

**Internal Revenue Service**

Department of the Treasury  
Washington, DC 20224

Number: **INFO 2005-0177**

Release Date: 9/30/2005

Index Number: 1362.01-03

Person To Contact:

, ID No. 2-54709

Telephone Number:

Refer Reply To:

CC:PSI:B1 – GENIN-154654-04

Date:

June 20, 2005

Taxpayer =

Dear :

This responds to your recent letter in which it was requested that under Rev. Proc. 97-48, 1997-2 C.B. 521, we recognize Taxpayer's election to be an S corporation effective for the tax year.

Unfortunately, you do not qualify for relief under Rev. Proc. 97-48 because your tax return was not timely filed. If you do not qualify for relief under Rev. Proc. 97-48, relief for your late S corporation may be obtained through a letter ruling. Announcement 97-4 (copy enclosed) provides guidance on seeking relief for late S corporation elections. Generally, to request relief for a late S corporation election you must request a private letter ruling from the National Office. The procedures for requesting a private letter ruling are set out in Revenue Procedure 2005-1 (copy enclosed). In addition, Rev. Proc. 2005-1 requires taxpayers to submit a user fee along with their ruling request. The standard user fee for a private letter ruling is \$7,000. However, taxpayers with gross income of less than \$1 million on their tax return for the most recent 12-month taxable year, qualify for a **reduced user fee** in the amount of \$625. If you qualify for the reduced fee, you must include a statement certifying your gross income for the last 12-month taxable year. Otherwise, the higher fee will apply.

If you decide to submit a formal request for a private letter ruling, please review Appendix B of Rev. Proc. 2005-1 and be certain to include all required procedural statements. Also include the proper user fee and any documents that substantiate your intent to be an S corporation from inception. Please refer your request to our office by adding the following to the address:

Attn: CC:PA:T  
P.O. Box 7604`  
Washington, DC 20044

Direct to: CC:PSI:1  
Room 5002

We hope that this information is helpful to you. If you have additional questions, please contact \_\_\_\_\_ at \_\_\_\_\_ (not a toll-free call). As requested in the Power of Attorney on file with this office, a copy of this letter is being sent to the taxpayer.

Sincerely,

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

Enclosures (3)  
Announcement 97-4  
Rev. Proc. 97-48  
Rev. Proc. 2005-1