



FEDERAL ELECTION COMMISSION

WASHINGTON DC 20463

THIS IS THE BEGINNING OF MUR # 3709

DATE FILMED 6/23/93 CAMERA NO. 4

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FEDERAL ELECTION COMMISSION

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William D. White petitioner,
-vs-
Lynn Yeakel,
WPXI Television Channel 11,
respondents,

Nov 19 11 13 AM '92

MUR 3709

COMPLAINT

The above named respondents produced and distributed a program on behalf of Senate Candidate Lynn Yeakel which is an in-kind and a prohibited contribution to the campaign of Lynn Yeakel.

2 U.S.C. 431(8) - §100.7(a)(1) defines a contribution as "...anything of value made by any person for the purpose of influencing any election for federal office...".

2 U.S.C. 431(8) - §100.7(a)(E)(iii)(A) defines anything of value as including "all in-kind contributions" and that "the provision of any goods or services without charge or at a charge which is less than the usual and normal charge for such goods or services is a contribution." Examples cited in this regulation of goods and services include "facilities, equipment, supplies, personnel, advertising services, membership lists..."

In coordination with the Yeakel campaign, WPXI produced a live, hour-long telephone interview format program which was aired during the time segment normally reserved for a Saturday news broadcast. This program featured only Lynn Yeakel and was hosted by a paid employee of WPXI. WPXI refused to allow me to speak with Ms. Yeakel during the show and refused to provide a similar or identical format presentation by the petitioner in spite of numerous requests.

WPXI provided advertising time during the well publicized program to various commercial advertisers. As such, these advertisers have contributed to the election campaign of Ms. Yeakel by paying a portion of the production and distribution costs of the program in exchange for advertising time.

Although WPXI characterizes this broadcast as a news event, it still represents a substantial contribution to the campaign of a clearly identified candidate.

As a news event, there was no attempt made to provide the "reasonably equal coverage to all opposing candidates in the

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NOV 19 11 13 AM '92

circulation or listening area" required under § 100.7(b)(2)(ii) to exempt the event from contribution reporting requirements.

Additionally, WPXI gave substantial numbers of promotional announcements to the event and frequently featured Ms. Yeakel in their news reporting of the U.S. Senate campaign while deliberately omitting all mention of the petitioner in news broadcasts about the U.S. Senate campaign.

As an FCC licensee and business organization not registered with the Federal Election Commission as a political organization, WPXI is prohibited from making political contributions to specific candidates under these circumstances.

A copy of this complaint has been served, via First Class United States Mail, postage pre-paid, on November 16, 1992 to the following;

Mr. John Howell, General Manager
WPXI Television Channel 11
11 Television Hill
Pittsburgh, Pa. 152

Lynn Yeakel for U.S. Senate
Pittsburgh Area Office
401 Wood Street
11th floor
Pittsburgh, Pa. 15222

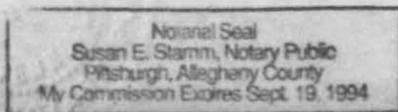
I, William D. White, swear that the foregoing is correct and true to the best of my knowledge.

William D. White
William D. White, petitioner
16 East Manilla Avenue
Pittsburgh, Pa. 15220
412-922-3834

Subscribed and sworn to before me

on this 17 day of November, 1992

Susan E. Stamm



Member, Pennsylvania Association of Notaries

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 24, 1992

William D. White
16 East Manilla Avenue
Pittsburgh, PA 15220

RE: MUR 3709

Dear Mr. White:

This letter acknowledges receipt on November 19, 1992, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by Lynn Hardy Yeakel, Lynn Yeakel for U.S. Senate and Sidney Rosenblatt, as treasurer, and WPXI (Channel 11). The respondents will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 3709. Please refer to this number in all future correspondence. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Klein", is written over the typed name.

