First Solar®

LETTER OF COMMENT NO. 391

Mr. Robert H. Herz
Chairman, Financial Accounting Standards Board
P.O. Box 5116
Norwalk, CT 06856-5116

Dear Sir:

RE: Delay in Implementation of FIN 48 To Years Beginning After December 15, 2007

I strongly urge the Financial Accountings Standards Board to delay the effective date of FIN 48 to allow companies and independent auditor sufficient time to address the substantive, procedural, and documentation challenges posed by the new interpretation. Many of these challenges of implementing FIN 48 were articulated by the Tax Executives Institute letter sent to you on December 12, 2006.

First Solar Inc. is a relatively new company that just went public in November 2006. Our auditors require a lot of detail concerning all tax positions taken by the company even though many are immaterial. When I have discussions with my auditors on FIN 48 there seems to be many interpretations of what is material. The area of Administrative Procedure is a major contentious issue with our auditors who say that this is very limited to be used very rarely. The examples in the FIN 48 guidelines do not address the use of this procedure in the international context.

A delay in implementation will provide companies and their independent auditors the needed time to address these issues. We are a calendar year company and I feel our company and independent auditors need more time to address these issues.

Respectfully,

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