

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:B01 – GENIN-168116-03

Date:

Dec 18 2003

Re: [REDACTED]

Dear [REDACTED]

This is in response to your letter dated November 25, 2003.

According to the facts provided by you, the company captioned above currently has a valid S election. We believe you wish to revoke the company's S election by filing a revocation effective as of February 1, 2002.

Under § 1362(d)(1)(C) of the Internal Revenue Code, a revocation made during the taxable year and on or before the 15th day of the 3rd month thereof shall be effective on the 1st date of such taxable year, and a revocation made during the taxable year but after such 15th day shall be effective on the 1st day of the following taxable year.

Under § 1362(d)(1)(D), if the revocation specifies a date for revocation which is on or after the day on which the revocation is made, the revocation shall be effective on and after the date so specified. More specifically under § 1.1362-2(b)(2)(ii) of the Income Tax Regulations, if a corporation specifies a date for revocation and the date is expressed in terms of a stated day, month, and year that is on or after the date the revocation is filed, the revocation is effective on or after the date so specified.

Therefore, if a revocation of the company's S election is filed by the end of this year, the revocation can be effective either on the first day of the next year or on the specified date that must be on or after the date the revocation is filed. Relief through the private letter ruling process is not available for an earlier date.

We hope this information is helpful.

Sincerely,

Dianna K. Miosi
Chief, Branch 1
Office of the Associate Chief Counsel
(Passthroughs and Special Industries)