

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
GENIN-129076-05
Date:
June 24, 2005

Dear [REDACTED]:

This letter responds to your inquiry postmarked May 13, 2005, requesting relief for a late 2005 S corporation election. Based on the information submitted and your account history, it appears that you are eligible for automatic relief under Revenue Procedure 2003-43.

Section 4.02 of Rev. Proc. 2003-43, makes relief available if: (1) the entity fails to qualify for its intended status as an S corporation solely because of the failure to file the appropriate election under Subchapter S timely with the applicable service center; (2) less than 24 months have passed since the original due date of the election; (3) ...the application for relief is filed no later than 6 months after the due date of the tax return (by September 15, 2005).

In order to comply with Rev. Proc. 2003-3, you must file a properly completed Form 2553, with "FILED PURSUANT TO REV. PROC. 2003-43" stated at the top of the document (copy enclosed). Attached to the Form 2553 must be a brief statement establishing reasonable cause for your failure to file a valid, timely Election Under Subchapter S timely. Send the material via facsimile to: Cincinnati Service Center, at (859) 669-5748. Please retain your fax transmission receipt as proof of filing. If you fail to receive a letter confirming the account update within 60 days after sending the fax, you may contact the person listed in this letter.

Incidentally, the IRS has developed two compact discs (CDs) to help educate small business owners on their tax responsibilities: (1) Publication 3693, *Introduction to Federal Taxes for Small Business/Self-Employed*; and (2) Publication 3700, *Small Business Workshop*. These items are free and can be ordered by calling 1-800-829-3676. An online classroom is available at www.irs.gov/businesses/small.

This letter has called your attention to certain general principles of the law. It is intended for informational purposes only and does not constitute a ruling. 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. If you have any additional questions, please contact our office at (202) 622-3050.

Sincerely,

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

Enclosures:

Rev. Proc. 2003-43
Form 2553