**Section 470.155 Transactions in Interstate Commerce**

a) The tax is not imposed upon any taxpayer with respect to any transaction in interstate commerce to the extent that the transactions may not, under the Constitution and statutes of the United States, be made the subject of taxation by this State.

b) Insofar as the tax is imposed upon persons distributing, supplying, furnishing or selling gas for use or consumption and not for resale, the following general principles will apply in determining whether transactions are in interstate commerce:

1) When a taxpayer delivers gas through continuous mains, lines or pipes from a point in Illinois to a point outside of Illinois, those transactions are interstate commerce, and the taxpayer is not liable for tax with respect to gross receipts from those transactions.

2) When a taxpayer not engaged in business in this State delivers gas through continuous mains, lines or pipes from a point outside of Illinois to a point within Illinois, the transaction is interstate commerce, and the taxpayer is not liable for tax with respect to receipts from that transaction. However, if the company is engaged in the business in Illinois of distributing, supplying, furnishing or selling gas brought within this State for use or consumption and not for resale, the transactions do not constitute interstate commerce, and the tax will apply.

3) When a taxpayer delivers gas through continuous mains, lines or pipes from one point in Illinois to a second point within Illinois, the transaction is not interstate commerce, and the taxpayer will be liable for tax with respect to receipts from that transaction. This subsection (b)(3) applies irrespective of the fact that a portion of the continuous mains, lines or pipes of the taxpayer through which gas passes are situated outside Illinois.

c) When a taxpayer distributes, supplies, furnishes or sells gas to a single customer under a contract calling for the delivery of gas partly within Illinois and partly outside of Illinois, the taxpayer is liable for tax with respect to that portion of gross receipts from the contract accruing from service furnished within this State.

(Source: Amended at 43 Ill. Reg. 7463, effective June 18, 2019)