Lisa E. Klein
Assistant General Counsel

Enclosure
Procedures

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 24, 1992

Sidney Rosenblatt, Treasurer
Lynn Yeakel for U.S. Senate
304 C Lombard Street
Philadelphia, PA 19147

RE: MUR 3709

Dear Mr. Rosenblatt:

The Federal Election Commission received a complaint which indicates that Lynn Yeakel for U.S. Senate ("Committee") and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3709. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Committee and you, as treasurer, in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

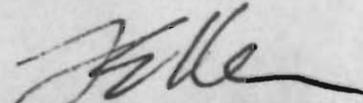
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

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Sidney Rosenblatt, Treasurer
Lynn Yeakel for U.S. Senate
Page 2

If you have any questions, please contact Craig D. Reffner, the attorney assigned to this matter, at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Lisa E. Klein
Assistant General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 24, 1992

Lynn Hardy Yeakel
257 S. Ithan Avenue
Rosemont, PA 19010

RE: MUR 3709

Dear Ms. Yeakel:

The Federal Election Commission received a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3709. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

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Lynn Hardy Yeakel
Page 2

If you have any questions, please contact Craig D. Reffner, the attorney assigned to this matter, at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Lisa E. Klein
Assistant General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 24, 1992

WPXI (Channel 11)
11 Television Hill
Pittsburgh, PA 15214

RE: MUR 3709

Dear Sir or Madam:

The Federal Election Commission received a complaint which indicates that WPXI (Channel 11) may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3709. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against WPXI (Channel 11) in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

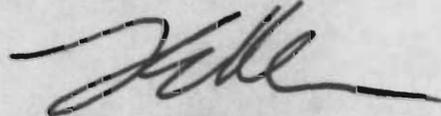
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

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WPXI (Channel 11)
Page 2

If you have any questions, please contact Craig D. Reffner, the attorney assigned to this matter, at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Lisa E. Klein
Assistant General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

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FEDERAL ELECTION COMMISSION

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DEC 2 11 07 AM '92

MUR3709

William D. White petitioner,
-vs-
Lynn Yeakel,
Lawrence Convention Center,
WPXI Television Channel 11,
respondents,

COMPLAINT

The above named respondents sponsored, produced and distributed a program on behalf of Senate Candidate Lynn Yeakel which is an in-kind and a prohibited contribution to the campaign of Lynn Yeakel.

2 U.S.C. 431(8) - §100.7(a)(1) defines a contribution as "...anything of value made by any person for the purpose of influencing any election for federal office...".

2 U.S.C. 431(8) - §100.7(a)(E)(iii)(A) defines anything of value as including "all in-kind contributions" and that "the provision of any goods or services without charge or at a charge which is less than the usual and normal charge for such goods or services is a contribution." Examples cited in this regulation of goods and services include "facilities, equipment, supplies, personnel, advertising services, membership lists..."

In coordination with the Yeakel campaign, WPXI produced a live, hour-long telephone interview format program which was aired during the time segment normally reserved for a Saturday news broadcast. This program featured only Lynn Yeakel and was hosted by a paid employee of WPXI. WPXI refused to allow me to speak with Ms. Yeakel during the show and refused to provide a similar or identical format presentation by the petitioner in spite of numerous requests.

WPXI provided advertising time during the well publicized program to various commercial advertisers, including the Lawrence Convention Center. This advertiser has contributed to the election campaign of Ms. Yeakel by paying a portion of the production and distribution costs of the program in exchange for advertising time.

Although WPXI characterizes this broadcast as a news event, it still represents a substantial contribution to the campaign of

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a clearly identified candidate.

As a news event, there was no attempt made to provide the "reasonably equal coverage to all opposing candidates in the circulation or listening area" required under § 100.7(b)(2)(ii) to exempt the event from contribution reporting requirements.

Additionally, WPXI gave substantial numbers of promotional announcements to the event and frequently featured Ms. Yeakel in their news reporting of the U.S. Senate campaign while deliberately omitting all mention of the petitioner in news broadcasts about the U.S. Senate campaign.

As an FCC licensee and business organization not registered with the Federal Election Commission as a political organization, WPXI is prohibited from making political contributions to specific candidates.

As a business organization not registered as a political committee, the Lawrence Convention Center is prohibited from making contributions to specific candidates under these circumstances.

