebtedness with respect to a contract (section 545(c)(3)(C))		
3 Line 1 less line 2		
4 Aggregate amount of indebtedness incurred after December 31, 1963, and before the taxable year covered by this return, for the purpose of making a payment or set-aside in the same taxable year, but, in the case of such a payment or set-aside, enter such indebtedness only to the extent the deduction otherwise allowed in section 545(c)(1) for such payment or set-aside was treated as nondeductible by reason of the election provided in section 545(c)(4). (See section 545(c)(3)(A)(ii))		
5 Total of lines 3 and 4		
6 Less: (a) Aggregate of amounts actually used or irrevocably set aside (including amounts which were treated as nondeductible by reason of the election provided in section 545(c)(4)) to pay or retire qualified indebtedness in taxable years beginning after December 31, 1963 (not including taxable year covered by this return).		
(b) Aggregate amount of pro rata reductions in taxable years beginning after December 31, 1963 (not including taxable year covered by this return) with respect to disposition of certain property after December 31, 1963 (section 545(c)(6))		
(c) Aggregate of amounts which ceased to be outstanding during taxable years beginning after December 31, 1963 (not including taxable year covered by this return) other than as a result of a payment or set-aside (attach statement)		
7 Line 5 less line 6		
8 Total indebtedness incurred during the taxable year for the purpose of making a payment or set-aside in the same taxable year, but, in the case of such a payment or set-aside, enter such indebtedness only to the extent the deduction otherwise allowed in section 545(c)(1) for such payment or set-aside is treated as nondeductible by reason of the election provided in section 545(c)(4). (See section 545(c)(3)(A)(ii))		
9 Line 7 plus line 8		
10 Less: (a) Amounts included in line 9 which were, at any time after December 31, 1963, and before payment or set-aside, owed to a person who at such time owned (or was considered as owning within the meaning of section 318(a)) more than 10 percent in value of your outstanding stock. **NOTE.**—If you were a personal holding company for the preceding taxable year, enter such amounts which were owed at any time on or after the first day of the taxable year covered by this return (section 545(c)(3)(B))		
(b) Pro rata reduction with respect to disposition of certain property during the taxable year (section 545(c)(6))		
11 Line 9 less line 10		
12 Less: Amounts included in line 11 which ceased to be outstanding during the taxable year other than as a result of a payment or set-aside (attach statement)		
13 Qualified indebtedness before payments and set-asides (line 11 less line 12)		
14 Amounts used or irrevocably set aside (including amounts which were treated as nondeductible by reason of the election provided in section 545(c)(4)) during the taxable year to pay or retire amount shown on line 13		
15 Qualified indebtedness as of end of taxable year (line 13 less line 14)		

General Instructions

(References are to the Internal Revenue Code.)

Who must file Schedule PH.—Every personal holding company must file a Schedule PH. The term "personal holding company" means any corporation if at least 60% of its adjusted ordinary gross income (as defined in section 543(b)(2)) for the taxable year is personal holding company income (as defined in section 543(a)), and if at any time during the last half of the taxable year more than 50% in value of its outstanding stock is owned, directly or indirectly, by or for not more than 5 individuals.

For purposes of determining stock ownership, an organization described in section 401(a), 501(c)(17), or 509(a) or a portion of a trust permanently set aside or to be used exclusively for the purposes described in section 642(c) is considered an individual, unless such organization or trust meets the requirements of the last sentence of section 542(a)(2).

For exceptions to the term "personal holding company," see section 542(c).

A foreign corporation (except one which has income to which section 543(a)(7) applies) is not a personal holding company if all of its outstanding stock during the last half of the taxable year is owned by nonresident alien individuals, whether directly or indirectly through foreign estates, foreign trusts, foreign partnerships, or other foreign corporations. See section 542(c)(7).

Failure of foreign corporations to file.—If a foreign corporation which is a personal holding company fails to file or cause to be filed a true and accurate return of the tax imposed by section 541, a penalty (in addition to any other applicable penalties) shall be imposed equal to 10% of the taxes imposed by chapter 1 of the Code (including personal holding company tax). See section 6683.

Personal holding company income.—Personal holding company income is that portion of adjusted ordinary gross income (as defined in section 543(b)(2)) which consists of the items of income described in section 543(a).

