

**Internal Revenue Service**

Number: **INFO 2005-0113**  
Release Date: 6/30/2005  
Index Number: 1362.01-03

Department of the Treasury  
Washington, DC 20224

[Third Party Communication:  
Date of Communication: Month DD, YYYY]

Person To Contact:  
, ID No.  
Telephone Number:

Refer Reply To:  
CC:PSI  
GENIN-120567-05  
Date:  
April 21, 2005

Taxpayer = .

Dear [REDACTED]:

This responds to your letter, forwarded to us by the Cincinnati Service Center, in which it was requested that we recognize Taxpayer's election to be an S corporation effective for tax year 2001 under an automatic revenue procedure.

Relief cannot be granted under Revenue Procedure 97-48 given that your initial Form 1120S tax return was filed late. Further, you are ineligible for relief under Revenue Procedure 2003-43 (which superseded Rev. Proc. 98-55) because the window period provided therein has closed.

Generally, to seek relief for a late S corporation election you must request a private letter ruling (PLR) from the National Office. The procedures for requesting a PLR are set forth in Revenue Procedure 2005-1 (copy enclosed). The standard user fee for a PLR is \$7,000; however, if the entity's gross income was less than \$1 million on the 2004 tax return, it may qualify for a reduced user fee of \$625. In order for us to accept the lower fee, you must include a statement verifying gross income for the last 12-month taxable year. Otherwise, you will be billed for the higher fee.

If you decide to submit a formal request for a PLR, please follow the sample format shown in Appendix B of Rev. Proc. 2005-1. Your request must include the required procedural statements, a user fee check, and documents to substantiate your intent to be an S corporation. Please refer your ruling request to the following address:

Attn: CC:PA:T  
P.O. Box 7604  
Ben Franklin Station  
Washington, DC 20044

Direct to: CC:PSI:1

Incidentally, the IRS has developed two compact discs (CDs) to help educate small business owners on their tax responsibilities: (1) Publication 3693, *Introduction to Federal Taxes for Small Business/Self-Employed*; and (2) Publication 3700, *Small Business Workshop*. These items are free and can be ordered by calling 1-800-829-3676. An online classroom is available at [www.irs.gov/businesses/small](http://www.irs.gov/businesses/small).

This letter has called your attention to certain general principles of the law. It is intended for informational purposes only and does not constitute a ruling. Please keep this letter with your tax records and feel free to provide a copy of it to your authorized representative. We hope that the above information proves helpful. 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 Chief Counsel  
(Passthroughs & Special Industries)

Enclosure (1)  
Rev. Proc. 2005-1