

INTERNAL REVENUE SERVICE

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CC:DOM:P&SI:1-COR-107034-00

June 12, 2000

We are responding to correspondence, submitted on your behalf by Mrs. [REDACTED], requesting relief in order to establish May 1, 1995, as the effective date for your S corporation election. You are ineligible to receive automatic relief under Revenue Procedure 97-48 because the Memphis Service Center continued to notify you about the deficient Form 2553 after first notifying you within six months of the date your 1995 tax return was filed. Although we are unable to respond to your request in its current form, we are furnishing the following general information relating to your request.

The Internal Revenue Service will not ordinarily issue a private letter ruling if the period of limitations on assessment under § 6501(a) has lapsed for any taxable year. It appears that your 1995 taxable year is considered closed under this rule. Please understand that we are only able to entertain requests for (subsequent) taxable years that remain open.

Announcement 97-4 (copy enclosed) provides guidance on seeking relief for late S corporation elections and inadvertent invalid S corporation elections. Generally, to request relief for a late or invalid S corporation election you must request a private letter ruling from the National Office. The procedures for requesting a private letter ruling are set out in Revenue Procedure 2000-1 (copy enclosed). In addition, Rev. Proc. 2000-1 requires taxpayers to submit a user fee along with their ruling request. The standard user fee for a private letter ruling is \$5,000. However, taxpayers with gross income of less than \$1 million on their last-filed tax return qualify for a **reduced user fee** in the amount of \$500. If you are eligible to use the reduced fee provision you must include the statement described in § (B)(1)(b) of Appendix A with your request. Please review Appendix B for a sample format for requesting a private letter ruling.

If you decide to submit a formal request for a private letter ruling, please explain why your Form 2553 was filed late, provide documents supporting your intention to be an S corporation from inception, and include the proper user fee. Please refer your

request to our office by adding the following to the address:

Attn: CC:DOM:CORP:T
P.O. Box 7604
Ben Franklin Station
Washington, DC 20044

Direct to: CC:DOM:P&SI:Br.1
Room 5002

Please keep this letter with your tax records and feel free to provide a copy of it to your authorized representative. We hope that the above information proves helpful.

Sincerely yours,

/s/Dianna K. Miosi

DIANNA K. MIOSI
Chief, Branch 1
Office of the Assistant Chief Counsel
(Passthroughs and Special Industries)

Enclosures:

Announcement 97-4
Rev. Proc. 2000-1