



subsidiary. Treas. Reg. § 1.1502-77(a). Thus, generally the common parent is the proper party to sign consents, including the Form 872 waiver to extend the period of limitations, for all members in the group. Treas. Reg. § 1.1502-77(a). Furthermore, the provisions of Treas. Reg. § 1.1502-77(c) shall apply whether or not a consolidated return is made for any subsequent year, and whether or not one or more subsidiaries have become or have ceased to be members of the group at any time.

Treas. Reg. § 1.1502-77(c) provides that, unless the District Director agrees to the contrary, an agreement entered into by the common parent extending the time within which an assessment may be made in respect of the tax for a consolidated return year, shall be applicable to each corporation which was a member of the group during any part of such taxable year. The common parent and each subsidiary which was a member of the consolidated group during any part of the consolidated return year is severally liable for the tax for such year. Treas. Reg. § 1.1502-6(a).

Temporary Regulation § 1.1502-77T(a)(4) provides for agents if the common parent ceases to be common parent of the consolidated group, whether or not the consolidated group remains in existence. Pursuant to Temporary Regulation § 1.1502-77T(a)(4), an agent for the group is:

- (i) The common parent of the group for all or any part of the year to which the notice or waiver applies.

Temporary Regulation § 1.1502-77T(a)(4) is applicable to waivers of the statute of limitations for taxable years for which the due date without extensions of the consolidated return is after September 7, 1988. Temp. Reg. § 1.1502-77T(a)(3). Therefore, said regulation provision is applicable in this case.

In this case, the common parent is still in existence and, therefore, is the agent for the consolidated group in existence in [REDACTED] under the provisions of Temporary Regulation § 1.1502-77T(a)(4)(i). The caption on the Form 872 should be [REDACTED]. \* At the bottom of the page you should add: \* [REDACTED] has executed the Form 872 as agent for the [REDACTED] consolidated group for its [REDACTED] taxable year. Therefore, based on the facts provided we conclude that a Form 872 executed by a current officer of [REDACTED] the still existing parent of the group for the [REDACTED] taxable

year will extend the period for assessment of tax for said taxable year.

If we can be of any further assistance, please feel free to contact the undersigned at 617/565-7855.

---

BARRY J. LATERMAN  
Special Litigation Assistant