



STATE BOARD OF EQUALIZATION
450 N STREET, SACRAMENTO, CALIFORNIA
PO BOX 942879, SACRAMENTO, CALIFORNIA 94279-0080
(916) 322-2270 • FAX (916) 324-3984
www.boe.ca.gov

BETTY T. YEE
First District, San Francisco

BILL LEONARD
Second District, Ontario/Sacramento

MICHELLE STEEL
Third District, Rolling Hills Estates

JUDY CHU, Ph.D.
Fourth District, Los Angeles

JOHN CHIANG
State Controller

RAMON J. HIRSIG
Executive Director

**STATE BOARD OF EQUALIZATION MEETING
450 N Street, Room 121, Sacramento**

PRELIMINARY RECORD OF BOARD ACTION

Tuesday, December 11, 2007

The following is a preliminary record of Board actions taken at the December 11, 2007 Board Meeting. This is not an official record and is subject to correction or modification. The official record of the Board's actions is the minutes of the Board, which will be adopted at a subsequent meeting.

The Board's decision reflects only the issues resolved by the Board at the meeting. Issues resolved prior to the meeting are not reflected in this document.

If you would like specific information regarding items on this Preliminary Record of Board Action, please telephone Rose Smith at (916) 323-9656 or e-mail: Rose.Smith@boe.ca.gov Please be advised that material containing confidential taxpayer information cannot be publicly disclosed.

Board Committee Meeting

BOARD COMMITTEE MEETING – Please see Page 20, O. Adoption of Board Committee Report and Approval of Committee Actions, for voting results.

Board meeting

Oral hearings

- A. Homeowner and Renter Property Tax Assistance Hearings**
There were no items for this matter.

- B. Corporate Franchise and Personal Income Tax Hearings**
 - B1. Rochelle M. Dorfler, 306426—Deferred

B2. Vivian Fontenot, 391245

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's Appeal Denied	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Chu	Yes
	Mr. Chiang/Ms. Mandel	Yes

B3. John Nelson and Ivy C. Nelson, 393411

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayers' Appeal Denied	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Chu	Yes
	Mr. Chiang/Ms. Mandel	Yes

B4. Nemat Maleksalehi and Maryam Maleksalehi, 395817

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
No Final Board Determination Deferred for further briefing.	Ms. Yee	
	Mr. Leonard	
	Ms. Steel	
	Ms. Chu	
	Mr. Chiang/Ms. Mandel	

B5. H.J. Heinz Company and Subsidiaries, 311701—Postponed to the January-February Sacramento Meeting.

C. Sales and Use Tax Appeals Hearings

C1. Aerolease of America, Inc., 282309, 296191 (UT)—No Appearance

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's Petitions Denied Approved Staff Recommendation	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Chu	Yes
	Mr. Chiang/Ms. Mandel	Yes

C2. Vilumina M. Rico, 345435, 318330 (KH)

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's Petitions Denied	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Chu	Yes
	Mr. Chiang/Ms. Mandel	Yes

C3. Richard Earl O'Rourke, 216557 (BH)—Waived Appearance

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's Petition Granted Approved Revised Staff Recommendation	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Chu	Yes
	Mr. Chiang/Ms. Mandel	Yes

C4. John Richard Dudley, 253691 (KH)

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
No Final Board Determination Ordered that Taxpayer be granted 30 days to submit post hearing documentation, the Department 30 days to respond and the Appeals Division 30 days (with additional time if needed) to prepare a recommendation to the Board.	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Chu	Yes
	Mr. Chiang/Ms. Mandel	Yes

C5. AADIJ Investment, Inc., 334276 (GH)

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition denied except delete the penalty.	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Chu	Yes
	Mr. Chiang/Ms. Mandel	Yes

The following items were scheduled for Wednesday, December 12, 2007:

- D. Special Taxes Appeals Hearings
- E. Property Tax Appeals Hearings
- F. Public Hearings
- G. Tax Program Nonappearance Matters – Consent
- H. Tax Program Nonappearance Matters – Adjudicatory

- I. Tax Program Nonappearance Matters
There were no items for this matter.

Chief Counsel Matters

The following items were scheduled for Wednesday, December 12, 2007:

- J. Rulemaking
- K. Business Taxes
- L. Property Taxes
- M. Other Chief Counsel Matters

Administrative Session

These items were scheduled for Wednesday, December 12, 2007.

