TAXABLE YEAR

CALIFORNIA FORM

# 20□□ Request for Consent for a Water's-Edge Re-Election 1115

Parts I, II, and III must be completed. **Do not change the method of filing until the Franchise Tax Board has approved this request.**

| Corporation name | | | Key California corporation number |
|---|---|---|---|
| Address (suite, room, or PMB no.) | | | |
| City | State | ZIP Code | |

## Part I Effective Dates

Enter the taxable year ending date that the taxpayer's last filed a water's-edge return: ..... ____/____/____
Month Day Year

Enter the beginning date of the water's-edge re-election: ..... ____/____/____
Month Day Year

## Part II Basis to Request a Water's-Edge Re-Election. See Instructions.

Explain the basis for the request to re-elect water's-edge. Attach additional sheets if necessary.

## Part III List of Taxpayers Requesting Water's-Edge Re-Election. (Attach additional sheets if necessary)

| Taxpayer's name | California corporation number | FEIN |
|---|---|---|
| | | |
| | | |
| | | |
| | | |
| | | |

**Signature**

I attest to the belief that the water's-edge re-election is permitted by law and to the accuracy of factual statements.

Under penalties of perjury, I declare that I have examined this form, including accompanying schedules and statements, and to the best of my knowledge, it is true, correct, and complete.

Signature of officer ____ Title ____ Date ____

Print or type name of person to contact ____ (____) Telephone ____

**THIS FORM MUST BE FILED SEPARATELY FROM THE TAX RETURN**

# Instructions for Form FTB 1115

## Request for Consent for a Water's-Edge Re-Election

## General Information

### A Purpose

Use form FTB 1115, Request for Consent for a Water's-Edge Re-Election, to request the Franchise Tax Board's (FTB) consent to re-elect water's-edge prior to the expiration of the 84-month period following the last day of the terminated election, for good cause, as provided in California Revenue and Taxation Code (R&TC) Section 25113(c)(11). (Cal. Code Regs., tit. 18, section 25113.)

**Do not** use this form to renew a current water's-edge election. Per R&TC Section 25113, a water's edge election remains in effect until terminated.

In general, if a corporation terminates its water's-edge election, with or without the FTB's consent, it is required to file on a worldwide basis for at least 84-months before making another election. The FTB may waive the application of this rule for good cause. Good cause for this purpose has the same meaning as described in Treasury Regulation (Treas. Reg.) Section 1.1502-75(c). To obtain the FTB's consent to re-elect water's-edge for good cause, the taxpayer must file form FTB 1115.

The FTB's consent is not required if the election was terminated as a result of an affiliation change as provided in R&TC Section 25113.

### B Due Date

The taxpayer must file form FTB 1115 with the FTB no later than the 90th day prior to the due date, including extensions, of the return for which the re-election would be effective.

**Do not** file form FTB 1115 with the tax return because the request will **not** be timely and will be considered invalid.

### C Approval and Effective Date

**Do not** change the method of filing until the FTB has approved this request. The FTB's approval of the request for consent to re-elect water's-edge does not constitute making a water's-edge election. After receiving the FTB's consent to re-elect, the corporation must make its water's-edge election by filing Form 100-WE, Water's-Edge Election. The Form 100-WE must be attached to a timely filed **original** Form 100W, California Corporation Franchise or Income Tax Return – Water's-Edge Filers, or Form 100S, California S Corporation Franchise or Income Tax Return, for the applicable taxable year.

Approvals for consent to re-elect water's-edge are effective for the taxable year in which good cause occurred. Consent given by the FTB will not be retroactive.

The FTB will notify the corporation if its request is approved. The corporation should generally receive a determination on its re-election request within 60 days after it has filed form FTB 1115. If the FTB takes no action or requests no additional information within 60 days of the filing of the request to re-elect, the request is deemed to be **disallowed**.

### D Where to File

A corporation must file form FTB 1115 **separately** from any other form. A form FTB 1115 filed with the return would **not** be considered timely and would **not** be valid.

Mail form FTB 1115 to:

FRANCHISE TAX BOARD
PO BOX 1779
RANCHO CORDOVA CA 95741-1779

### E Request to Withdraw

The corporation may withdraw its request at any time before the FTB takes action.

The request must be in writing and mailed to the address shown in General Information D, Where to File.

## Specific Instructions

**Private Mail Box**
Include the Private Mail Box (PMB) in the address field. Write "PMB" first, then the box number. Example: 111 Main Street PMB 123.

## Part II – Basis to Request a Water's-Edge Re-Election

Provide an explanation for the request to re-elect water's-edge. The basis for the request must clearly state the good cause supporting the request.

In general, the request for consent to re-elect water's-edge will be granted only if the corporation demonstrates that it meets the good cause requirements as described in Treas. Reg. Section 1.1502-75(c).