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FEDERAL ELECTION COMMISSION

William D. White petitioner,
-vs-

Lynn Yeakel,
Monroe Muffler/Brake,
WPXI Television Channel 11,
respondents,

COMPLAINT

The above named respondents sponsored, produced and distributed a program on behalf of Senate Candidate Lynn Yeakel which is an in-kind and a prohibited contribution to the campaign of Lynn Yeakel.

2 U.S.C. 431(8) - §100.7(a)(1) defines a contribution as "...anything of value made by any person for the purpose of influencing any election for federal office...".

2 U.S.C. 431(8) - §100.7(a)(E)(iii)(A) defines anything of value as including "all in-kind contributions" and that "the provision of any goods or services without charge or at a charge which is less than the usual and normal charge for such goods or services is a contribution." Examples cited in this regulation of goods and services include "facilities, equipment, supplies, personnel, advertising services, membership lists..."

In coordination with the Yeakel campaign, WPXI produced a live, hour-long telephone interview format program which was aired during the time segment normally reserved for a Saturday news broadcast. This program featured only Lynn Yeakel and was hosted by a paid employee of WPXI. WPXI refused to allow me to speak with Ms. Yeakel during the show and refused to provide a similar or identical format presentation by the petitioner in spite of numerous requests.

WPXI provided advertising time during the well publicized program to various commercial advertisers, including Monroe Muffler. This advertiser has contributed to the election campaign of Ms. Yeakel by paying a portion of the production and distribution costs of the program in exchange for advertising time.

Although WPXI characterizes this broadcast as a news event, it still represents a substantial contribution to the campaign of

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a clearly identified candidate.

As a news event, there was no attempt made to provide the "reasonably equal coverage to all opposing candidates in the circulation or listening area" required under § 100.7(b)(2)(ii) to exempt the event from contribution reporting requirements.

Additionally, WPXI gave substantial numbers of promotional announcements to the event and frequently featured Ms. Yeakel in their news reporting of the U.S. Senate campaign while deliberately omitting all mention of the petitioner in news broadcasts about the U.S. Senate campaign.

As an FCC licensee and business organization not registered with the Federal Election Commission as a political organization, WPXI is prohibited from making political contributions to specific candidates.

As a business organization not registered as a political committee, Monroe Muffler is prohibited from making contributions to specific candidates under these circumstances.

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FEDERAL ELECTION COMMISSION

William D. White petitioner,
-vs-
Lynn Yeakel,
Welch's, Inc.
WPXI Television Channel 11,
respondents,

COMPLAINT

The above named respondents sponsored, produced and distributed a program on behalf of Senate Candidate Lynn Yeakel which is an in-kind and a prohibited contribution to the campaign of Lynn Yeakel.

2 U.S.C. 431(8) - §100.7(a)(1) defines a contribution as "...anything of value made by any person for the purpose of influencing any election for federal office...".

2 U.S.C. 431(8) - §100.7(a)(E)(iii)(A) defines *anything of value* as including "all in-kind contributions" and that "the provision of any goods or services without charge or at a charge which is less than the usual and normal charge for such goods or services is a contribution." Examples cited in this regulation of goods and services include "facilities, equipment, supplies, personnel, advertising services, membership lists..."

In coordination with the Yeakel campaign, WPXI produced a live, hour-long telephone interview format program which was aired during the time segment normally reserved for a Saturday news broadcast. This program featured only Lynn Yeakel and was hosted by a paid employee of WPXI. WPXI refused to allow me to speak with Ms. Yeakel during the show and refused to provide a similar or identical format presentation by the petitioner in spite of numerous requests.

WPXI provided advertising time during the well publicized program to various commercial advertisers, including Welch's Foods, Inc. This advertiser has contributed to the election campaign of Ms. Yeakel by paying a portion of the production and distribution costs of the program in exchange for advertising time.

Although WPXI characterizes this broadcast as a news event, it still represents a substantial contribution to the campaign of

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a clearly identified candidate.

As a news event, there was no attempt made to provide the "reasonably equal coverage to all opposing candidates in the circulation or listening area" required under § 100.7(b)(2)(ii) to exempt the event from contribution reporting requirements.

