

Internal Revenue Service

Number: **INFO 2005-0179**
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:B01
GENIN-160510-04
Date:
August 22, 2005

Taxpayer = [REDACTED]

Dear [REDACTED]:

We are responding to a letter dated August 24, 2004, submitted on behalf of the above captioned taxpayer. Generally, to obtain relief for a late filing of Form 2553 (Election by a Small Business Corporation), the taxpayer needs to request a private letter ruling from the National Office. The information submitted to our office is insufficient for us to process a private letter ruling request.

Announcement 97-4 provides guidance on seeking relief for late S corporation elections. The procedures for requesting a private letter ruling are set out in Revenue Procedure (Rev. Proc.) 2005-1 (copy enclosed). Requests for letter rulings must be accompanied by an appropriate amount of the user fee. The standard user fee for a private letter ruling is \$7,000. However, taxpayers with gross income of less than \$1 million on their tax return for the most recent 12-month taxable year qualify for a **reduced user fee** in the amount of \$625. If the taxpayer qualifies for the reduced fee, the ruling request must include a statement certifying the taxpayer's gross income for the last 12-month taxable year. Otherwise, the higher fee will apply. For details, please refer to Appendix A of Rev. Proc. 2005-1.

If the taxpayer decides to submit a formal request for a private letter ruling, please review Appendix B of Rev. Proc. 2005-1, and be certain to include all required procedural statements. Also include the proper user fee and any documents that substantiate the taxpayer's intent to be an S corporation from the time of the desired effective date. Requests for letter rulings should be sent to the following address:

Internal Revenue Service
Attn: CC:PA:LPD:DRU
P.O. Box 7604
Ben Franklin Station
Washington, DC 20044

For general tax information concerning small businesses, please go to www.irs.gov/smallbiz, which is dedicated to providing information to small business taxpayers and educating small business owners on their tax responsibilities.

We hope that the above information proves helpful.

Sincerely,

/s/ Dianna K. Miosi

Dianna K. Miosi
Branch Chief, Branch 1
(Passthroughs & Special Industries)

Enclosure (1)
Rev. Proc. 2005-1