- N. Consent Agenda
- O. Adoption of Board Committee Report and Approval of Committee Actions
- P. Other Administrative Matters

Q. Closed Session

These items were scheduled for Wednesday, December 12, 2007.

Adjourn - The meeting will reconvene on Wednesday, December 12, 2007, at 9:30 a.m.



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**STATE BOARD OF EQUALIZATION MEETING
450 N Street, Room 121, Sacramento
December 11-13, 2007**

PRELIMINARY RECORD OF BOARD ACTION

Wednesday, December 12, 2007

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Board meeting

Oral hearings

- A. Homeowner and Renter Property Tax Assistance Hearings**
There were no items for this matter.
- B. Corporate Franchise and Personal Income Tax Hearings**
These items were scheduled for Tuesday, December 11, 2007.

C. Sales and Use Tax Appeals Hearings

C6. Chung Im Kim, 358090 (KH)

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's Petition Granted	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Chu	Yes
	Mr. Chiang/Ms. Mandel	Abstain

C7. GE Engine Services-Corporate Aviation, Inc., 166340 (AS)

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's Petition Granted as to Issue 1	Ms. Yee	No
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Chu	Yes
	Mr. Chiang/Mr. Chivaro	Yes
<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's Petition Denied as to Issue 2	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Chu	Yes
	Mr. Chiang/Mr. Chivaro	Yes

D. Special Taxes Appeals Hearings

D1. Cigars by Chivas, Inc., 334787, 334876 (AP)

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's Petitions Denied	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Chu	Yes
	Mr. Chiang/Ms. Mandel	Yes

E. Property Tax Hearings

These items were scheduled for the afternoon session.

F. Public Hearings**F1. Timber Yield Tax Rate**

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved Staff Recommendations	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Chu	Yes
	Mr. Chiang/Ms. Mandel	Yes

F2. Timber Harvest Values

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved Staff Recommendations	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Chu	Yes
	Mr. Chiang/Ms. Mandel	Yes

G. Tax Program Nonappearance Matters – Consent**G1 Legal Appeals Matters**

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved Staff Recommendations	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Chu	Yes
	Mr. Chiang/Ms. Mandel	Yes

- Petition for Rehearing
 1. Ed Emadi, Inc., 249588, 273019 (GH)
- Petitions for Release of Seized Property
 2. Rafik M. Assad, 420480 (ET)
 3. Francois Alexandre, 421658 (ET)

G2 Franchise and Income Tax Matters

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved Staff Recommendations	Ms. Yee	Yes
No Final Determination on sub-item 10	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Chu	Yes
	Mr. Chiang/Ms. Mandel	Yes

- Decisions
 1. R. Keith Brewster, 382894
 2. Robert K. Castillon, 349008
 3. Michael P. Goodman, 383411
 4. Robin D. Granger, 357603
 5. Sherrie Seng Savang, 378530
 6. David W. Shaw, 382224
 7. Scott C. Tonne, 384451
 8. Marvin W. Ward, 378098
 9. Herkie Lee Williams, M.D., 379653
- Petitions for Rehearing
 - ~~10. Timothy Jenkins, 348922~~
 11. Lionel Kolker, 334482
 12. Cedo Popovic and Mirjana Popovic, 353602

G3 Homeowner and Renter Property Tax Assistance Matters

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved Staff Recommendations	Ms. Yee	Yes
No Final Determination on sub-item 3	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Chu	Yes
	Mr. Chiang/Ms. Mandel	Yes

- Decisions
 1. Knarik Abadzhyan (Deceased), 389709
 2. Eugene Anderson, 394691
 - ~~3. Tanya Berry, 395705~~
 4. Paul W. Bloom, 381217
 5. Hung Jae Chang, 380744
 6. Alfred de Bartolo, 390549
 7. Grace Devico, 378106
 8. Romelia Gould, 383276
 9. Gracie L. Harris, 383481
 10. Brenda Hawkins, 394376
 11. Angela Jenkins, 396056
 12. Shirley Koppi, 383506
 13. Velga Laivenieks, 378347
 14. Clara Scott Terry, 379149
 15. Pho Van Tran, 372794

G4 Sales and Use Taxes Matters

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved Staff Recommendations	Ms. Yee	Yes
No Final Determination on sub-items 11, 14 and 17	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Chu	Yes
	Mr. Chiang/Ms. Mandel	Yes – except not participating in sub-items 5 and 16

