Caution: *DRAFT—NOT FOR FILING*

This is an early release draft of an IRS tax form, instructions, or publication, which the IRS is providing for your information as a courtesy. **Do not file draft forms.** Also, do not rely on draft instructions and publications for filing. We generally do not release drafts of forms until we believe we have incorporated all changes. However, in some cases unexpected issues arise, or legislation is passed, necessitating a change to a draft form we have posted on IRS.gov. Also, forms generally are subject to OMB approval before they are officially released. Drafts of instructions and publications are usually subject to at least some changes before being officially released.

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If you have any comments on this draft, you can submit them to us on our IRS.gov page titled Comment on Forms and Publications, where you may make comments anonymously if you wish. You can also email us at taxforms@irs.gov. Please include the form or publication number in the subject. We cannot respond to all comments due to the high volume we receive, but we will carefully consider each suggestion. Please note that we may not be able to consider many suggestions until the subsequent revision of the product.

Instructions for Form 7004

(Rev. December 2012)

Department of the Treasury
Internal Revenue Service

Application for Automatic Extension of Time To File Certain Business Income Tax, Information, and Other Returns

DRAFT AS OF September 7, 2012

Section references are to the Internal Revenue Code unless otherwise noted.

Future Developments

For the latest information about developments related to Form 7004 and its instructions, such as legislation enacted after they were published, go to *www.irs.gov/form7004*.

What's New

Short tax year. On line 5b, if none of the reasons listed apply, the applicable entity can check the "Other" box and attach an explanation.

Where to file. Beginning January 1, 2013, for certain filers with a principal business, office, or agency located in Florida, the address to mail Form 7004 has changed. See the Where To File chart on page 4.

General Instructions

Purpose of Form

Use Form 7004 to request an automatic extension of time to file certain business income tax, information, and other returns. The extension will be granted if you complete Form 7004 properly, make a proper estimate of the tax (if applicable), file the form by the due date of the return to which the Form 7004 applies, and pay any tax that is due.

Automatic 5-month extension. All the returns shown in Part I, line 1a of Form 7004 are eligible for an automatic 5-month extension of time to file from the due date of the return.

Automatic 6-month extension. All the returns shown in Part II, line 1b of Form 7004 are eligible for an automatic 6-month extension of time to file from the due date of the return. However, see the instructions for lines 2 and 4 for exceptions.

When to File

Generally, Form 7004 must be filed on or before the due date of the applicable tax return. The due dates of the returns can be found in the instructions for the applicable return.

Exceptions. See the instructions for line 2 for foreign corporations with no office or place of business in the United States. See the instructions for line 4 for foreign and certain domestic corporations and for certain partnerships.

Termination of Extension

The IRS may terminate the automatic extension at any time by mailing a notice of termination to the entity or person that requested the extension. The notice will be mailed at least 10 days before the termination date given in the notice.

How and Where To File

Form 7004 can be filed electronically for most returns. For details on electronic filing, visit *www.irs.gov/efile*. Click on *e-file for Tax Professionals*. However, Form 7004 cannot be filed electronically for Forms 8612, 8613, 8725, 8831, 8876, or 706-GS(D).

If you do not file electronically, file Form 7004 with the Internal Revenue Service Center at the applicable address for your return as shown in the table, *Where To File*, later in the instructions.

Signature. No signature is required on this form.

No Blanket Requests

File a separate Form 7004 for each return for which you are requesting an extension of time to file. This extension will apply only to the specific return identified on line 1a or line 1b. For consolidated group returns, see the instructions for line 3.

CAUTION *Do not complete both Part I, line 1a and Part II, line 1b, of this form. See the instructions for lines 1a and 1b.*

Extension Period

The IRS will no longer be sending notifications that your extension has been approved. We will notify you only if your request for an extension is disallowed. Properly filing this form will automatically give you the maximum extension allowed from the due date of your return to file the return (except as noted below in the instructions for lines 2 and 4 with regard to foreign corporations, certain domestic corporations, and certain partnerships with their books and records outside of the United States and Puerto Rico). See the instructions for the applicable return for its due date.

Rounding Off to Whole Dollars

The entity can round off cents to whole dollars on its return and schedules. If the entity does round to whole dollars, it must round all amounts. To round, drop amounts under 50 cents and increase amounts from 50 to 99 cents to the next dollar (for example, $1.39 becomes $1 and $2.50 becomes $3).

