

Office of Chief Counsel  
Internal Revenue Service  
**Memorandum**

**Number: 200715010**

**Release Date: 4/13/2007**

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date: March 5, 2007

to: Director, Submission Processing  
Cincinnati, OH  
Attn: Entity Unit

from: Office of Division Counsel/Associate Chief Counsel  
Tax Exempt & Government Entities

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subject: Railroad Retirement Tax Act Status

In accordance with the coordination procedure established between the Service and the Railroad Retirement Board (RRB), the RRB has provided us with its opinion that the following business is not a covered employer under the Railroad Retirement Act and the Railroad Unemployment Insurance Act

We have reviewed the opinion of the RRB and, based upon the information submitted to us by the RRB, we also conclude that . is not a covered employer under the jurisdiction of the Railroad Retirement Tax Act.

However, we do note that a dissenting member of the RRB objected to the decision being rendered without further review of possible indirect control of the company by a rail carrier. Accordingly, we note that a further development of the facts regarding indirect control could change our conclusion. Please take the appropriate action regarding this business.

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Janine Cook