

Internal Revenue Service

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Department of the Treasury
Washington, DC 20224

Third Party Communication: None
Date of Communication: Not Applicable

Person To Contact:
, ID No.

Telephone Number:

In Re:

Refer Reply To:
CC:PSI:B01
GENIN-144142-04

Date:
January 10, 2005

Legend

Taxpayer = [REDACTED].

Dear [REDACTED]:

We are responding to letters dated July 21, 2004, and July 29, 2004, submitted on behalf of Taxpayer requesting the retroactive revocation of Taxpayer's S corporation election. Although we are unable to respond to the request as submitted, this letter provides useful information relating to the request.

According to the information provided, Taxpayer elected to be treated as an S corporation effective January 1, 1995. Taxpayer states that it revoked its S corporation election effective January 1, 1999, by letter dated March 15, 1999. The Cincinnati Service Center informed Taxpayer that its S election was still in effect.

No provision of the Internal Revenue Code allows for the retroactive revocation of an S election. Unless a taxpayer can provide proof (such as a certified mail receipt or an acceptance letter from the Internal Revenue Service) that it timely filed an S election revocation, no relief is available.

We hope that the above information proves helpful.

Sincerely,

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