



Douglas Andre, Speaker, FBA Teleconference re: PPL Corp. v. Commissioner

PRACTICE AREAS

Tax Controversies

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FBA Section on Taxation

Practice and Procedure Discussion Group/Teleconference

The United States Supreme Court issued an opinion in *PPL Corp v. Commissioner* on May 20, 2013. The case involves a levy imposed by the United Kingdom which the taxpayer contended was eligible for the Section 901 foreign tax credit. The disputed levy had some characteristics of a creditable income tax, some characteristics of a non-creditable valuation tax, and some characteristics of a creditable excess profits tax. Ultimately, the Court applied substance over form principles to hold that the levy was an excess profit tax. This discussion provided both a review of the basic foreign tax credit rules and a critique of the Court's approach in resolving the issues presented.