

INTERNAL REVENUE SERVICE

CC:PSI:1-COR-121839-00

November 16, 2000

Number: **INFO 2000-0284**
Release Date: 12/29/2000
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[REDACTED]:

We are responding to correspondence, submitted on your behalf by [REDACTED] [REDACTED], CPA, requesting relief in order to establish 1999, as the effective year for your S corporation election. The information submitted requests automatic relief pursuant to Revenue Procedure 97-48. However, because the Internal Revenue Service notified you timely about your deficient election, you are ineligible for automatic relief. Although we are unable to respond to your request as submitted, this letter provides useful information relating to your request.

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, if the shareholders in the aggregate had less than \$1 million in gross income for the 1999 taxable year, the corporation will qualify for a **reduced user fee** in the amount of \$500. If you are eligible under the reduced user fee provision, a statement certifying your eligibility must be included 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 include the proper user fee (if applying under the reduced fee provisions, send a statement certifying gross income) and refer your request to our office by adding the following to the address:

Attn: CC:P&A
P.O. Box 7604
Ben Franklin Station
Washington, DC 20044

Direct to: CC:PSI: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
Associate Chief Counsel
(Passthroughs and Special Industries)

Enclosures:
Announcement 97-4
Rev. Proc. 2000-1