

**Internal Revenue Service**

Department of the Treasury  
Washington, DC 20224

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Person To Contact:

, ID No.

Telephone Number:

Refer Reply To:

CC:INTL – PLR-137162-03

Date:

November 12, 2004

**LEGEND**

Taxpayer =

Individual =  
A

Dear :

This replies to a letter dated June 12, 2003, in which Taxpayer requests an extension of time under Treas. Reg. § 301.9100-3 to file the annual certification described in §1.1503-2(g)(2)(vi)(B) in accordance with Schedule A, which is attached to and made a part of this ruling letter. Additional information was submitted in a letter dated April 27, 2004. The information submitted for consideration is substantially as set forth below.

The ruling contained in this letter is predicated upon facts and representations submitted by the taxpayer and accompanied by a penalty of perjury statement executed by an appropriate party. This office has not verified any of the material submitted in support of the request for a ruling. Verification of the factual information, representations, and other data may be required as a part of the audit process.

Individual A was Taxpayer's tax director during the tax years at issue. Individual A reviewed and timely filed Taxpayer's tax returns for those years. Subsequent to the filing of the tax returns, Individual A held discussions with outside tax professionals regarding Taxpayer's business and operations. In the course of these discussions, the outside tax professionals suggested to Individual A that Taxpayer's records should be

reviewed to determine if annual certifications were filed as required by § 1.1503-2(g)(2)(vi)(B) for the tax years at issue. After a review of the records, Individual A determined that he had not filed the annual certifications listed on Schedule A.

Treas. Reg. § 301.9100-1(b) provides that an election includes an application for relief in respect of tax, and defines a regulatory election as an election whose due date is prescribed by a regulation, a revenue ruling, revenue procedure, notice, or announcement.

Treas. Reg. § 301.9100-1(c) provides that the Commissioner has discretion to grant a taxpayer a reasonable extension of time, under the rules set forth in § 301.9100-3, to make a regulatory election under all subtitles of the Internal Revenue Code, except subtitles E, G, H, and I.

Treas. Reg. § 301.9100-3(a) provides that requests for relief subject to this section will be granted when the taxpayer provides evidence (including affidavits described in § 301.9100-3(e)) to establish to the satisfaction of the Commissioner that the taxpayer acted reasonably and in good faith within the meaning of § 301.9100-3(b), subject to the conditions set forth in § 301.9100-3(b)(3), and the grant of relief will not prejudice the interests of the Government within the meaning of § 301.9100-3(c).

In the present situation, the annual certification described in § 1.1503-2(g)(2)(vi)(B) is a regulatory election as defined in § 301.9100-1(b). Therefore, the Commissioner has discretionary authority under § 301.9100-1(c) to grant Taxpayer an extension of time, provided that Taxpayer satisfies the standards for relief as set forth in § 301.9100-3.

Based on the facts and information submitted, we conclude that Taxpayer satisfies § 301.9100-3(a). Accordingly, Taxpayer is granted an extension of time of 45 days from the date of this ruling letter to file the annual certification described in § 1.1503-2(g)(2)(vi)(B) in accordance with Schedule A,

The granting of an extension of time is not a determination that Taxpayer is otherwise eligible to file the annual certifications. § 301.9100-1(a).

A copy of this ruling letter should be associated with the annual certifications.

This ruling is directed only to the taxpayer who requested it. I.R.C. § 6110(k)(3) provides that it may not be used or cited as precedent.

No ruling has been requested, and none is expressed, as to the application of any other section of the Code or regulations to the facts presented. Specifically, no opinion is expressed as to whether the amount of the dual consolidated losses reported on Schedule A are correct.

Pursuant to a power of attorney on file in this office, a copy of this ruling letter is being furnished to your authorized representatives.

Sincerely,

Associate Chief Counsel (International)

By: /s/ Allen Goldstein

Allen Goldstein

Reviewer

Enclosures (2)

Schedule A

Copy for 6110 purposes

SCHEDULE A

An extension of time as provided under Treas. Reg. § 301.9100-3 has been requested to file the annual certification described in Treas. Reg. § 1.1503-2(g)(2)(vi)(B) with respect to the dual consolidated losses of the following entities for the tax years ended on .

Dual Consolidated Loss Year	Dual Consolidated Loss	Year Annual Certification to Be Filed

Dual Consolidated Loss Year	Dual Consolidated Loss	Year Annual Certification to Be Filed