

Internal Revenue Service

Department of the Treasury
Washington, DC 20224

Number: **INFO 2005-0117**

Release Date: 6/30/2005

Index Number: 1362.01-03

Person To Contact:

, ID No.

Telephone Number:

Refer Reply To:

CC:PSI

GENIN-123529-05

Date:

May 04, 2005

Dear [REDACTED]:

This letter responds to your inquiry received February 11, 2005, requesting assistance regarding a late S corporation election for the 1997 taxable year. Based on the information provided and your account history, it appears that you are ineligible for automatic relief under the Revenue Procedures.

Generally, to request 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 qualifies for a reduced user fee of \$625. In order for us to accept the lower fee, you must include a statement verifying the taxpayer's 2004 gross income. Otherwise, you will be billed for the higher user 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 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.

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 Associate Chief Counsel
(Passthroughs & Special Industries)

Enclosure (1)