

**INTERNAL REVENUE SERVICE**

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March 22, 2002

██████████:

We are responding to your correspondence dated December 21, 2002, requesting relief in order to establish May 2, 1997 as the effective date for ██████████ S corporation election. Although we are unable to respond to your request as submitted, this letter provides useful information relating to your request.

Based on the information you have provided, since its inception, ██████████ filed a Form 1120s for 1999, its first tax year. On June 1, 1999, however, the Internal Revenue Service rejected and returned to you the Form 2553 ██████████ filed previously. Consequently, automatic relief under Rev. Proc. 97-48 is unavailable in this matter, since the Service responded and indicated a problem with the S corporation status within 6 months of the filing of the 1999 return. To seek relief, you may submit a private letter ruling 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 2002-1 (copy enclosed). In addition, Rev. Proc. 2002-1 requires taxpayers to submit a user fee along with their ruling request. The standard user fee for a private letter ruling is \$6,000. 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 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:PA:T  
P.O. Box 7604  
Ben Franklin Station  
Washington, DC 20044

Direct to: CC:PSI:1  
Room 5002

By way of introduction, the IRS has a small business website which provides information and various useful links. Visit this special site at [www.irs.gov/smallbiz](http://www.irs.gov/smallbiz). Additionally, you can order a single, free copy of the *Small Business Resource Guide* CD-ROM, by calling 1-800-829-3676. The CD-ROM provides critical tax information including forms, instructions, and publications, as well as valuable information from a variety of government agencies, non-profit organizations, and educational institutions.

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  
Chief, Branch 1  
Associate Chief Counsel  
(Passthroughs and Special Industries)

Enclosures:

Announcement 97-4  
Rev. Proc. 2002-1