

**Internal Revenue Service**

Department of the Treasury  
Washington, DC 20224

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CC:ITA:6  
PLR-131059-08  
Date:  
September 15, 2008

LEGEND:

Parent =

Subsidiary =

CPA =

Items =

Date 1 =

Date 2 =

Dear :

This ruling is in reply to the letter submitted by Parent's authorized representative, CPA, requesting an extension of time under § 301.9100-1(c) of the Procedure and Administration Regulations for Parent to file a copy of a Form 3115, Application for Change in Accounting Method, with the Internal Revenue Service (IRS) national office. This request was made in accordance with § 301.9100-3

On Date 1, Parent timely filed its consolidated federal income tax return for the tax year ending Date 2, along with the original of the Form 3115 filed under Rev. Proc. 2002-9, 2002-1 C.B. 32. Parent filed the Form 3115 on behalf of one of its subsidiaries,

Subsidiary, so that Subsidiary could change its accounting method for its inventory of Items. However, because CPA inadvertently failed to submit the copy, no copy of Parent's Form 3115 was filed with the IRS national office by the due date of Date 1.

Rev. Proc. 2002-9 provides the procedures by which a taxpayer may obtain automatic consent to change certain accounting methods. A taxpayer complying with all the applicable provisions of this revenue procedure has obtained the consent of the Commissioner to change the taxpayer's accounting method under § 446(e) of the Internal Revenue Code and the Income Tax Regulations thereunder.

Section 6.02(3)(a) of Rev. Proc. 2002-9 provides that a taxpayer changing an accounting method pursuant to Rev. Proc. 2002-9 must complete and file a Form 3115 in duplicate. The original must be attached to the taxpayer's timely filed (including extensions) original federal income tax return for the year of change, and a copy (with signature) of the Form 3115 must be filed with the IRS national office no earlier than the first day of the year of change and no later than when the original is filed with the federal income tax return for the year of change.

Section 301.9100-1(c) provides that the Commissioner has discretion to grant a reasonable extension of time under the rules set forth in §§ 301.9100-2 and 301.9100-3 to make certain regulatory elections. Section 301.9100-1(b) defines a regulatory election as an election whose due date is prescribed by a regulation published in the Federal Register, or a revenue ruling, revenue procedure, notice, or announcement published in the Internal Revenue Bulletin.

Section 301.9100-2 provides automatic extensions of time for making certain elections. Section 301.9100-3 provides extensions of time for making elections that do not meet the requirements of § 301.9100-2.

Requests for relief under § 301.9100-3 will be granted when the taxpayer provides evidence to establish to the satisfaction of the Commissioner that the taxpayer acted reasonably and in good faith, and that granting relief will not prejudice the interests of the government. Section 301.9100-3(a).

Based solely on the facts and representations submitted, we conclude that the requirements of §§ 301.9100-1 and 301.9100-3 have been satisfied. Accordingly, an extension of time is hereby granted for Parent to file the necessary copy of the Form 3115 with the IRS national office. This extension shall be for a period of 30 days from the date of this ruling. Please attach a copy of this ruling to the Form 3115 when it is filed.

Except as specifically ruled upon above, no opinion is expressed or implied concerning the federal income tax consequences arising from Parent's activities. Specifically, we express no opinion concerning whether Parent is qualified to file the

relevant Form 3115 under Rev. Proc. 2002-9 or that it otherwise meets the requirements of that revenue procedure.

Pursuant to the power of attorney on file with this office, a copy of this letter is being sent to Parent's authorized representative.

This ruling is directed only to Parent, who requested it. Section 6110(k)(3) provides that it may not be used or cited as precedent.

Sincerely,

Roy Hirschhorn  
Acting Chief, CC:ITA:6  
Associate Chief Counsel (ITA)