Additionally, WPXI gave substantial numbers of promotional announcements to the event and frequently featured Ms. Yeakel in their news reporting of the U.S. Senate campaign while deliberately omitting all mention of the petitioner in news broadcasts about the U.S. Senate campaign.

As an FCC licensee and business organization not registered with the Federal Election Commission as a political organization, WPXI is prohibited from making political contributions to specific candidates.

As a business organization not registered as a political committee, Welch's, Inc. is prohibited from making contributions to specific candidates under these circumstances.

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FEDERAL ELECTION COMMISSION

William D. White petitioner,
-vs-
Lynn Yeakel,
Vick's,
WPXI Television Channel 11,
respondents,

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COMPLAINT

The above named respondents sponsored, produced and distributed a program on behalf of Senate Candidate Lynn Yeakel which is an in-kind and a prohibited contribution to the campaign of Lynn Yeakel.

2 U.S.C. 431(8) - §100.7(a)(1) defines a contribution as "...anything of value made by any person for the purpose of influencing any election for federal office...".

2 U.S.C. 431(8) - §100.7(a)(E)(iii)(A) defines anything of value as including "all in-kind contributions" and that "the provision of any goods or services without charge or at a charge which is less than the usual and normal charge for such goods or services is a contribution." Examples cited in this regulation of goods and services include "facilities, equipment, supplies, personnel, advertising services, membership lists..."

In coordination with the Yeakel campaign, WPXI produced a live, hour-long telephone interview format program which was aired during the time segment normally reserved for a saturday news broadcast. This program featured only Lynn Yeakel and was hosted by a paid employee of WPXI. WPXI refused to allow me to speak with Ms. Yeakel during the show and refused to provide a similar or identical format presentation by the petitioner in spite of numerous requests.

WPXI provided advertising time during the well publicized program to various commercial advertisers, including Vick's. This advertiser has contributed to the election campaign of Ms. Yeakel by paying a portion of the production and distribution costs of the program in exchange for advertising time.

Although WPXI characterizes this broadcast as a news event, it still represents a substantial contribution to the campaign of a clearly identified candidate.

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As a news event, there was no attempt made to provide the "reasonably equal coverage to all opposing candidates in the circulation or listening area" required under § 100.7(b)(2)(ii) to exempt the event from contribution reporting requirements.

Additionally, WPXI gave substantial numbers of promotional announcements to the event and frequently featured Ms. Yeakel in their news reporting of the U.S. Senate campaign while deliberately omitting all mention of the petitioner in news broadcasts about the U.S. Senate campaign.

As an FCC licensee and business organization not registered with the Federal Election Commission as a political organization, WPXI is prohibited from making political contributions to specific candidates.

As a business organization not registered as a political committee, Vlck's is prohibited from making contributions to specific candidates under these circumstances.

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FEDERAL ELECTION COMMISSION

William D. White petitioner,
-vs-
Lynn Yeakel,
MAACO,
WPXI Television Channel 11,
respondents,

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF THE CLERK
92 DEC -2 PM 3:55

COMPLAINT

The above named respondents sponsored, produced and distributed a program on behalf of Senate Candidate Lynn Yeakel which is an in-kind and a prohibited contribution to the campaign of Lynn Yeakel.

2 U.S.C. 431(8) - §100.7(a)(1) defines a contribution as "...anything of value made by any person for the purpose of influencing any election for federal office..."

2 U.S.C. 431(8) - §100.7(a)(E)(iii)(A) defines anything of value as including "all in-kind contributions" and that "the provision of any goods or services without charge or at a charge which is less than the usual and normal charge for such goods or services is a contribution." Examples cited in this regulation of goods and services include "facilities, equipment, supplies, personnel, advertising services, membership lists..."

In coordination with the Yeakel campaign, WPXI produced a live, hour-long telephone interview format program which was aired during the time segment normally reserved for a Saturday news broadcast. This program featured only Lynn Yeakel and was hosted by a paid employee of WPXI. WPXI refused to allow me to speak with Ms. Yeakel during the show and refused to provide a similar or identical format presentation by the petitioner in spite of numerous requests.

