

Internal Revenue Service

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Department of the Treasury

Washington, DC 20224

[Third Party Communication:

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Person To Contact:

, ID No.

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Refer Reply To:

CC:FIP:B2

PLR-132016-16

Date:

January 13, 2017

Legend

Fund =

Portfolio =

Dear :

This letter revokes PLR 200720011 (PLR-143734-06¹) issued to Fund and Portfolio on February 2, 2007, and, in response to a request from your authorized representative dated December 29, 2016, limits the retroactive effect of such revocation pursuant to section 7805(b) of the Internal Revenue Code.

In PLR 200720011, the Internal Revenue Service (the “Service”) issued a ruling that income and gain from certain commodity-linked notes constitute qualifying income under section 851(b)(2) (the “CLN Ruling”). In a letter dated September 29, 2016, the

¹ PLR-143734-06 is the controlling PLR number for a multi-filer private letter ruling. Fund and Portfolio were assigned separate PLR numbers. This letter refers to the controlling PLR number, but applies equally to the rulings issued to Fund and Portfolio under their respective, separately assigned PLR numbers.

Service notified Fund and Portfolio that it was considering revoking the CLN Ruling. On December 29, 2016, Fund and Portfolio requested that the Service exercise its discretionary authority under section 7805(b) to limit the retroactive effect of any revocation.

Since issuing PLR 200720011, the Service has determined that having provided a private letter ruling on the issue in the CLN Ruling is not in accord with the current views of the Service. See Rev. Proc. 2016-50, 2016-43 I.R.B. 522, superseded by Rev. Proc. 2017-3, 2017-1 I.R.B.130, 140 (section 4.01(44)); see also REG-123600-16, 81 Fed. Reg. 66576-77 (Sept. 28, 2016). Section 11.04 of Rev. Proc. 2017-1, 2017-1 I.R.B. 1, 61, provides, in part, that unless it was part of a closing agreement, a letter ruling found to be in error or not in accordance with the current views of the Service may be revoked or modified. Accordingly, PLR 200720011 is revoked.

Section 11.04 of Rev. Proc. 2017-1 also provides that, if a letter ruling is revoked, the revocation applies to all years open under the statute of limitations on assessment unless the Service uses its discretionary authority under section 7805(b) to limit the retroactive effect of the revocation. In accordance with the request from Fund and Portfolio, the Service has decided to grant relief under section 7805(b). The revocation of PLR 200720011 will apply prospectively only to commodity-linked notes acquired by Fund and Portfolio after June 30, 2017.

In accordance with the power of attorney on file with this office, we are sending a copy of this letter to Fund and Portfolio authorized representatives. We are also sending a copy of this letter to the appropriate operating division.

Sincerely,

Pamela Lew
Pamela Lew
Senior Counsel, Branch 2
Office of Associate Chief Counsel
(Financial Institutions and Products)