If two or more amounts must be added to figure the amount to enter on a line, include cents when adding the amounts and round off only the total.

Payment of Tax

Form 7004 does not extend the time for payment of tax. Generally, payment of any balance due on line 8 of Form 7004 is required by the due date of the return for which this extension is filed. See the instructions for line 8.

Penalty for late filing of return. Generally, a penalty is charged if a return is filed after the due date (including extensions) unless you can show reasonable cause for not filing on time.

Penalty for late payment of tax. Generally, a penalty of $^1/_2$ of 1% of any tax not paid by the due date is charged for each month or part of a month that the tax remains unpaid. The penalty cannot exceed 25% of the amount due. The penalty will not be charged if you can show reasonable cause for not paying on time.

If a corporation is granted an extension of time to file a corporation income tax return, it will not be charged a late payment penalty if the tax shown on line 6 (or the amount of tax paid by the regular due date of the return) is at least 90% of the tax shown on the total tax line of your return, and the balance due shown on the return is paid by the extended due date.

Interest. Interest is charged on any tax not paid by the regular due date of the return from the due date until the tax is paid. It will be charged even if you have been granted an extension or have shown reasonable cause for not paying on time.

Forms 1065, 1065-B, and 1066. A penalty may be assessed against the partnership or REMIC if it is required to file a return, but fails to file it on time, including extensions, or files a return that fails to show all the information required, unless the entity can show reasonable cause for not filing on time. See the Instructions for Forms 1065, 1065-B, or 1066 for more information.

Reasonable cause. If you receive a notice about a penalty after you file your return, send the IRS an explanation and we will determine if you meet reasonable-cause criteria. Do not attach an explanation when you file your return.

DRAFT AS OF September 7, 2012

Specific Instructions

Name and identifying number. If your name has changed since you filed your tax return for the previous year, enter on Form 7004 your name as you entered it on the previous year's income tax return. If the name entered on Form 7004 does not match the IRS database and/or the identifying number is incorrect, you will not have a valid extension. Enter the applicable employer identification number (EIN) or social security number.

Address. Include the suite, room, or other unit number after the street address. If the post office does not deliver mail to the street address and the entity has a P.O. box, show the box number instead of the street address.

If the entity's address is outside the United States or its possessions or territories, enter in the space for “city or town, state, and ZIP code,” the information in the following order: city, province or state, and country. Follow the country's practice for entering the postal code. Do not abbreviate the country name.

If your mailing address has changed since you filed your last return, use Form 8822, Change of Address, or Form 8822-B, Change of Address—Business, to notify the IRS of the change. A new address shown on Form 7004 will not update your record.

Part I Automatic 5-Month Extension

Line 1a

If you are applying for an automatic 5-month extension, enter the appropriate Form Code in the boxes on line 1a to indicate the type of return for which you are requesting an extension. Enter only one Form Code. If you make a Form Code entry on line 1a, do not make a Form Code entry on line 1b.

Part II Automatic 6-Month Extension

Line 1b

If you are applying for an automatic 6-month extension, enter the appropriate Form Code in the boxes on line 1b to indicate the type of return for which you are requesting an extension. Enter only one Form Code. If you make a Form Code entry on line 1b, do not make a Form Code entry on line 1a.

Note. If an association is electing to file Form 1120-H, U.S. Income Tax Return for Homeowners Associations, it should file for the extension on Form 7004 using the original form type assigned to the entity. See the Instructions for Form 1120-H.

Line 2

Check the box on line 2 if you are requesting an extension of time to file for a foreign corporation that does not have an office or place of business in the United States. The entity should file Form 7004 by the due date of the return (the 15th day of the 6th month following the close of the tax year) to request the automatic 6-month extension.

Line 3

Note. This is applicable to corporations only.
Only the common parent of a consolidated group can request an extension of time to file the group's consolidated return.

Attach a list of all members of the consolidated group showing the name, address, and EIN for each member of the group. If you file a paper return, you must provide this information using the following format: 8.5 x 11, 20 lb. white paper, 12 point font in Courier, Arial, or Times New Roman; black ink; one sided printing, and at least $^1/_2$ inch margin. Information is to be presented in a two column format, with the left column containing affiliates' names and addresses, and the right column containing the TIN with $^1/_2$ inch between the columns. There should be two blank lines between listed affiliates.