- Redeterminations
 1. Dan Gamel, Inc., 312448 (KHO)
 2. Ki Hong Park, 342932 (EAA)
 3. Daniel A. Frahm, 399410 (AR)
 4. Willy Alfredo Phillips, 329910 (AS)
 5. Medtronic Sofamor Danek USA, Inc., 389559 (OHA)
 6. Equistar Chemicals, LP, 389560 (OHC)
 7. Lyondell Chemical Company, 389561 (OHC)
 8. Pass Avenue Associates, LLC, 404533 (AC)
 9. Sears-Roebuck and Company, 299496 (OHA)
- Relief of Penalty/Interest
 10. Baker Petrolite Corporation, 421549 (OHC)
 - ~~11. UPS Oasis Supply Corporation, 418332 (OHA)~~
 12. Infinera Corporation, 418441 (GH)
 13. Baja Fresh Westlake Village, Inc., 421550 (EA)
- Denials of Claims for Refund
 - ~~14. Aramark Uniform & Career Apparel, 300481 (AC)~~
 15. Professional Hospital Supply, Inc., 317682 (EH)
 16. American International Group, Inc., 359344 (OHB)
- Denial of Relief of Penalty/Interest
 - ~~17. Caddo Design & Office Products, 421105 (OH)~~

G5 Sales and Use Taxes Matters – Credits, Cancellations, and Refunds

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved Staff Recommendations	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Chu	Yes
	Mr. Chiang/Ms. Mandel	Yes – except not participating in sub-items 10, 12 and 23

- Credits and Cancellations
 1. Enclos Corporation, 421650 (OHA)
 2. Larry M. Hayes, Inc., 420916 (AR)

- Refunds
 3. American Isuzu Motors, Inc., 299346 (AA)
 4. Metro-Med, Inc., 418127 (AC)
 5. Hertz Equipment Rental Corporation, 418334 (OHB)
 6. All American Asphalt, 418268 (EH)
 7. Primary Color Systems Corporation, 417771 (EAA)
 8. Hawthorne Machinery Company, 415254 (FHB)
 9. Professional Hospital Supply, Inc., 317682 (EH)
 10. EMC Corporation, 394229 (OHB)
 11. Ford Motor Company, 420067 (OHA)
 12. Sunamerica Life Insurance Company, 360459 (AS)
 13. Crossbow 50, LLC, 420077 (UT)
 14. Election Systems & Software, Inc., 394819 (OHA)
 15. Genis Productions, Inc., 418057 (AC)
 16. Man Roland, Inc., 414298 (OHA)
 17. Wachovia Dealer Services, Inc., 415510 (EAA)
 18. Nintendo of America, Inc., 340932 (OH)
 19. MTI Technology Corporation, 417770 (EA)
 20. General Atomics Aeronautical Systems, Inc., 395651 (FHB)
 21. Wescom Credit Union, 415511 (AP)
 22. Eisenhower Health Services, 416342 (EHC)
 23. Schlumberger Technology Corporation, 405005 (OHC)
 24. Westlake Services, Inc., 414674 (AS)
 25. Mission Financial Services Corporation, 404540 (EA)
 26. Long Beach Acceptance Corporation, 380440 (EA)
 27. Rancho Santa Fe Thrift & Loan, 402670
 28. Truman Fuel, LLC, 420420 (AC)
 29. Lowell, Inc., 404504 (OHA)
 30. Hayernik Ghazarian, 420421 (AC)
 31. W2005 New Century Hotel Portfolio, LP, 419983 (OHC)

G6 Special Taxes Matters

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
No Final Determination	Ms. Yee Mr. Leonard Ms. Steel Ms. Chu Mr. Chiang/Ms. Mandel	

- Denial of Relief of Penalty
 1. Republic Indemnity Company of California, 298649 (ET)

G7 Special Taxes Matters – Credits, Cancellations, and Refunds

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved Staff Recommendation	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Chu	Yes
	Mr. Chiang/Ms. Mandel	Not Participating

- Refund
 1. Affirmative Insurance Company, 422227 (ET) ‘CF’

There were no items for the following matters:

G8 Property Tax Matters

G9 Cigarette License Fee Matters

G10 Legal Appeals Property Tax Matters

H. Tax Program Nonappearance Matters – Adjudicatory**H1 Legal Appeals Matters**

- Hearing Notice Sent – No Response
 1. Thomas D. Thomas, 315849 (UT)

