

Internal Revenue Service

Department of the Treasury
Washington, DC 20224

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Person To Contact:

, ID No.

Telephone Number:

Refer Reply To:

CC:PSI

GENIN-107708-05

Date:

March 23, 2005

Dear [REDACTED]:

This letter responds to your letter dated January 10, 2005, requesting late S corporation election information. The window period for automatic late S corporation relief for the 2004 taxable year is open, pursuant to section 4 of Revenue Procedure 2004-43 (copy enclosed).

The election Form 2553 (copy enclosed) must be filed within 24 months of the original due date and state at the top of the document "FILED PURSUANT TO REV. PROC. 2003-43." Attached to the election form must be a statement establishing either reasonable cause for the failure to file the election under Subchapter S timely. The following additional documents must be attached to the election form: (1) An entity seeking relief for a late S corporation election must file a completed Form 2553 signed by an officer of the corporation authorized to sign an all persons who were shareholders at any time during the period that began on the first day of the taxable year for which the election is to be effective and ends on the election is made and for all subsequent years; and (2) A dated declaration signed by an officer of the corporation authorized to sign which states: "Under penalties of perjury, I declare that, to the best of my knowledge and belief, the facts presented in support of this election are true, correct, and complete." Please send the material to the following address, via Certified Mail:

Internal Revenue Service, CSC Entity Control, Cincinnati, OH 45999

If you have any additional questions, please contact our office at (202) 622-3050.

Sincerely,

/s/ Dianna K. Miosi
Dianna K. Miosi
Chief, Branch 1
Office of Associate Chief Counsel
(Passthroughs & Special Industries)

Enclosures:

Rev. Proc. 2003-43
Form 2553