

Internal Revenue Service

Department of the Treasury
Washington, DC 20224

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Person To Contact:
, ID No.

Telephone Number:

Refer Reply To:
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PLR-112855-13

Date:
April 02, 2013

Legend:

X =

State =

Dear :

This letter responds to a letter dated March 18, 2013, submitted on behalf of X, requesting a ruling under § 7704(d)(1)(E) of the Internal Revenue Code.

X is a limited partnership organized under the laws of State. X, through affiliated operating limited partnerships, limited liability companies or disregarded entities, currently engages principally in activities that produce qualifying income under Section 7704(d)(1)(E) from the pipeline transportation of minerals or natural resources.

X expects to derive gross income from (i) relocating pipelines and related facilities used by X to transport minerals or natural resources to accommodate requests from third parties (e.g., to accommodate surface construction or subsurface development), (ii) the construction, installation, maintenance, and operation of, and transfer by customers to X of, interconnects to pipelines used by X to transport minerals or natural resources, and (iii) the sale of condensate collected from pipelines used by X to transport minerals or natural resources. X represents that these activities are integral to the pipeline transportation of minerals and natural resources.

X seeks a ruling that its gross income derived from such activities will constitute qualifying income under § 7704(d)(1)(E).

Section 7704(a) provides generally that a publicly traded partnership shall be treated as a corporation.

Section 7704(b) provides that the term “publicly traded partnership” means any partnership if (1) interests in the partnership are traded on an established securities market, or (2) interests in the partnership are readily tradable on a secondary market (or substantial equivalent thereof).

Section 7704(c)(1) exempts from treatment as a corporation any publicly traded partnership for any tax year if the partnership meets the gross income requirements of § 7704(c)(2) for that year and each preceding tax year beginning after December 31, 1987, during which the partnership (or any predecessor) was in existence. Section 7704(c)(2) provides that a partnership meets the gross income requirements of § 7704 for any tax year if 90% or more of the partnership’s gross income for that year consists of qualifying income.

Section 7704(d)(1)(E) defines “qualifying income” to include income and gains derived from the exploration, development, mining or production, processing, refining, transportation, or marketing of any mineral or natural resource.

Based solely on the representations made and the facts submitted, we conclude that X’s gross income derived from (i) relocating pipelines and related facilities used by X to transport minerals or natural resources to accommodate third party requests, (ii) the construction, installation, maintenance, and operation of, and transfer by customers to X of, interconnects to pipelines used by X to transport minerals or natural resources, and (iii) the sale of condensate collected from pipelines used by X to transport minerals or natural resources is qualifying income within the meaning of § 7704(d)(1)(E).

Except for the specific ruling above, we express or imply no opinion concerning the federal tax consequences of the facts of this case under any other provision of the Code. Specifically, we express or imply no opinion as to whether X is taxable as a partnership for federal tax purposes.

This ruling is directed only to the taxpayer requesting it. However, in the event of a technical termination of X under § 708(b)(1)(B), the resulting partnership may continue to rely on this ruling in determining its qualifying income under § 7704(d)(1)(E).

According to § 6110(k)(3), this ruling may not be used or cited as precedent. Under a power of attorney on file with this office, we are sending a copy of this letter to your authorized representative.

Sincerely,

Bradford R. Poston
Senior Counsel, Branch 2
(Passthroughs & Special Industries)

Enclosures (2)
Copy of this letter
Copy for § 6110 purposes