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer’s Petition Denied	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Chu	Yes
	Mr. Chiang/Ms. Mandel	Yes

- Cases Heard But Not Decided
 2. Rogelio G. Cisneros, 343638 (GH)

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer’s Petition Partially Granted/Denied	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Chu	Yes
	Mr. Chiang/Ms. Mandel	Yes

3. FMF Racing, 295383 (AA)

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's Petition Partially Granted/Denied	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Chu	Yes
	Mr. Chiang/Ms. Mandel	Yes

4a. Jalal Odish Zora, 203825 (FH)

4b. Jalal Odish Zora, 203824 (FHB)

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's Petitions Partially Granted/Denied	Ms. Yee	No
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Chu	Yes
	Mr. Chiang/Ms. Mandel	Yes

H2 Franchise and Income Tax Matters

➤ Formal Opinions

1. Larry Geisel, 358724

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved Formal Opinion with amendment	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	No
	Ms. Chu	Yes
	Mr. Chiang/Ms. Mandel	No

2. Paul L. Mickelsen and Patricia Mickelsen, 343108

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved Formal Opinion	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	No
	Ms. Chu	Yes
	Mr. Chiang/Ms. Mandel	Yes

- Decision
 - 3. Downey Toy Company, 306793

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's Appeal Denied	Ms. Yee	Yes
Directed staff to prepare a Formal Opinion.	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Chu	Yes
	Mr. Chiang/Ms. Mandel	Abstain

- 4. John J. Gannitto, 378805

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's Appeal Denied	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Chu	Yes
	Mr. Chiang/Ms. Mandel	Yes

H3 Homeowner and Renter Property Tax Assistance Matters

There were no items for this matter.

H4 Sales and Use Taxes Matters

- Relief of Penalty/Interest
 - 1. Christies, Inc., 404723 (OHB)

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's Petition Granted	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Chu	Yes
	Mr. Chiang/Ms. Mandel	Yes

- 2. Tandus US, Inc. 421563 (OHA)

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's Petition Granted	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Chu	Yes
	Mr. Chiang/Ms. Mandel	Yes

- Denials of Claims for Refund
 - 3. Ford Motor Credit Company, 383620 (OHA)

H5 Sales and Use Taxes Matters – Credits, Cancellations, and Refunds

➤ Refunds

1. Kaiser Foundation Health Plan, Inc., 398517 (AP)

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's Claim Granted	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Chu	Yes
	Mr. Chiang/Ms. Mandel	Yes

2. Time Warner Entertainment Company, LP, 312205 (AC)

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's Claim Granted	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Chu	Yes
	Mr. Chiang/Ms. Mandel	Yes

3. Kaiser Foundation Hospitals, 398554 (AP)

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's Claim Granted	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Chu	Yes
	Mr. Chiang/Ms. Mandel	Yes

4. Oliver A. Goldsmith, 395912 (AP)

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's Claim Granted	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Chu	Yes
	Mr. Chiang/Ms. Mandel	Yes

5. Ford Motor Credit Company, 262540 (OHA)

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's Claim Granted	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Chu	Yes
	Mr. Chiang/Ms. Mandel	Yes

6. Capital One Auto Finance, Inc., 341976 (OHA)

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's Claim Granted	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Chu	Yes
	Mr. Chiang/Ms. Mandel	Yes

There were no items for the following matters:

H6 Special Taxes Matters

H7 Special Taxes Matters – Credits, Cancellations, and Refunds

H8 Property Tax Matters

H9 Cigarette License Fee Matters

H10 Legal Appeals Property Tax Matters

➤ Petitions for Reassessment of Unitary Value

1. San Diego Gas & Electric Company (141), 414848 – “CF”

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's Petition Denied	Ms. Yee	Yes
	Mr. Leonard	No
	Ms. Steel	No
	Ms. Chu	Yes
	Mr. Chiang	Yes

2. Mountain Utilities, LLC (185), 414760 – “CF”

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's Petition Denied	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Chu	Yes
	Mr. Chiang	Yes

3. Wild Goose Storage, LLC (195), 415369 – “CF”

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's Petition Partially Granted/Denied	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Chu	Yes
	Mr. Chiang	Yes

