

November 22, 2016, the Funds requested that the Service exercise its discretionary authority under section 7805(b) to limit the retroactive effect of any revocation.

Since issuing PLR 201108003, the Service has determined that having provided a private letter ruling on the issue in the CLN Ruling is not in accord with the current views of the Service. See Rev. Proc. 2016-50, 2016-43 I.R.B. 522, superseded by Rev. Proc. 2017-3, 2017-1 I.R.B.130, 140 (section 4.01(44)); see also REG-123600-16, 81 Fed. Reg. 66576-77 (Sept. 28, 2016). Section 11.04 of Rev. Proc. 2017-1, 2017-1 I.R.B. 1, 61, provides, in part, that unless it was part of a closing agreement, a letter ruling found to be in error or not in accordance with the current views of the Service may be revoked or modified. Accordingly, PLR 201108003 is revoked.

Section 11.04 of Rev. Proc. 2017-1 also provides that, if a letter ruling is revoked, the revocation applies to all years open under the statute of limitations on assessment unless the Service uses its discretionary authority under section 7805(b) to limit the retroactive effect of the revocation. In accordance with the Funds' request, the Service has decided to grant relief under section 7805(b). The revocation of PLR 201108003 will apply prospectively only to commodity-linked notes acquired by the Funds after June 30, 2017.

In accordance with the power of attorney on file with this office, we are sending a copy of this letter to the Funds' authorized representatives. We are also sending a copy of this letter to the appropriate operating division.

Sincerely,

Julanne Allen
Assistant Branch Chief, Branch 3
Office of Associate Chief Counsel
(Financial Institutions and Products)

cc: