

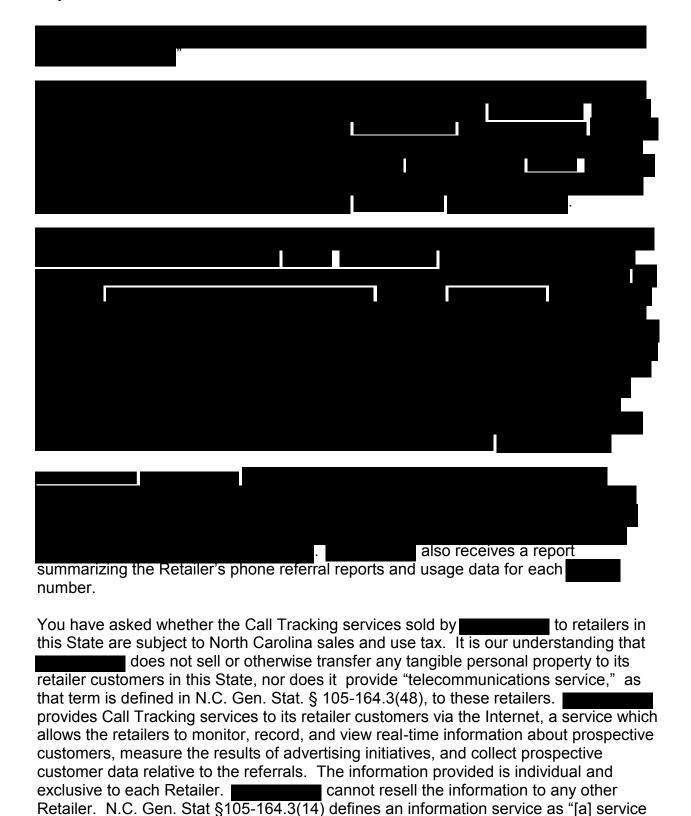
## North Carolina Department of Revenue

Beverly Eaves Perdue Governor Kenneth R. Lay Secretary

July 13, 2010

Attention:
Re: FEIN: Request for Private Letter Ruling  Dear Mr. :
We have your letter dated February 19, 2010, in which you have requested a private letter ruling regarding the the application of North Carolina sales and use tax on advertising services provided by your client, ("" in this State.
You advised that provides an advertising service to collects and analyzes certain information regarding prospective customers, measures ad performance, and evaluates employee call-handling skills (herein referred to as 'Call Tracking') has Retailers located within the state of North Carolina that purchase the various Call Tracking servicesEven though is the party legally providing the Call Tracking service, it has engaged a third-party call measurement, monitoring, and tracking service provider (herein referred to as 'Company B') as a sub-contractor to provide the Call Tracking services on its behalf." Company B is headquartered in but has a call center in
You described the Call Tracking service (advertising service) provides as follows: 'charges a flat subscriber fee for the Call Tracking service to the Retailer. The flat fee ranges from per month for the basic service which includes to per month for the premium service which includes

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that generates, acquires, stores, processes, or retrieves data and information and delivers it electronically to or allows electronic access by a consumer whose primary purpose for using the service is to obtain the processed data or information." N.C. Gen.

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Stat. §105-164.4(a)(6d) specifically excludes an information service from tax. Therefore, charges to its retailer customers in this State for the Call Tracking services it provides are not subject to North Carolina sales or use tax.

This ruling is based solely on the facts submitted to the Department of Revenue for consideration of the transactions described. If the facts and circumstances given are not accurate, or if they change, then the taxpayer requesting this ruling may not rely on it. If a taxpayer relies on this ruling and the Department discovers, upon examination, that the fact situation of the taxpayer is different in any material aspect from the facts and circumstances given in this ruling, then the ruling will not afford the taxpayer any protection. It should be noted that this document is not to be cited as precedent and that a change in statute, a regulation, or case law could void this ruling.

If you have any questions, you may reach me at the number listed below.

Very truly yours,

Administration Officer
Sales and Use Tax Division

cc: , Director of Sales and Use Tax Division