4. Calpine Pittsburg, Inc. (406), 414979 – “CF”

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's Petition Denied	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Chu	Yes
	Mr. Chiang	Yes

5. CPN Pipeline Company (428), 414983 – “CF”

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's Petition Denied	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Chu	Yes
	Mr. Chiang	Yes

6. Calpine Pipeline Corporation (484), 414984 – “CF”

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's Petition Denied	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Chu	Yes
	Mr. Chiang	Yes

7. Duke Energy Moss Landing (1103), 415122 – “CF”

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's Petition Denied	Ms. Yee	Yes
	Mr. Leonard	No
	Ms. Steel	No
	Ms. Chu	Yes
	Mr. Chiang	Yes

8. Reliant Energy Mandalay, LLC (1114), 414223 – “CF”

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's Petition Denied	Ms. Yee	Yes
	Mr. Leonard	No
	Ms. Steel	No
	Ms. Chu	Yes
	Mr. Chiang	Yes

9. Reliant Energy Ormond Beach, LLC (1115), 414224 – “CF”

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's Petition Partially Granted/Denied	Ms. Yee	Yes
	Mr. Leonard	No
	Ms. Steel	No
	Ms. Chu	Yes
	Mr. Chiang	Yes

10. Mountainview Power Company (1119), 414758 – “CF”

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's Petition Denied	Ms. Yee	Yes
	Mr. Leonard	No
	Ms. Steel	No
	Ms. Chu	Yes
	Mr. Chiang	Yes

11. Delta Energy Center, LLC (1128), 415120 – “CF”
 Pastoria Energy Center, LLC (1131), 415660– “CF”
 Calpine Construction Finance Company, LP (1132), 415661 – “CF”
 Metcalf Energy Center (1133), 415662 – “CF”

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayers' Petitions Denied	Ms. Yee	Yes
	Mr. Leonard	No
	Ms. Steel	No
	Ms. Chu	Yes
	Mr. Chiang	Yes

12. Los Esteros Critical Energy Facility, LLC (1143), 415659 – “CF”

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's Petition Denied	Ms. Yee	Yes
	Mr. Leonard	No
	Ms. Steel	No
	Ms. Chu	Yes
	Mr. Chiang	Yes

13. Qwest Communications Corporation (2463), 415366 – “CF”

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's Petition Denied	Ms. Yee	Yes
	Mr. Leonard	No
	Ms. Steel	No
	Ms. Chu	Yes
	Mr. Chiang	Yes

14. U.S. Telepacific Corporation (7757), 414208 – “CF”

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's Petition Denied	Ms. Yee	Yes
	Mr. Leonard	No
	Ms. Steel	No
	Ms. Chu	Yes
	Mr. Chiang	Yes

➤ Petitions for Penalty Abatement of Unitary Value

15. Globalstar USA, LLC (2772), 414759 – “CF”

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's Petition Denied	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Chu	Yes
	Mr. Chiang	Yes

16. Astound Broadband, LLC (7832), 414386 – “CF”

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's Petition Partially Granted/Denied	Ms. Yee	No
	Mr. Leonard	Yes
Reduced penalty by 50 percent.	Ms. Steel	Yes
	Ms. Chu	No
	Mr. Chiang	Yes

- Petition for Reassessment and Penalty Abatement of Unitary Escape Assessments

17. OmniPoint Communications, Inc. (2748), 388350 – “CF”

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's Petition Partially Granted/Denied	Ms. Yee	Yes
	Mr. Leonard	No
	Ms. Steel	No
	Ms. Chu	Yes
	Mr. Chiang	Yes

- I. Tax Program Nonappearance Matters
There were no items for this matter.

Chief Counsel Matters

There were no items for the following matters:

- J. Rulemaking
K. Business Taxes
L. Property Taxes

M. Other Chief Counsel Matters

- M1. Untimely or Late-filed Property Tax Appeals Materials
Staff recommendation for Board distribution policy.

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
The Board deferred consideration of this matter.	Ms. Yee	
	Mr. Leonard	
	Ms. Steel	
	Ms. Chu	
	Mr. Chiang	

Administrative Session**N. Consent Agenda**

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved Staff Recommendations	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Chu	Yes
	Mr. Chiang/Ms. Mandel	Yes

N1. Approval of Board Employee Retirement Resolutions

- Larry Fogerson
- George T. Ito
- Norman W. Rice
- Edward W. Schoelz
- Paula Spreitzer
- David Sherman
- Marilyn Varon
- Stan Young

N2. Approval of Board Retirement Resolution

- Jose M. Rodriguez, Jr.

