

Internal Revenue Service

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Department of the Treasury

Washington, DC 20224

Person To Contact:

, ID No.

Telephone Number:

Refer Reply To:

CC:PSI:B03 – GENIN-156430-03

Date:

October 27, 2003

Dear [REDACTED]:

This is in response to a letter dated May 28, 2003, submitted on your behalf by your authorized representative, requesting relief in order to establish January 1, 2001, as the effective date for your election to be treated as a corporation for federal tax purposes. An automatic extension for filing your election is unavailable under Rev. Proc. 2003-43, 2003-23 I.R.B. 998, because more than 24 months have passed since the election was due. Although we are unable to respond to your request as submitted, this letter provides information relating to your request.

Generally, to request relief for a late regulatory election you must request a private letter ruling from the National Office. The information forwarded to our office is insufficient for us to process a private letter ruling request. The procedures for requesting a private letter ruling are set forth in Rev. Proc. 2003-1, 2003-1 C.B. 1, (copy enclosed). In addition, taxpayers must 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 tax return for the most recent 12-month taxable year, qualify for a **reduced user fee** in the amount of \$500. If you qualify for the reduced fee, you must include a statement claiming that your gross income for the last 12-month taxable year was less than \$1 million.

If you decide to submit a formal request for a private letter ruling, please follow the sample format provided in Appendix B of Rev. Proc. 2003-1. Your request should include all required procedural statements, a check for the user fee, and any documents

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that substantiate your intent to be taxed as a corporation from inception. Specific information required for extensions of time for making regulatory elections include certain affidavits and statements showing reasonable action and good faith. See section 301.9100-3 of the Procedure and Administration Regulations.

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,

/s/

James A. Quinn
Senior Counsel, Branch 3
Office of the Associate Chief Counsel
(Passthroughs and Special Industries)

Enclosures:
Rev. Proc. 2003-1