WPXI provided advertising time during the well publicized program to various commercial advertisers, including MAACO. This advertiser has contributed to the election campaign of Ms. Yeakel by paying a portion of the production and distribution costs of the program in exchange for advertising time.

Although WPXI characterizes this broadcast as a news event, it still represents a substantial contribution to the campaign of a clearly identified candidate.

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As a news event, there was no attempt made to provide the "reasonably equal coverage to all opposing candidates in the circulation or listening area" required under § 100.7(b)(2)(ii) to exempt the event from contribution reporting requirements.

Additionally, WPXI gave substantial numbers of promotional announcements to the event and frequently featured Ms. Yeakel in their news reporting of the U.S. Senate campaign while deliberately omitting all mention of the petitioner in news broadcasts about the U.S. Senate campaign.

As an FCC licensee and business organization not registered with the Federal Election Commission as a political organization, WPXI is prohibited from making political contributions to specific candidates.

As a business organization not registered as a political committee, MAACO is prohibited from making contributions to specific candidates under these circumstances.

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FEDERAL ELECTION COMMISSION

William D. White
-vs-
petitioner,
Lynn Yeakel,
Quality Furniture,
WPXI Television Channel 11,
respondents,

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COMPLAINT

The above named respondents sponsored, produced and distributed a program on behalf of Senate Candidate Lynn Yeakel which is an in-kind and a prohibited contribution to the campaign of Lynn Yeakel.

2 U.S.C. 431(8) - §100.7(a)(1) defines a contribution as "...anything of value made by any person for the purpose of influencing any election for federal office..."

2 U.S.C. 431(8) - §100.7(a)(E)(iii)(A) defines anything of value as including "all in-kind contributions" and that "the provision of any goods or services without charge or at a charge which is less than the usual and normal charge for such goods or services is a contribution." Examples cited in this regulation of goods and services include "facilities, equipment, supplies, personnel, advertising services, membership lists..."

In coordination with the Yeakel campaign, WPXI produced a live, hour-long telephone interview format program which was aired during the time segment normally reserved for a Saturday news broadcast. This program featured only Lynn Yeakel and was hosted by a paid employee of WPXI. WPXI refused to allow me to speak with Ms. Yeakel during the show and refused to provide a similar or identical format presentation by the petitioner in spite of numerous requests.

WPXI provided advertising time during the well publicized program to various commercial advertisers, including Quality Furniture. This advertiser has contributed to the election campaign of Ms. Yeakel by paying a portion of the production and distribution costs of the program in exchange for advertising time.

Although WPXI characterizes this broadcast as a news event, it still represents a substantial contribution to the campaign of

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a clearly identified candidate.

As a news event, there was no attempt made to provide the "reasonably equal coverage to all opposing candidates in the circulation or listening area" required under § 100.7(b)(2)(ii) to exempt the event from contribution reporting requirements.

Additionally, WPXI gave substantial numbers of promotional announcements to the event and frequently featured Ms. Yeakel in their news reporting of the U.S. Senate campaign while deliberately omitting all mention of the petitioner in news broadcasts about the U.S. Senate campaign.

As an FCC licensee and business organization not registered with the Federal Election Commission as a political organization, WPXI is prohibited from making political contributions to specific candidates.

As a business organization not registered as a political committee, Quality Furniture is prohibited from making contributions to specific candidates under these circumstances.

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FEDERAL ELECTION COMMISSION

William D. White petitioner,
-vs-

Lynn Yeakel,
Edgar Snyder & Associates,
WPXI Television Channel 11,
respondents,

RECEIVED
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OFFICE OF THE CLERK
92 DEC - 2 PM 3:55

COMPLAINT

The above named respondents sponsored, produced and distributed a program on behalf of Senate Candidate Lynn Yeakel which is an in-kind and a prohibited contribution to the campaign of Lynn Yeakel.

2 U.S.C. 431(8) - §100.7(a)(1) defines a contribution as "...anything of value made by any person for the purpose of influencing any election for federal office..."

2 U.S.C. 431(8) - §100.7(a)(E)(iii)(A) defines *anything of value* as including "all in-kind contributions" and that "the provision of any goods or services without charge or at a charge which is less than the usual and normal charge for such goods or services is a contribution." Examples cited in this regulation of goods and services include "facilities, equipment, supplies, personnel, advertising services, membership lists..."