O. Adoption of Board Committee Report and Approval of Committee Actions**O1. Customer Services and Administrative Efficiency Committee**

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Adopted committee report and approved the actions therein. For details see: http://www.boe.ca.gov/meetings/custsrv/custsrv07.htm	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Chu	Yes
	Mr. Chiang/Ms. Mandel	Yes

P. Other Administrative Matters**P1. Executive Director's Report**

- a. Headquarters Building Update
- b. 2008 Board Organization

P2. Chief Counsel Report

There were no items for this matter.

P3. Deputy Director's Report**a. Sales and Use Tax**

1. Electronic Funds Transfer Bank Conversion 2008
2. Update on Completion of the Sales and Use Tax Department's Realignment

b. Property and Special Taxes

There were no items for this matter.

c. Administration

- Budget Update 2007-2008
- Budget Update 2008-2009
- Budget Preparation 2009-2010

E. Property Tax Hearings**E1. Pacific Bell (279), 406929 - "CF"**

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's Petition Denied	Ms. Yee	Yes
	Mr. Leonard	No
	Ms. Steel	No
	Ms. Chu	Yes
	Mr. Chiang	Yes

E2. AT&T Communications (2310) 406930 - "CF"

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's Petition Granted	Ms. Yee	No
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Chu	No
	Mr. Chiang	Yes

E3. SureWest Telephone Company (294), 414763 - "CF" —Waived Appearance

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's Petition Denied	Ms. Yee	Yes
Approved Staff Recommendation	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Chu	Yes
	Mr. Chiang	Yes

E4. SureWest Televideo (7961), 414765 - "CF" —Waived Appearance

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's Petition Partially Granted/Denied	Ms. Yee	Yes
	Mr. Leonard	Yes
Approved Staff's Revised Recommendation	Ms. Steel	Yes
	Ms. Chu	Yes
	Mr. Chiang	Yes

E5. West Coast P.C.S. (2745), 414764 - "CF" —Waived Appearance

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's Petition Partially Granted/Denied	Ms. Yee	Yes
	Mr. Leonard	Yes
Approved Staff's Revised Recommendation	Ms. Steel	Yes
	Ms. Chu	Yes
	Mr. Chiang	Yes

E6. Lodi Gas Storage, LLC (198), 414766 - "CF" —Waived Appearance

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's Petition Denied	Ms. Yee	Yes
Approved Staff Recommendation	Mr. Leonard	Absent
	Ms. Steel	Yes
	Ms. Chu	Yes
	Mr. Chiang	Yes

E7. Covad Communications Company (7706), 414850 - "CF"

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's Petition Partially Granted/Denied	Ms. Yee	Yes
	Mr. Leonard	Yes
Adopt the net book value.	Ms. Steel	Yes
Audit petitioner with respect to co-location fees.	Ms. Chu	Yes
	Mr. Chiang	No

E8. Intelsat Global Service Corporation (7969), 415123 - "CF"

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's Petition Denied	Ms. Yee	Yes
	Mr. Leonard	No
	Ms. Steel	No
	Ms. Chu	Yes
	Mr. Chiang	Yes

E9.a Metro PCS California/Florida, Inc. (2733), 415368 - "CF" —Waived Appearance

E9.b Royal Street Communications, LLC (2779), 415367 - "CF" —Waived Appearance

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayers' Petitions Denied	Ms. Yee	Yes
Approved Staff Recommendations	Mr. Leonard	Yes
	Ms. Steel	Yes
	Ms. Chu	Yes
	Mr. Chiang	Yes

E10. Nextel of California, Inc. (2737), 415663 - "CF"

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's Petition Denied	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	No
	Ms. Chu	Yes
	Mr. Chiang	Yes

Q. Closed Session

Adjourn



STATE BOARD OF EQUALIZATION

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Fourth District, Los Angeles

JOHN CHIANG
State Controller

RAMON J. HIRSIG
Executive Director

**STATE BOARD OF EQUALIZATION MEETING
450 N Street, Room 121, Sacramento
December 11-13, 2007**

PRELIMINARY RECORD OF BOARD ACTION

Thursday, December 13, 2007

The Board concluded its business on December 12, 2007 so this day was cancelled.

UNOFFICIAL