SUBJECT: ECONOMIC OPPORTUNITY TAX CREDIT --- Small Business
Economic Opportunity Tax Credit (Small Business Credit) -
Notice of Inflation Adjustments for Tax Years Beginning in 2008

A "small business" may claim the small business economic opportunity tax
credit allowed under W. Va. Code § 11-13Q-10, when its qualified investment in
real or tangible personal property purchased or leased for business expansion in
this State, as defined in W. Va. Code § 11-13Q-8, results in the small business
hiring new employees to fill at least ten (10) "new jobs" it created in this State as
a direct result of the purchase or lease of the qualified investment property.

The law defined "small business," as of June 11, 2002, to mean a business
which has annual gross receipts of not more than seven million dollars (including
the gross receipts of all affiliates in its controlled group) W. Va. Code § 11-13Q-
10(a) (emphasis added).

"New job" was defined by incorporating the definition of "new job" in subsection
11-13Q-3(b)(15).

Dollar amounts stated in the definition of "small business" are subject to annual
adjustment for inflation. This adjustment is determined by the State Tax
Commissioner using the methodology described in subsection 11-13Q-10(a)(1)
through (4). The 2008 inflation adjustment factor is based on the percentage by
which the Consumer Price Index (CPI) for calendar year 2007 exceeds the CPI
for calendar year 2002. For this purpose, the CPI for any calendar year is the
average of the Federal Consumer Price Index for the twelve-month period ending
on August 31st of such calendar year (W. Va. Code § 11-13Q-10(a)(2)). The CPI
for 2007 is 204.873 and the CPI for 2002 is 178.675. Based on these figures, the
inflation adjustment factor, for purposes of W. Va. Code § 11-13Q-10, for tax
years beginning in calendar year 2008, is 1.1466237582.

Accordingly, for tax years beginning during calendar year 2008:

"Small business" means a business which has annual gross receipts of
not more than eight million, twenty-six thousand, three hundred fifty dollars
($8,026,350). The inflation increase is rounded to the lowest multiple of
A summary of the applicable inflation-adjusted Small Business Credit criteria, by calendar year, for tax years beginning in such years, follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Gross Receipts</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003</td>
<td>$7,000,000</td>
</tr>
<tr>
<td>2004</td>
<td>$7,159,600</td>
</tr>
<tr>
<td>2005</td>
<td>$7,324,500</td>
</tr>
<tr>
<td>2006</td>
<td>$7,552,050</td>
</tr>
<tr>
<td>2007</td>
<td>$7846,850</td>
</tr>
<tr>
<td>2008</td>
<td>$8,026,350</td>
</tr>
</tbody>
</table>

Notice of this determination will be filed in the West Virginia Register.

Issued: July 24, 2008

Christopher G. Morris
State Tax Commissioner

Operator on duty 8:30 am – 5:00 p.m.
Monday through Friday
Phone: (304) 558-3333 or 1-800-982-8297
Fax: (304) 558-3269
TDD Service/Hearing Impaired 1-800-282-9822