In coordination with the Yeakel campaign, WPXI produced a live, hour-long telephone interview format program which was aired during the time segment normally reserved for a Saturday news broadcast. This program featured only Lynn Yeakel and was hosted by a paid employee of WPXI. WPXI refused to allow me to speak with Ms. Yeakel during the show and refused to provide a similar or identical format presentation by the petitioner in spite of numerous requests.

WPXI provided advertising time during the well publicized program to various commercial advertisers, including Edgar Snyder & Associates. This advertiser has contributed to the election campaign of Ms. Yeakel by paying a portion of the production and distribution costs of the program in exchange for advertising time.

Although WPXI characterizes this broadcast as a news event, it still represents a substantial contribution to the campaign of

93040945373

a clearly identified candidate.

As a news event, there was no attempt made to provide the "reasonably equal coverage to all opposing candidates in the circulation or listening area" required under § 100.7(b)(2)(ii) to exempt the event from contribution reporting requirements.

Additionally, WPXI gave substantial numbers of promotional announcements to the event and frequently featured Ms. Yeakel in their news reporting of the U.S. Senate campaign while deliberately omitting all mention of the petitioner in news broadcasts about the U.S. Senate campaign.

As an FCC licensee and business organization not registered with the Federal Election Commission as a political organization, WPXI is prohibited from making political contributions to specific candidates.

As a business organization not registered as a political committee nor known to be providing legal services to the Yeakel Campaign, Edgar Snyder & Associates is prohibited from making contributions to specific candidates under these circumstances.

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FEDERAL ELECTION COMMISSION

William D. White petitioner,
-vs-
Lynn Yeakel,
Red Lobster,
WPXI Television Channel 11,
respondents,

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FEDERAL ELECTION COMMISSION
OFFICE OF THE CLERK

COMPLAINT

The above named respondents sponsored, produced and distributed a program on behalf of Senate Candidate Lynn Yeakel which is an in-kind and a prohibited contribution to the campaign of Lynn Yeakel.

2 U.S.C. 431(8) - §100.7(a)(1) defines a contribution as "...anything of value made by any person for the purpose of influencing any election for federal office...".

2 U.S.C. 431(8) - §100.7(a)(E)(iii)(A) defines anything of value as including "all in-kind contributions" and that "the provision of any goods or services without charge or at a charge which is less than the usual and normal charge for such goods or services is a contribution." Examples cited in this regulation of goods and services include "facilities, equipment, supplies, personnel, advertising services, membership lists..."

In coordination with the Yeakel campaign, WPXI produced a live, hour-long telephone interview format program which was aired during the time segment normally reserved for a Saturday news broadcast. This program featured only Lynn Yeakel and was hosted by a paid employee of WPXI. WPXI refused to allow me to speak with Ms. Yeakel during the show and refused to provide a similar or identical format presentation by the petitioner in spite of numerous requests.

WPXI provided advertising time during the well publicized program to various commercial advertisers, including Red Lobster. This advertiser has contributed to the election campaign of Ms. Yeakel by paying a portion of the production and distribution costs of the program in exchange for advertising time.

Although WPXI characterizes this broadcast as a news event, it still represents a substantial contribution to the campaign of a clearly identified candidate.

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As a news event, there was no attempt made to provide the "reasonably equal coverage to all opposing candidates in the circulation or listening area" required under § 100.7(b)(2)(ii) to exempt the event from contribution reporting requirements.

Additionally, WPXI gave substantial numbers of promotional announcements to the event and frequently featured Ms. Yeakel in their news reporting of the U.S. Senate campaign while deliberately omitting all mention of the petitioner in news broadcasts about the U.S. Senate campaign.

As an FCC licensee and business organization not registered with the Federal Election Commission as a political organization, WPXI is prohibited from making political contributions to specific candidates.

As a business organization not registered as a political committee, Red Lobster is prohibited from making contributions to specific candidates under these circumstances.