Specific Instructions

(Numbered to correspond with line numbers on page 1 of this schedule.)

Note: For a foreign corporation all of whose outstanding stock during the last half of the taxable year is owned by nonresident alien individuals (whether directly or indirectly through foreign estates, foreign trusts, foreign partnerships, or other foreign corporations), taxable income for purposes of section 545(a) is that personal holding company income described in section 543(a)(7), reduced by deductions attributable to such income, and adjusted, with respect to such income, in the manner provided in section 545(b). See section 545(d).

1. Taxable income before net operating loss deduction and special deductions.—Enter the amount shown on line 28, page

(Specific Instructions—Continued)

1, Form 1120, computed without regard to section 443(b) (relating to income placed on an annual basis). If such taxable income includes any amount with respect to coal or domestic iron ore royalties, see section 631(c).

In the case of a foreign corporation (whether or not engaged in a trade or business within the U.S.) which qualifies as a personal holding company under section 542 but not as a foreign personal holding company under section 552, the amount to be entered on line 1 must be computed under section 861 rather than under section 881(a).

3. Expenses and depreciation in excess of amount allowable under section 545(b)(8).—If the corporation derived rent or other compensation for the use of, or right to use, property which was less than the sum of the allowable expenses and depreciation, Schedule A should be filled in and the excess entered on line 3.

This adjustment must be made unless the corporation establishes, in accordance with section 545(b)(8), that the rent or other compensation received was the highest obtainable, or if none was received, that none was obtainable; that the property was held in the course of a business carried on bona fide for profit; and either that there was reasonable expectation that the operation of the property would result in a profit, or that the property was necessary to the conduct of the business.

The burden of proof will rest upon the corporation to sustain the excess deductions. A corporation claiming excess deductions shall, in lieu of filling in Schedule A, attach a statement claiming the deductions together with a complete statement of facts, circumstances, and arguments to support the deductions. Such statement must show the information required by section 1.545–2(h)(2) of the regulations.

4. Amount added to taxable income where lien in favor of the U.S. is satisfied or released.—The sum of the amounts deducted under section 545(b)(9) for any lien in favor of the U.S. must be added to taxable income in the taxable year in which the lien is satisfied or released; similarly, in the case of a partial satisfaction or release of such lien, to the extent satisfied or released.

Where an amount is so added, the shareholders may elect to compute the tax on dividends attributable to the added income as though they were received ratably over the period the lien was in effect. See instruction 13.

6. Federal and foreign income, war profits, and excess profits taxes.—Attach a schedule showing the nature of the tax, the taxable year, and the amount. Section 545(b)(1) allows a deduction for Federal income and excess profits taxes accrued during the taxable year but not including the accumulated earnings tax imposed by section 531 or the personal holding company tax imposed by section 541.

The foreign tax credit is not allowed against personal holding company tax. A deduction is allowed, however, for income, war profits, and excess profits taxes accrued (or deemed paid under section 902(a)(1) or 960(a)(1)(C)) during the taxable year to foreign countries and U.S. possessions if the corporation claims a credit for such taxes in computing its income tax.

7. Contributions deductible under section 545(b)(2).—For purposes of the personal holding company tax, section 545(b)(2) provides a different limitation for charitable contributions than the 5% limitation used in determining the corporate income tax. The limitations on charitable deductions of individuals are applicable but are to be applied to the amount of taxable income to which the 5% limitation applied. (See instruction 19, Form 1120.) However, taxable income shall be computed without the deduction of the amount disallowed under section 545(b)(8) (excess expenses and depreciation).

For purposes of the personal holding company tax, the contribution carryover under section 170(d) is not allowed.

8. Net operating loss for the preceding year.—Section 545(b)(4) provides that in lieu of the net operating loss deduction provided in section 172, a deduction is allowed for the net operating loss (as defined in section 172(c)) for the preceding taxable year computed without the deductions provided in part VIII (except section 248) of subchapter B.

11. Amounts used or irrevocably set aside to pay or retire indebtedness of any kind incurred prior to January 1, 1934.—Section 545(b)(7) allows a deduction for amounts used or irrevocably set aside to pay or retire indebtedness of any kind incurred before January 1, 1934, if such amounts are reasonable with reference to the size and terms of such indebtedness.

