Office of Chief Counsel Internal Revenue Service **Memorandum**

Number: 200514012

Release Date: 4/8/2005

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date: September 13, 2004

to: Director, Submission Processing

Cincinnati, OH Attn: Entity Unit

from: Office of Division Counsel/Associate Chief Counsel

Tax Exempt & Government Entities

subject: Railroad Retirement Tax Act Status

In accordance with the coordination procedure established between the Service and the Railroad Retirement Board (RRB), the RRB has provided us with its opinion that the following businesses became employers under the Railroad Retirement Act and the Railroad Unemployment Insurance Act effective :

We have reviewed the opinion of the RRB and, based upon the information submitted to us by the RRB, we also conclude that and

became employers under the Railroad Retirement Tax Act effective

. However, we do not have enough information to support the factual statements in the RRB opinion that the two "operating partners" are not also employees of one or both of the entities. Please take the appropriate action regarding these businesses.

Janine Cook	