

Office of Chief Counsel
Internal Revenue Service

memorandum

CC:SER:GEO:ATL:TL-N-1360-00
EBJorgensen:rg\ml\Eric'sPOAMEM

date: APR 03 2000

to: Chief, Examination Division, Georgia District
Group Manager, Ron Pendergrass

from: District Counsel, Georgia District

subject: Request for Advice Regarding Power of Attorney and
Proper Address for 30-day Letter

DISCLOSURE STATEMENT

This advice constitutes return information subject to I.R.C. § 6103. This advice contains confidential information subject to attorney-client and deliberative process privileges and if prepared in contemplation of litigation, subject to the attorney work product privilege.

Accordingly, the Examination or Appeals recipient of this document may provide it only to those persons whose official tax administration duties with respect to this case require such disclosure. In no event may this document be provided to Examination, Appeals, or other persons beyond those specifically indicated in this statement. This advice may not be disclosed to taxpayers or their representatives.

This advice is not binding on Examination or Appeals and is not a final case determination. Such advice is advisory and does not resolve Service position on an issue or provide the basis for closing a case. The determination of the Service in the case is to be made through the exercise of the independent judgment of the office with jurisdiction over the case.

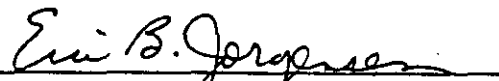
This is in response to your memorandum dated March 7, 2000 wherein you request certain legal advice regarding the examination of [REDACTED] for the taxable years [REDACTED] through [REDACTED] and a related examination of [REDACTED] for the taxable year [REDACTED] and the taxable period ending [REDACTED] for which [REDACTED] filed separate Forms 1120. In [REDACTED], [REDACTED] acquired [REDACTED] % of [REDACTED] which became part of the consolidated group and the consolidated tax returns filed for the taxable

years [REDACTED] and [REDACTED]. In either [REDACTED] or [REDACTED], [REDACTED] was sold by [REDACTED] to another consolidated group.

You asked what address should be used to mail the 30-day letter for [REDACTED] for the taxable year [REDACTED] and taxable period ending [REDACTED]. The second question is whether you can continue to discuss the issues in [REDACTED]'s separate tax returns for the taxable year [REDACTED] and taxable period ending [REDACTED] with [REDACTED] or do you need a power of attorney from [REDACTED].

The common parent [REDACTED] acts for the subsidiaries which file a consolidated return with the common parent and all correspondence should be directed through the common parent. Treas. Reg. § 1.1502-77. When [REDACTED] acquired [REDACTED] of [REDACTED], it became [REDACTED]'s common parent. It was the common parent for [REDACTED] for the taxable years [REDACTED] and [REDACTED]. It was not the common parent for [REDACTED] for its separate tax returns for taxable year [REDACTED] and the taxable period ending [REDACTED]. For those separate return years, a 30-day letter should be sent directly to [REDACTED]. If [REDACTED] wants to represent [REDACTED] for those two taxable periods, then [REDACTED] must get a power of attorney covering those periods from [REDACTED] otherwise, it cannot negotiate on behalf of [REDACTED] with the Service for those years. See, Treas. Reg. § 1.1502-77.

We are closing our file. If we can be of any further assistance in this matter, the undersigned can be reached at 404-338-7945.


ERIC B. JORGENSEN
Senior Attorney

cc: Office of Assistant Chief Counsel
(Field Service) (CC:DOM:FS)

cc: Assistant Regional Counsel (Tax Litigation)
Southeast Region (w/ Assistance Report)

cc: TL CATS