

Internal Revenue Service

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Department of the Treasury

Washington, DC 20224

Third Party Communication: None

Date of Communication: Not Applicable

Person To Contact:

, ID No.

Telephone Number:

Refer Reply To:

CC:PSI:B06

GENIN-124255-04

Date:

September 28, 2004

In re: (Taxpayer)

Request to Revoke Section 179 Election

Tax Year:

Dear :

This letter is in response to your letter received March 23, 2004, submitted on Taxpayer's behalf to the Commissioner of Internal Revenue, requesting permission to revoke the election made under section 179 of the Internal Revenue Code on Taxpayer's federal income tax return for certain property placed in service in , respectively. In order for us to respond to your specific request, Taxpayer must submit a request for a private letter ruling. The request must comply with all the requirements of section 7 of Revenue Procedure 2004-1, 2004-1 I.R.B. 1. A copy of selected selections of Rev. Proc. 2004-1 has been enclosed for your reference. We hope that you find the following general information to be helpful.

We are enclosing a copy of section 179 of the Code and the regulations under that section. You may find section 179(c)(2) of particular interest. Under section 179(c)(2), an election made under section 179 (with respect to a taxable year beginning in 2002), and any specification contained in any such election, may not be revoked except with the consent of the Commissioner. Such consent to revoke an election under section 179, however, will be granted only in extraordinary circumstances (Emphasis added). See section 1.179-5(b) of the Income Tax Regulations.

Rev. Proc. 2004-1 provides the general procedures the Internal Revenue Service follows in issuing private letter rulings and the related instructions for the submission of private letter ruling requests by taxpayers. In addition, taxpayers are required by statute to pay user fees for requests for private letter rulings. Under section 15 of Rev. Proc. 2004-1, the user fee must accompany the request in order to be processed by the Service. In general, the user fee is \$6,000 for private letter rulings. However, there is a reduced fee of \$500 for a request involving a business-related tax

issue from a taxpayer with a gross income of less than \$1 million. See Appendix A of Rev. Proc. 2004-1. Also, note that section 7.01(12) and (13) of Rev. Proc. 2004-1 provides that a request for a private letter ruling must be signed and dated by the taxpayer or the taxpayer's authorized representative and that in order for a taxpayer's authorized representative to sign the request for a private letter ruling or appear before the Service in connection with the request, the taxpayer's authorized representative must be a person referred to in paragraph (a)(1), (2), (3), (4), or (5) of section 7.01(13).

If Taxpayer should decide to request a private letter ruling, section 7.03 of Rev. Proc. 2004-1 provides information as to where to send the request. Also, as we have noted above, section 7 of Rev. Proc. 2004-1 provides general instructions for requesting a private letter ruling.

This letter has called your attention to certain principles of tax law. It is intended for informational purposes only and does not constitute a ruling. See sections 2.01 and 2.04 of Rev. Proc. 2004-1. We hope the materials enclosed will be helpful to you; however, if you should have any additional questions or comments, please contact our office at (202) 622-3110.

In accordance with the power of attorney on file with this office, a copy of this letter is being sent to Taxpayer.

Sincerely yours,

Kathleen Reed

KATHLEEN REED
Senior Technician Reviewer, Branch 6
Office of Associate Chief Counsel
(Passthroughs and Special Industries)

Enclosures (3)