The corporation must furnish all of the facts and circumstances upon which it relies to establish the reasonableness of the amount claimed as a deduction.

Attach a statement showing a description of the indebtedness, the date incurred or assumed, the date due, and the plan for payment or retirement of the obligations (indicating date and method of adoption). If the plan is covered by a mandatory sinking fund agreement or similar arrangement, submit a copy of the indenture or agreement by which the fund was established and under which it is maintained.

The statement should also include: (1) the amount of indebtedness on January 1, 1934; (2) aggregate of amounts used or irrevocably set aside to pay or retire such indebtedness in prior taxable years beginning on and after January 1, 1934; (3) amount actually used during the taxable year to pay or retire the indebtedness; and (4) amount irrevocably set aside during the taxable year to pay or retire the indebtedness but not actually used during the taxable year for such purpose. In addition, the statement shall indicate whether the deduction claimed represents (a) an amount actually used during the taxable year to pay or retire the indebtedness, (b) an amount irrevocably set aside during the taxable year to pay or retire the indebtedness, or (c) a combination of both (a) and (b).

If the amount claimed as a deduction on line 11 or 12 represents an amount irrevocably set aside to pay or retire the indebtedness, attach a statement explaining the circumstances and method by which it was irrevocably set aside.

12. Amounts used or irrevocably set aside to pay or retire qualified indebtedness.—Subject to the limitations described in section 545(c), section 545(c)(1) allows a deduction for amounts used, or amounts irrevocably set aside (to the extent reasonable with reference to the size and terms of the indebtedness), to pay or retire qualified indebtedness (as defined in section 545(c)(3)). This deduction applies only to corporations described in section 545(c)(2).

Any corporation that claims this deduction must submit detailed information and any necessary computation showing that it is a corporation described in section 545(c)(2)(A) or to the extent that it succeeds to such deduction by reason of section 381(c)(15), it must submit detailed information showing that the distributor or transferor corporation was a corporation described in section 545(c)(2)(A).

Corporations succeeding to the deduction by reason of section 381(c)(15) should make necessary adjustments to Schedule C–2 to take into account such indebtedness.

Schedule C–2 should be completed in all cases where qualified indebtedness has changed during the taxable year, even though no payments or set-asides were made and no deduction is being claimed.

See instruction 11 for additional information which must be submitted to establish the reasonableness of amounts irrevocably set aside to pay or retire qualified indebtedness.

Section 545(c)(4) allows corporations to elect to treat as nondeductible certain amounts used or irrevocably set aside to pay or retire qualified indebtedness which are otherwise deductible under section 545(c)(1). See section 1.545–3(e) of the regulations for time and manner of making the election.

13. Lien in favor of the U.S.—The corporation may deduct the amount of any lien in favor of the U.S. (notice of which has been filed as provided in section 6323(f)) to which the corporation is subject at the close of the taxable year. However, the amount deducted may not exceed taxable income as adjusted under sections 545(b) and 545(c), computed without regard to this deduction. Thus, the deductions may not exceed line 5 less the total of lines 6 through 12.

14. Deduction for dividends paid.—Enter the amount of the dividends-paid deduction as computed in Schedule B. (Section 561.)

In determining the deduction for dividends paid, the rules in section 562 apply.

17. Dividends paid after close of taxable year (excluding deficiency dividends as defined in section 547(d)).—Enter on line 17 and not in Schedule B, the amount of the dividends paid after the close of the taxable year and on or before the 15th day of the third month thereafter, if the corporation elects in its return for the taxable year to have such dividends considered as paid during such taxable year.

Neither line 14 nor line 17 should include deficiency dividends (those dividends which are paid pursuant to a specific procedure set forth in section 547).

18. Undistributed personal holding company income of certain foreign corporations.—If 10% or less in value of the outstanding stock of a foreign corporation is owned (see section 958(a)) during the last half of the taxable year by U.S. persons, undistributed personal holding company income is the amount determined by multiplying the undistributed personal holding company income (as determined without regard to this instruction) by the percentage in value of the corporation's outstanding stock which is the greatest percentage in value of its outstanding stock so owned by U.S. persons on any one day during such period. (Section 545(a).)

☆ U.S. GOVERNMENT PRINTING OFFICE:1971—O–418–079