Internal Revenue Service

Number: **INFO 2004-0225**
Release Date: 12/31/04
Index Number: 1362.02-01

Department of the Treasury
Washington, DC 20224

Person To Contact:
, ID No.
Telephone Number:

Refer Reply To:
CC:PSI:B01 – GENIN-154644-04
Date:
Dec 13 2004

Legend:

Taxpayer = [redacted]

Dear :

We are responding to your letter dated August 26, 2004, written on behalf of Taxpayer, in which you request retroactive revocation of Taxpayer's S election, effective January 1, 2003. Section 1362(d)(1) of the Internal Revenue Code provides that a revocation made during the taxable year and on or before the 15th day of the 3rd month shall be effective on the 1st day of such taxable year. All other revocations are effective the 1st day of the following taxable year, unless a later date is specified. There is no provision which allows a retroactive revocation such as the one you requested.

I hope this information is helpful to you. If you should need additional information, feel free to contact our office.

Sincerely,

/s/ Dianna K. Miosi

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