

Number: **200637027**
Release Date: 9/15/2006

Internal Revenue Service

Department of the Treasury
Washington, DC 20224

Index Number: 1503.00-00, 1503.04-00,
1503.04-04, 9100.00-00,
9100.22-00

Third Party Communication: None
Date of Communication: Not Applicable

Person To Contact:
, ID No.

Telephone Number:

Refer Reply To:
CC:INTL:B04
PLR-162781-05

Date:
June 14, 2006

In Re:

LEGEND

Taxpayer =

Dear :

This replies to a letter dated December 14, 2005, in which Taxpayer requests an extension of time under Treas. Reg. § 301.9100-3 to file (i) the agreement and election required by Treas. Reg. § 1.1503-2(g)(2)(i) (agreement and election), (ii) the annual certifications required by Treas. Reg. § 1.1503-2(g)(2)(vi)(B) (annual certifications), and (iii) the rebuttal statements described in Treas. Reg. § 1.1503-2(g)(2)(iii)(B) and Treas. Reg. § 1.1503-2(g)(2)(vii)(B) in accordance with Schedule A, which is attached and made a part of this ruling letter. The information submitted for consideration is substantially as set forth below.

The rulings contained in this letter are based upon information and representations submitted by Taxpayer and accompanied by a penalty of perjury statement executed by an appropriate party. This office has not verified any of the material submitted in support of the request for ruling. Verification of the factual information, representations, and other data may be required as a part of the audit process.

In the course of preparing a closing agreement request under Treas. Reg. § 1.1503-2(g)(2)(iv)(B)(3)(i), Taxpayer discovered that certain agreements and elections, annual certifications, and rebuttal statements may have been filed without signatures or may have inadvertently excluded certain dual consolidated losses. Taxpayer discovered the omissions and requested relief before the IRS discovered them. Taxpayer seeks relief under Treas. Reg. § 301.9100-3 to ensure that it has submitted a complete, signed set of election and agreements, certifications, and rebuttal statements, as provided in Schedule A.

Treas. Reg. § 301.9100-1(c) provides that the Commissioner has discretion to grant a reasonable extension of time under the standards set forth in Treas. Reg. § 301.9100-3 to make a regulatory election under all subtitles of the Code, except subtitles E, G, H, and I. Treas. Reg. § 301.9100-1(b) defines a regulatory election as an election whose due date is prescribed by a regulation, a revenue ruling, revenue procedure, notice, or announcement.

Treas. Reg. § 301.9100-3 provides standards for extensions of time for making regulatory elections when the deadline for making the election is other than a due date prescribed by statute. Treas. Reg. § 301.9100-3(a) provides that requests for relief subject to this section will be granted when the taxpayer provides the evidence (including affidavits described in Treas. Reg. § 301.9100-3(e)) to establish to the satisfaction of the Commissioner that the taxpayer acted reasonably and in good faith, and the grant of relief will not prejudice the interests of the Government.

In the present situation, Treas. Reg. § 1.1503-2(g)(2) fixes the time to file the elections and agreements, annual certifications, and rebuttal statements. Therefore, the Commissioner has discretionary authority under Treas. Reg. § 301.9100-1(c) to grant Taxpayer an extension of time, provided that Taxpayer satisfies the standards set forth in Treas. Reg. § 301.9100-3(a).

Based on the facts and circumstances of this case, we conclude that Taxpayer satisfies Treas. Reg. § 301.9100-3(a). Accordingly, pursuant to Treas. Reg. § 301.9100-1 and Treas. Reg. § 301.9100-3, Taxpayer is granted an extension of time until 60 days from the date of this ruling letter to file certain elections and agreements, annual certifications, and rebuttal statements as provided in Schedule A.

The granting of an extension of time is not a determination that Taxpayer is otherwise eligible to file the elections and agreements, annual certifications, and rebuttal statements. Treas. Reg. § 301.9100-1(a).

A copy of this ruling letter should be attached with the various late filings reflected in Schedule A.

This ruling is directed only to the taxpayer who requested it. Internal Revenue Code section 6110(k)(3) provides that it may not be used or cited as precedent.

Sincerely,

Thomas Beem
Senior Technical Reviewer
Associate Chief Counsel
(International, Branch 4)

Enclosure;
Copy for 6110 Purposes

cc:

cc:

SCHEDULE A

Taxpayer requested an extension of time to file the election and agreement described in Treas. Reg. § 1.1502-2T(g)(2)(i) (indicated in the table below as “g2”), the annual certification described in Treas. Reg. § 1.1503-2T(g)(2)(vi)(B) (indicated in the table below as “ac”), and/or the rebuttal statements described in Treas. Reg. § 1.1503-2(g)(2)(iii)(B) and Treas. Reg. § 1.1503-2(g)(2)(vii)(B) (indicated in the table below as “rebuttal statement”) with respect to the dual resident corporations and separate units shown below. The years shown in the table indicate the tax return with which the election and agreement, certification, or rebuttal statement should have been filed. An asterisk indicates that the filing is protective.

Dual Resident Corporation or Separate Unit				
				g2
	ac			g2/ac
	ac			g2/ac
	ac			g2/ac
				g2; rebuttal statement*
				g2*
				g2*
				g2
		g2	ac	g2/ac
	ac			
				g2
				g2
				g2
				g2*; rebuttal statement*
				g2*
				ac*

Dual Resident Corporation or Separate Unit				
				g2
	ac			ac
				g2*; rebuttal statement*
	ac			g2/ac
	ac			ac
				g2*
				g2*
	ac*			ac*
				g2*
				g2*
				ac*
				Rebuttal statement
				g2
				g2; rebuttal statement*
				g2*
				g2*
				g2*
				g2*
				g2
				Rebuttal statement
				g2*
				g2*

Dual Resident Corporation or Separate Unit				
				g2*
				g2
				g2/ac
				Rebuttal statement*
				g2*; rebuttal statement*
				g2
				g2
		ac	ac	g2/ac
				ac
				g2/ac
		g2	ac	ac
				g2*
				Rebuttal statement*
				g2
				g2
				g2
				ac; rebuttal statement
				g2
				g2
				g2/ac
	ac*			ac*/ac
				g2