Generally, all members of a consolidated group must use the same taxable year as the common parent corporation. If, however, a particular member of a consolidated group is required to file a separate income tax return for a short period and seeks an extension of time to file the return, that member must file a separate Form 7004 for that period. See Regulations section 1.1502-76 for details.

CAUTION *Any member of either a controlled group of corporations or an affiliated group of corporations not joining in a consolidated return must file a separate Form 7004.*

Note. Failure to list members of the affiliated group on an attachment may result in the group's inability to elect to file a consolidated return. However, see Regulations sections 301.9100-1 through 301.9100-3 for information about extensions of time for making elections.

Part III All Filers Must Complete This Part

Line 4. Corporations or Certain Partnerships That Qualify Under Regulations Section 1.6081-5

Exceptions for foreign and certain domestic corporations. Certain foreign and domestic corporations (as described below) are entitled to a 3-month extension of time to file and pay under Regulations section 1.6081-5. These entities do not need to file Form 7004 to take this 3-month extension and must file (or request an additional extension of time to file) and pay any balance due by the 15th day of the 6th month following the close of the tax year.

This includes:

- A foreign corporation that maintains an office or place of business in the United States,
- A domestic corporation that transacts its business and keeps its books and records of account outside the United States and Puerto Rico, or
- A domestic corporation whose principal income is from sources within the possessions of the United States.

Attach a statement to the corporation's tax return stating the corporation qualifies for the extension to file and pay. If the corporation is unable to file its return within the 3-month extension, check box 4 on Form 7004 to request an additional 3-month extension.

Exceptions for certain partnerships. Partnerships that keep their books and records outside the United States and Puerto Rico are entitled to a 2-month extension of time to file and pay, if applicable.

You do not need to file Form 7004 if the partnership is taking the 2-month extension of time to file and pay. Attach a statement to the partnership's tax return stating that the partnership qualifies for the extension of time to file and pay. If the partnership is unable to file its return within the 2-month period, check box 4 on Form 7004 to request an additional extension (3 months for partnerships filing Form 1065, and 4 months for partnerships filing Form 1065-B).

DRAFT AS OF September 6, 2012

Line 5a

If you do not use a calendar year, complete the lines showing the tax year beginning and ending dates.

Line 5b

Check the applicable box for the reason for the short tax year.

If the box for "Change in accounting period" is checked, the entity must have applied for approval to change its tax year unless certain conditions have been met. For more information, see Form 1128, Application To Adopt, Change, or Retain a Tax Year, and Pub. 538, Accounting Periods and Methods.

If you have a short tax year and none of the reasons listed apply, check the box for "Other" and attach a statement explaining the reason for the short tax year. Clearly explain the circumstances that caused the short tax year.

Line 6

Enter the total tax, including any nonrefundable credits, the entity expects to owe for the tax year. See the specific instructions for the applicable return to estimate the amount of the tentative tax. If you expect this amount to be zero, enter -0-.

Line 7

Enter the total payments and refundable credits. For more information about "write-in" payments and credits, see the instructions for the applicable return.

Line 8

Form 7004 does not extend the time to pay tax. If the entity is a corporation or affiliated group of corporations filing a consolidated return, the corporation must remit the amount of the unpaid tax liability shown on line 8 on or before the due date of the return.

Most entities must use electronic funds transfer to make all federal tax deposits, including deposits for corporate income taxes. Forms 8109 and 8109-B, Federal Tax Deposit Coupon, can no longer be used. Generally, electronic funds transfers are made using the Electronic Federal Tax Payment System (EFTPS). To get more information about EFTPS or to enroll in EFTPS, visit www.eftps.gov or call 1-800-555-4477.

If the entity does not want to use EFTPS, it can arrange for its tax professional, financial institution, payroll service, or other trusted third party to make deposits on its behalf.

If you file Form 7004 electronically, you can pay by Electronic Funds Withdrawal (EFW). See Form 8878-A, IRS *e-file* Electronic Funds Withdrawal Authorization for Form 7004. If the corporation expects to have a net operating loss carryback, the corporation can reduce the amount to be deposited to the extent of the overpayment resulting from the carryback, provided all other prior year tax liabilities have been fully paid and Form 1138, Extension of Time for Payment of Taxes by a Corporation Expecting a Net Operating Loss Carryback, is filed with Form 7004.

Foreign corporations that maintain an office or place of business in the United States should pay their tax as described above.

Foreign corporations that do not maintain an office or place of business in the United States, see the instructions for the corporation's applicable tax return (Form 1120-F or Form 1120-FSC) for information on depositing any tax due.

