

**Internal Revenue Service**

Number: **INFO 2005-0161**  
Release Date: 9/30/2005  
Index Number: 1362.01-03

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-129704-05  
Date:  
June 24, 2005

Dear [REDACTED]:

This letter responds to your inquiry postmarked May 5, 2005, requesting relief for a late Election under Subchapter S. Based on the information submitted and your account history, it appears that your corporation is eligible to seek automatic relief under Revenue Procedure 2003-43, for the taxable year.

Section 4.03(1) of Rev. Proc. 2003-43 describes the procedural requirements for when a tax return has not been filed for the 1<sup>st</sup> year of the intended election. If the entity seeking the election has not filed a tax return for the 1<sup>st</sup> taxable year of the intended election, the entity may request relief for the late election by filing with the applicable service center the properly completed election form. The election form must be filed within 18 months of the original due date of the intended election (but in no event later than 6 months after the due date of the tax return (excluding extensions) of the entity and must state at the top of the document "FILED PURSUANT TO REV. PROC. 2003-43." Attached to the election form must be a statement establishing reasonable cause for the failure to file the election timely.

Your request should be submitted before September 15, 2005, via facsimile to: Internal Revenue Service, Cincinnati Service Center, at (859) 669-5748. You must 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](http://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,

/s/ Dianna K Miosi

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