

**Internal Revenue Service**

Number: **INFO 2005-0184**  
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:1  
GENIN-165673-04

June 27, 2005

Legend

Taxpayer = [REDACTED]

Dear [REDACTED]:

This letter responds to a letter dated December 13, 2004, submitted on behalf of Taxpayer requesting relief under Revenue Procedure 2003-43 for a late S corporation election.

Revenue Procedure 2003-43 provides relief for late S corporation elections if less than 24 months have passed since the original due date of the election. Section 1362(b)(5) provides relief for late S corporation elections in situations in which there was reasonable cause for the failure to timely make an election. Based on the facts presented in your letter, Revenue Procedure 2003-43 and section 1362(b)(5) do not apply to this case. However, Taxpayer may make an election in accordance with the requirements set forth in sections 1361 and 1362.

If you have additional questions, please contact our office at (202) 622-3050.

Sincerely,  
/s/ Dianna K Miosi

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

Enclosure (1)  
Original Form 2553