

CUMMINS INC
Form 8-K
October 30, 2009
UNITED STATES

SECURITIES AND EXCHANGE COMMISSION

WASHINGTON, DC 20549

FORM 8-K

CURRENT REPORT

PURSUANT TO SECTION 13 OR 15(d) OF THE
SECURITIES EXCHANGE ACT OF 1934

Date of Report: October 30, 2009

CUMMINS INC.

(Exact name of registrant as specified in its charter)

Indiana

1-4949

35-0257090

(State or other Jurisdiction of
Incorporation)

(Commission File Number)

(I.R.S. Employer Identification
No.)

500 Jackson Street

P. O. Box 3005

Columbus, IN 47202-3005

(Principal Executive Office) (Zip Code)

Registrant's telephone number, including area code: **(812) 377-5000**

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Check the appropriate box below if the Form 8-K filing is intended to simultaneously satisfy the filing obligation of the registrant under any of the following provisions (*see* General Instruction A.2. below):

- Written communications pursuant to Rule 425 under the Securities Act (17 CFR 230.425)
 - Soliciting material pursuant to Rule 14a-12 under the Exchange Act (17 CFR 240.14a-12)
 - Pre-commencement communications pursuant to Rule 14d-2(b) under the Exchange Act (17 CFR 240.14d-2(b))
 - Pre-commencement communications pursuant to Rule 13e-4(c) under the Exchange Act (17 CFR 240.13e-4(c))
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Item 2.02. Results of Operations and Financial Condition.

On October 30, 2009, Cummins Inc. issued a press release regarding its release of third quarter results.

Item 7.01. Regulation FD Disclosure

The following information is furnished pursuant to Item 2.02, "Results of Operations and Financial Condition" and Item 7.01, "Regulation FD Disclosure."

On October 30, 2009, Cummins Inc. ("Cummins," "the Company," "the registrant," "we," "our," or "us") issued the attached press release reporting its financial results for the third quarter of 2009. A copy of Cummins' press release is attached hereto as Exhibit 99 and hereby incorporated by reference.

Item 9.01. Financial Statements and Exhibits.

(d) The following exhibit is furnished herewith:

99-Press Release dated October 30, 2009

SIGNATURE

Pursuant to the requirements of the Securities Exchange Act of 1934, the registrant has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

Date: October 30, 2009

CUMMINS INC.

/s/ Marsha L. Hunt

Marsha L. Hunt

Vice President - Corporate Controller

(Principal Accounting Officer)

CUMMINS INC. AND SUBSIDIARIES

CONDENSED CONSOLIDATED STATEMENTS OF INCOME

(Unaudited) (a)

In millions (except per share amounts)	Three months ended		
	September 27, 2009	June 28, 2009	September 28, 2008
NET SALES	\$ 2,530	\$ 2,431	\$ 3,693
Cost of sales	2,027	1,983	2,873
GROSS MARGIN	503	448	820
OPERATING EXPENSES AND INCOME			
Selling, general and administrative expenses	304	287	388
Research, development and engineering expenses	90	79	113
Equity, royalty and interest income from investees	57	57	66
Restructuring and other charges	22	7	
Other operating income (expense), net	3	(11)	(2)
OPERATING INCOME	147	121	383
Interest income	2	1	4
Interest expense	9	10	10
Other income (expense), net	6	(13)	(7)
INCOME BEFORE INCOME TAXES	146	99	370
Income tax expense	36	29	123
NET INCOME	110	70	247
Less: net income attributable to noncontrolling interests	15	14	18
NET INCOME ATTRIBUTABLE TO CUMMINS INC.	\$ 95	\$ 56	\$ 229
EARNINGS PER COMMON SHARE ATTRIBUTABLE TO CUMMINS INC.			
Basic	\$ 0.48	\$ 0.28	\$ 1.18
Diluted	\$ 0.48	\$ 0.28	\$ 1.17
WEIGHTED AVERAGE SHARES OUTSTANDING			
Basic	197.4	197.1	194.9
Diluted	197.8	197.4	196.5
CASH DIVIDENDS DECLARED PER COMMON SHARE			
	\$ 0.175	\$ 0.175	\$ 0.175

(a) Prepared on an unaudited basis in accordance with accounting principles generally accepted in the United States of America (GAAP).

CUMMINS INC. AND SUBSIDIARIES

CONDENSED CONSOLIDATED STATEMENTS OF INCOME

(Unaudited) (a)

In millions (except per share amounts)	Nine months ended	
	September 27, 2009	September 28, 2008
NET SALES	\$ 7,400	\$ 11,054
Cost of sales	6,004	8,648
GROSS MARGIN	1,396	2,406
OPERATING EXPENSES AND INCOME		
Selling, general and administrative expenses	891	1,109
Research, development and engineering expenses	254	320
Equity, royalty and interest income from investees	147	202
Restructuring and other charges		