

**Internal Revenue Service**

**Department of the Treasury**

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Washington, DC 20224

Person to Contact:

Telephone Number:

Refer Reply To:

**CC:INTL:PLR-160957-01**

Date:

**April 22, 2002**

**LEGEND**

Taxpayer =  
FB =  
Entity =  
Individual A =

Dear :

This replies to your letter dated October 5, 2001, in which Taxpayer requests an extension of time under Treas. Reg. § 301.9100-3 to file the annual certification described in § 1.1503-2(g)(2)(vi)(B) with respect to the dual consolidated losses of FB and Entity for the respective tax years as we have listed them on "Schedule A", which we have attached to and made part of this ruling letter. The information submitted for consideration is substantially as set forth below.

The ruling contained in this letter is predicated upon facts and representations submitted by the 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 a ruling. Verification of the factual information, representations, and other data may be required as a part of the audit process.

Individual A is the director of international taxes for Taxpayer and is responsible for all international tax planning and compliance for Taxpayer and its subsidiaries, including FB and Entity. The affidavit of Individual A and the facts submitted describe in detail the circumstances surrounding the reasons that annual certifications were not filed. The affidavit and facts also indicate that Taxpayer reasonably relied on Individual A as a qualified tax professional.

Treas. Reg. § 301.9100 -1(b) provides that an election includes an application for relief in respect of tax, and 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. § 301.9100-1(c) provides that the Commissioner has discretion to grant a

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taxpayer a reasonable extension of time under the rules set forth in § 301.9100-3 to make a regulatory election under all subtitles of the Internal Revenue Code except subtitles E, G, H, and I.

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 § 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, § 1.1503-2(g)(2)(vi) fixes the time to file an annual certification. Therefore, the Commissioner has discretionary authority under § 301.9100-1(c) to grant Taxpayer an extension of time, provided that Taxpayer satisfies the standards set forth in § 301.9100-3(a).

Based on the facts and circumstances of this case, we conclude that Taxpayer satisfies § 301.9100-3(a). Accordingly, Taxpayer is granted an extension of time until 30 days from the date of this ruling letter to file the annual certification described in § 1.1503-2(g)(2)(vi)(B) with respect to the dual consolidated losses of FB and Entity for the respective tax years as we have listed them on “Schedule A”, which, as previously stated, we have attached to and made part of this ruling letter.

As provided in § 301.9100-1(a), the granting of an extension of time is not a determination that Taxpayer is otherwise eligible to file the annual certifications.

This ruling is directed only to the taxpayer who requested it. I.R.C. § 6110(k)(3) provides that it may not be used or cited as precedent.

A copy of this ruling letter should be associated with the annual certifications.

No ruling has been requested, and none is expressed, as to the application of any other section of the Code or regulations to the facts presented.

Sincerely,  
Allen Goldstein  
Reviewer  
Office of the Associate Chief Counsel (International)

Attachment  
Schedule A

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## “SCHEDULE A”

1.1503-2(g)(2)(vi)(B) Annual Certification With Respect to						
For the Tax Years Ended:						
Loss Years						
Loss Years						
Loss Years						
Loss Years						
Loss Years						
Loss Year						

1.1503-2(g)(2)(vi)(B) Annual Certification With Respect to	
For the Tax Year Ended:	
Loss Year	