

**Internal Revenue Service**

Department of the Treasury  
Washington, DC 20224

Number: **INFO 2005-0035**

Release Date: 3/31/2005

Index Number: 1362.00-00

Person To Contact:

, ID No.

Telephone Number:

Refer Reply To:

CC:PSI:B1 – GENIN-151283-04

Date:

Jan 10 2005

Taxpayer = [REDACTED]

Dear [REDACTED]:

This responds to your recent letter in which it was requested that we recognize Taxpayer's election to be an S corporation effective February 13, 2004.

Rev. Proc. 2003-43 (copy enclosed) applies to qualified taxpayers requesting relief for a late S corporation election on or after June 19, 2003 or pending with the Service on that date. A taxpayer who has not filed a tax return for the first year in which it intended to be an S corporation must request relief under Rev. Proc. 2003-43 within 6 months of the due date of the taxpayer's first tax return. A taxpayer who has filed a tax return for the first year in which it intended to be an S corporation must request relief under Rev. Proc. 2003-43 within 24 months of the due date of the taxpayer's first tax return. Requests for relief under Rev. Proc. 2003-43 are filed at the location designated in the instructions to Form 2553. Please see Rev. Proc. 2003-43 for the procedural requirements for filing an S corporation election under the revenue procedure.

For your convenience, we have included a copy of Revenue Procedure 2003-43. Please read over this document and follow the instructions for submitting your Form 2553. Please note that the Form 2553 needs to be sent to the appropriate Service Center and must be accompanied by the following:

- (1) A properly completed Form 2553, with the words "FILED PURSUANT TO REV. PROC. 2003-43" written across the top of the form;
- (2) A statement explaining reasonable cause for the failure to file Form 2553 by the due date;
- (3) A statement that any taxpayers whose tax liability or tax returns would be affected by the S election have reported consistently with the S corporation election on all affected returns for the year the S Corporation election was intended, as well as for any subsequent years; and

(4) 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."

We hope that this information is helpful to you. If you have additional questions, please contact either myself or \_\_\_\_\_ at \_\_\_\_\_ (not a toll-free call).

Sincerely,

/s/ Dianna K. Miosi

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

Enclosure (1)  
Rev. Proc. 2003-43