

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-139820-05
Date:
August 16, 2005

Dear [REDACTED]

This letter responds to your inquiry in which it was requested that we recognize an election under Subchapter S for the [REDACTED] taxable year. The information submitted asserts that you have consistently filed Forms 1120S beginning with the [REDACTED] taxable year and are seeking automatic relief pursuant to Revenue Procedure 97-48.

In your situation, automatic relief pursuant to Rev. Proc. 97-48 is unavailable because Service Center records reflect that notice about your lack of Form 2553 was sent within six months after filing your Form 1120S return for the [REDACTED] taxable year.

Generally, to request relief for a late S corporation election you must request a private letter ruling (PLR) from the National Office. The procedures for requesting a PLR are set forth in Revenue Procedure 2005-1 (copy enclosed). The user fee for a PLR request is \$7,000; however, if your corporate gross income was less than \$1 million on the [REDACTED] tax return, you may pay \$625. In order for us to accept the \$625 fee, your PLR submission must include a brief statement verifying [REDACTED] corporate gross income.

If you decide to submit a formal request for a PLR, please follow the sample format shown in Appendix B of Rev. Proc. 2005-1. Your request must include required procedural statements, a user fee check, and documents that substantiate your intent to elect S corporation status. Please refer your ruling request to the following address:

Attn: CC:PA:T
P.O. Box 7604
Ben Franklin Station
Washington, DC 20044
Direct to: CC:PSI:1

Incidentally, the IRS has developed two compact discs 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 small business classroom is also available at www.irs.gov/businesses/small.

This letter 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
Office of Associate Chief Counsel
Branch Chief, Branch 1
(Passthroughs & Special Industries)

Enclosure (1)