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From: [REDACTED]

Sent: Wednesday, January 15, 2014 8:45:08 AM

To: [REDACTED]

Cc: [REDACTED]

Bcc:

Subject: RE: Telephone Excise Tax Procedure Issue

I agree. By way of background, the only reason the TETR procedure utilized the 2006 forms 1040 was because it was cost effective. The Service was not in a position to create a new form to deal exclusively with the excise tax. However, the excise tax refund is unrelated to any income tax. Indeed, many taxpayers had their approved TETR refunds held up during the course of an audit of their IT modules. To avoid this problem, we advised some T/Ps to file on the (later approved for this purpose) form 843. So the only exception I take with your analysis is where you explain "since the refund would be processed as part of the consolidated income tax account for the consolidated group." Although this might be true empirically (if the request had been submitted on an 1120X) it should not be the case legally.

FYI, I am not an expert on consolidated return issues, so I am taking your word for the authority of [REDACTED] to independently file the claim even though it is part of the consolidated group. I hope this helps.

Regards,