A trust (Form 1041), electing large partnership (Form 1065-B), or REMIC (Form 1066) will be granted an extension even if it cannot pay the full amount shown on line 8. But it should pay as much as it can to limit the amount of penalties and interest it will owe.

If you are requesting an extension of time to file Form 1042, see the deposit rules in the instructions for the form to determine how payment must be made.

Privacy Act and Paperwork Reduction Act Notice. We ask for the information on this form to carry out the Internal Revenue laws of the United States. We need it to ensure that you are complying with these laws and to allow us to figure and collect the right amount of tax. This information is needed to process your application for the requested extension of time to file. You are not required to request an extension of time to file; however, if you do so, Internal Revenue Code sections 6001, 6011(a), and 6081 require you to provide the information requested on this form. Section 6109 requires you to provide the requested taxpayer identification numbers. Failure to provide the information may delay or prevent processing your application; providing any false information may subject you to penalties.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential, as required by section 6103.

However, section 6103 allows or requires the Internal Revenue Service to disclose or give such information to the Department of Justice for civil or criminal litigation, and to cities, states, the District of Columbia, and United States possessions and commonwealths for use in administering their tax laws. We may also disclose this information to other countries under a tax treaty, to Federal and state agencies to enforce Federal nontax criminal laws, or to Federal law enforcement and intelligence agencies to combat terrorism.

The time needed to complete and file this form will vary depending on individual circumstances. The estimated average time is:

Recordkeeping	3 hr., 21 min.
Learning about the law or the form	1 hr., 3 min.
Preparing the form	2 hr., 6 min.
Copying, assembling, and sending the form to the IRS	16 min.

If you have comments concerning the accuracy of these time estimates or suggestions for making this form simpler, we would be happy to hear from you. You can write to the Internal Revenue Service, Tax Products Coordinating Committee, 1111 Constitution Ave. NW, IR-6526, Washington, DC 20224. Do not send the tax form to this address. Instead, see *Where To File*, on the next page.

Where To File

IF the form is . . .	AND the settler is (or was at death) . . .	THEN file Form 7004 at:
706-GS(D) & 706-GS(T)	A resident U.S. citizen, resident alien, nonresident U.S. citizen, or alien	Department of the Treasury, Internal Revenue Service Center, Cincinnati, OH 45999-0045, or for private delivery service: 201 W. Rivercenter Blvd., Covington, KY 41011-1424
IF the form is . . .	**AND your principal business, office, or agency is located in . . .**	**THEN file Form 7004 at:**
1041, 1120-H	Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin	Department of the Treasury Internal Revenue Service Center Cincinnati, OH 45999-0045
	Alabama, Alaska, Arizona, Arkansas, California, Colorado, Hawaii, Idaho, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming	Department of the Treasury Internal Revenue Service Center Ogden, UT 84201-0045
	A foreign country or U.S. possession	Internal Revenue Service Center P.O. Box 409101, Ogden, UT 84409
1041-QFT, 8725, 8831, 8876, 8924, 8928	Any location	Department of the Treasury Internal Revenue Service Center Cincinnati, OH 45999-0045
1042, 1120-F, 1120-FSC, 3520-A, 8804	Any location	Internal Revenue Service Center P.O. Box 409101, Ogden, UT 84409
1066, 1120-C, 1120-PC	The United States	Department of the Treasury Internal Revenue Service Center Ogden, UT 84201-0045
	A foreign country or U.S. possession	Internal Revenue Service Center P.O. Box 409101, Ogden, UT 84409
1041-N, 1065-B, 1120-POL	Any location	Department of the Treasury Internal Revenue Service Center Ogden, UT 84409-0045
1065, 1120, 1120-L, 1120-ND, 1120-REIT, 1120-RIC, 1120S, 1120-SF, 8612, 8613	Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin	**And the total assets at the end of the tax year are:** Less than $10 million: Department of the Treasury Internal Revenue Service Center Cincinnati, OH 45999-0045 $10 million or more: Department of the Treasury Internal Revenue Service Center Ogden, UT 84201-0045
	Alabama, Alaska, Arizona, Arkansas, California, Colorado, Hawaii, Idaho, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming	Department of the Treasury Internal Revenue Service Center Ogden, UT 84201-0045
	A foreign country or U.S. possession	Internal Revenue Service Center P.O. Box 409101, Ogden, UT 84409

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