

INTERNAL REVENUE SERVICE

Index No.: 83.13-00 457.05-00
671.02-00 677.00-00

Number: **200003043**

Release Date: 1/21/2000

CC:EBEO:BR1 - PLR-115808-99

October 18, 1999.

Employer =

Plan =

Trust =

Trustee =

It has been brought to our attention that the cite to the Internal Revenue Code section on page 1, paragraph 2, line 2, of your ruling letter dated March 1, 1999, was incorrectly cited as section 457(e)(1)(A). The correct cite is section 457(e)(1)(B).

Attached is a revised page 1 with the correction to replace the page that was previously sent to you.

This ruling is directed only to the Employer and its employees. Section 6110(k)(3) of the Code provides that it may not be used or cited as precedent.

Sincerely yours,

ROBERT D. PATCHELL
Assistant Chief, Branch 1
Office of the Associate
Chief Counsel
(Employee Benefits and
Exempt Organizations)

Enclosure:

Revised page 1

Copy for section 6110 purposes

INTERNAL REVENUE SERVICE

Index No.: 83.13-00 457.05-00
671.02-00 677.00-00

CC:EBEO:BR1 - PLR-120053-98

March 1, 1999

Employer =

Plan =

Trust =

Trustee =

This is in reply to your letter dated September 2, 1998, and subsequent correspondence, on behalf of the above Employer requesting a ruling on the federal tax consequences of Employer's deferred compensation plan (the "Plan") and related Trust under section 457 of the Internal Revenue Code as amended by the Small Business Job Protection Act of 1996.

Employer is represented to be an eligible employer within the meaning of section 457(e)(1)(B) of the Code. The Plan, which is offered to a select group of management or highly compensated employees, is intended to be an eligible deferred compensation plan to which section 457(a) applies.

Under the Plan an employee ("Participant") may elect to defer compensation that would otherwise have been received for services to the Employer until retirement, death or separation from service with the Employer or until the occurrence of an unforeseeable emergency. In addition, the Employer may make matching contributions under the Plan. The election to defer compensation must be made prior to the month for which the compensation is earned. The Plan provides for a maximum amount that may be deferred by a Participant in any taxable year and also provides for a catch-up computation for amounts deferred for one or more of the Participant's last three taxable