

Internal Revenue Service

Department of the Treasury
Washington, DC 20224

Number: **INFO 2004-0146**

Release Date: 9/30/04

Index Number: 1362.02-01

Person To Contact:

, ID No.

Telephone Number:

Refer Reply To:

CC:PSI:B1 – GENIN-128284-04

Date:

Aug 20 2004

Taxpayer = [REDACTED]

Dear [REDACTED]

This responds to your letter of March 28, 2004 in which you requested that we revoke taxpayer's election to an S corporation effective for 1999.

Section 1362(d)(1)(A) of the Internal Revenue Code states that an election to be an S corporation for federal tax purposes may be terminated by revocation. Section 1.1362-6(a)(3)(i) provides that revocation occurs when a corporation files a statement that it revokes its election to be an S corporation with the service center where the election was originally filed.

Under § 1.1362-2(a)(2) a revocation made before the 16th day of the third month of the taxable year is effective on the first day of the taxable year and revocation made after the 15th day of the third month of the taxable year is effective for the following tax year.

There are no provisions in the Internal Revenue Code authorizing the retroactive revocation of a valid S corporation election. If you believe that a timely revocation was filed with the service center, a certified mail receipt dated prior to the stated effective date of the revocation or a letter from the service center indicating that they received such correspondence prior to the stated effective date of the revocation is sufficient proof.

We hope that this information is helpful to you. If you have additional questions, please contact _____ at _____ .

Sincerely,

/s/ Dianna K. Miosi

Dianna K. Miosi
Chief, Branch 1
Office of the Associate Chief Counsel
(Passthroughs and Special Industries)