

not approved by the district director, the remaining members may, subject to the approval of such district director, designate another member to act as such agent, and notice of such designation shall be given to such district director. Until a notice in writing designating a new agent has been approved by such district director, any notice of deficiency or other communication mailed to the common parent shall be considered as having been properly mailed to the agent of the group; or, if such district director has reason to believe that the existence of the common parent has terminated, he may, if he deems it advisable, deal directly with any member in respect of its liability.

(e) *Cross-references*—(1) *Alternative agents*. For rules relating to alternative agents of the group, see § 1.1502-77.

(2) *Groups that include insolvent financial institutions*. For further rules applicable to groups that include insolvent financial institutions, see § 301.6402-7 of this chapter.

[T.D. 6894, 31 FR 11794, Sept. 8, 1966, as amended by T.D. 7323, 39 FR 34409, Sept. 25, 1974; T.D. 7673, 45 FR 8588, Feb. 8, 1980; T.D. 8226, 53 FR 34733, Sept. 8, 1988; T.D. 8446, 57 FR 53034, Nov. 6, 1992]

§ 1.1502-77T Alternative agents of the group (temporary).

(a) *General rules*—(1) *Scope*. This section applies if the corporation that is the common parent of the group ceases to be the common parent, whether or not the group remains in existence under § 1.1502-75(d).

(2) *Notice of deficiency*. A notice of deficiency mailed to any one or more corporations referred to in paragraph (a)(4) of this section is deemed for purposes of § 1.1502-77 to be mailed to the agent of the group. If the group has designated an agent that has been approved by the district director under § 1.1502-77(d), a notice of deficiency shall be mailed to that designated agent in addition to any other corporation referred to in paragraph (a)(4) of this section. However, failure by the district director to mail a notice of deficiency to that designated agent shall not invalidate the notice of deficiency mailed to any other corporation re-

ferred to in paragraph (a)(4) of this section.

(3) *Waiver of statute of limitations*. A waiver of the statute of limitations with respect to the group given by any one or more corporations referred to in paragraph (a)(4) of this section is deemed to be given by the agent of the group.

(4) *Alternative agents*. The corporations referred to in paragraph (a) (2) and (3) of this section are—

(i) The common parent of the group for all or any part of the year to which the notice or waiver applies.

(ii) A successor to the former common parent in a transaction to which section 381(a) applies.

(iii) The agent designated by the group under § 1.1502-77(d), or

(iv) If the group remains in existence under § 1.1502-75(d) (2) or (3), the common parent of the group at the time the notice is mailed or the waiver given.

(b) *Effective date*. Paragraph (a) of this section applies to statutory notices and waivers of the statute of limitations for taxable years for which the due date (without extensions) of the consolidated return is after September 7, 1988.

[T.D. 8226, 53 FR 34733, Sept. 8, 1988]

§ 1.1502-78 Tentative carryback adjustments.

(a) *General rule*. If a group has a consolidated net operating loss, a consolidated net capital loss, or a consolidated unused investment credit for any taxable year, then any application under section 6411 for a tentative carryback adjustment of the taxes for a consolidated return year or years preceding such year shall be made by the common parent corporation to the extent such loss or unused investment credit is not apportioned to a corporation for a separate return year pursuant to §§ 1.1502-21(b), 1.1502-22(b), or 1.1502-79(c) (or §§ 1.1502-79A(a), 1.1502-79A(b), or 1.1502-79(c), as appropriate. In the case of the portion of a consolidated net operating loss or consolidated net capital loss or consolidated unused investment credit to which the preceding sentence does not apply, and in the case of a net capital or net operating loss or unused investment credit