

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-115345-04

Date:

May 28 2004

Taxpayer = 

Dear Sir or Madam:

We are responding to a letter on behalf of the Taxpayer, dated February 17, 2004, requesting permission to file an S corporation election effective January 1, 2004.

According to the records at the Service Center, the Taxpayer had an S election effective January 1, 2000, and terminated it by revocation as of January 1, 2000. Therefore, under § 1.1362-5(c) of the Income and Tax Regulations, the Taxpayer may make a new S election, before the 5-year period described in § 1362(g) of the Internal Revenue Code, without requesting the Commissioner's consent.

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)