

Number: **201802013**
Release Date: 1/12/2018
Index Number: 9100.09-00

Department of the Treasury
Washington, DC 20224

Third Party Communication: None
Date of Communication: Not Applicable

Person To Contact: _____, ID No. _____

Telephone Number:

Refer Reply To:
CC:ITA:B04
PLR-127993-17
Date: October 5, 2017

TIN =
Year =
Date =

Dear _____ :

This letter ruling is in reference to Taxpayer's request filed on Date that its Form 1128, *Application to Adopt, Change, or Retain a Tax Year*, be considered timely filed under Rev. Proc. 2006-46, 2006-2 C.B. 859 pursuant to the authority in § 301.9100-3 of the Regulations on Procedure and Administration. Taxpayer's Form 1128 is requesting to change Taxpayer's accounting period, for federal income tax purposes, from a taxable year ending December 31, to a taxable year ending March 31, effective March 31, Year.

Rev. Proc. 2006-46 provides the exclusive procedure by which taxpayers meeting the provisions outlined in Section 4, SCOPE, can make an accounting period change automatically. The application must be filed no later than the due (including extensions) for filing the return for the short period required by such change.

The information furnished indicates that Taxpayer did not file its Form 1128 by the due date of the return for the short period required to effect the change. However, Taxpayer requested an extension of time to file its Form 1128 under § 301.9100-3 shortly the after the required time.

Section 301.9100-3(a) provides that requests for extensions of time for regulatory elections that do not meet the requirements of § 301.9100-2 (automatic extensions), such as the instant case, must be made under the rules of § 301.9100-3. Requests for relief subject to § 301.9100-3 will be granted when the taxpayer provides evidence to establish that the taxpayer acted reasonably and in good faith, and that the granting of relief will not prejudice the interests of the government.

Based on the facts and information submitted and the representations made, we conclude that Taxpayer has acted reasonably and in good faith, and that the granting of relief will not prejudice the interests of the government. Accordingly, Taxpayer has satisfied the requirements of the regulations for the granting of relief, and Taxpayer's late filed Form 1128 requesting to change to March 31, effective March 31, Year, is considered timely filed.¹

To make the change automatically under Rev. Proc. 2006-46, the taxpayer must file within 30 days of the date of this letter the Form 1128 with the appropriate Service Center, indicating at the top of page one of the application: "FILED UNDER REV. PROC. 2006-46" and complete Section A of Part II of Form 1128 indicating that the taxpayer does qualify under Rev. Proc. 2006-46 by answering "Yes" to Question 1 of Section A of Part II. Taxpayer must attach a copy of this letter to the Form 1128 that is filed with the appropriate Service Center. Any further communication regarding this matter should be directed to the Service Center.

This ruling is based upon facts and representations submitted by the taxpayer and accompanied by a penalty of perjury statement executed by an appropriate party. This office has not verified any of the material submitted in support of the request for a ruling. However, as part of an examination process, the Service may verify the factual information, representations, and other data submitted.

This ruling addresses the granting of § 301.9100-3 relief only. We express no opinion regarding the tax treatment of the instant transaction under the provisions of any other sections of the Code or regulations that may be applicable, or regarding the tax treatment of any conditions existing at the time of, or effects resulting from, the instant transaction. Specifically, we express no opinion as to whether the taxpayer is permitted under the Code and applicable regulations to change to the tax year requested in the Form 1128, or whether the change may be effected under Rev. Proc. 2006-46.

A copy of this letter must be attached to any income tax return to which it is relevant. Alternatively, taxpayers filing their returns electronically may satisfy this requirement by attaching a statement to their return that provides the date and control number of the letter ruling.

This ruling is directed only to the taxpayer requesting it. Section 6110(k)(3) of the Code provides that it may not be used or cited as precedent. Enclosed is a copy of the letter ruling showing the deletions proposed to be made when it is disclosed under § 6110.

¹ The taxpayer's application for a change in accounting period will be processed under Rev. Proc. 2006-46.

In accordance with the Power of Attorney on file with this office, we are sending a copy of this letter to your authorized representative.

Sincerely,

Donna Welsh
Senior Technician Reviewer
Office of Associate Chief Counsel
(Income Tax and Accounting)

Enclosures