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As a news event, there was no attempt made to provide the "reasonably equal coverage to all opposing candidates in the circulation or listening area" required under § 100.7(b)(2)(ii) to exempt the event from contribution reporting requirements.

Additionally, WPXI gave substantial numbers of promotional announcements to the event and frequently featured Ms. Yeakel in their news reporting of the U.S. Senate campaign while deliberately omitting all mention of the petitioner in news broadcasts about the U.S. Senate campaign.

As an FCC licensee and business organization not registered with the Federal Election Commission as a political organization, WPXI is prohibited from making political contributions to specific candidates.

As a business organization not registered as a political committee, Fountainhead is prohibited from making contributions to specific candidates under these circumstances.

93040945378

FEDERAL ELECTION COMMISSION

William D. White petitioner,
-vs-

Lynn Yeakel,
Turnpike Toyota,
WPXI Television Channel 11,
respondents,

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF THE CLERK
92 DEC -2 PM 5:55

COMPLAINT

The above named respondents sponsored, produced and distributed a program on behalf of Senate Candidate Lynn Yeakel which is an in-kind and a prohibited contribution to the campaign of Lynn Yeakel.

2 U.S.C. 431(8) - §100.7(a)(1) defines a contribution as "...anything of value made by any person for the purpose of influencing any election for federal office...".

2 U.S.C. 431(8) - §100.7(a)(E)(iii)(A) defines anything of value as including "all in-kind contributions" and that "the provision of any goods or services without charge or at a charge which is less than the usual and normal charge for such goods or services is a contribution." Examples cited in this regulation of goods and services include "facilities, equipment, supplies, personnel, advertising services, membership lists..."

In coordination with the Yeakel campaign, WPXI produced a live, hour-long telephone interview format program which was aired during the time segment normally reserved for a Saturday news broadcast. This program featured only Lynn Yeakel and was hosted by a paid employee of WPXI. WPXI refused to allow me to speak with Ms. Yeakel during the show and refused to provide a similar or identical format presentation by the petitioner in spite of numerous requests.

WPXI provided advertising time during the well publicized program to various commercial advertisers, including Turnpike Toyota. This advertiser has contributed to the election campaign of Ms. Yeakel by paying a portion of the production and distribution costs of the program in exchange for advertising time.

Although WPXI characterizes this broadcast as a news event, it still represents a substantial contribution to the campaign of

93040945379

a clearly identified candidate.

As a news event, there was no attempt made to provide the "reasonably equal coverage to all opposing candidates in the circulation or listening area" required under § 100.7(b)(2)(ii) to exempt the event from contribution reporting requirements.

Additionally, WPXI gave substantial numbers of promotional announcements to the event and frequently featured Ms. Yeakel in their news reporting of the U.S. Senate campaign while deliberately omitting all mention of the petitioner in news broadcasts about the U.S. Senate campaign.

As an FCC licensee and business organization not registered with the Federal Election Commission as a political organization, WPXI is prohibited from making political contributions to specific candidates.

As a business organization not registered as a political committee, Turnpike Toyota is prohibited from making contributions to specific candidates under these circumstances.

93040945380

FEDERAL ELECTION COMMISSION

William D. White petitioner,
-vs-
Lynn Yeakel,
West Penn Power Company,
WPXI Television Channel 11,
respondents,

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF THE CLERK
92DEC-2 PM 3:50

COMPLAINT

The above named respondents sponsored, produced and distributed a program on behalf of Senate Candidate Lynn Yeakel which is an in-kind and a prohibited contribution to the campaign of Lynn Yeakel.

2 U.S.C. 431(8) - §100.7(a)(1) defines a contribution as "...anything of value made by any person for the purpose of influencing any election for federal office..."

2 U.S.C. 431(8) - §100.7(a)(E)(iii)(A) defines anything of value as including "all in-kind contributions" and that "the provision of any goods or services without charge or at a charge which is less than the usual and normal charge for such goods or services is a contribution." Examples cited in this regulation of goods and services include "facilities, equipment, supplies, personnel, advertising services, membership lists..."

In coordination with the Yeakel campaign, WPXI produced a live, hour-long telephone interview format program which was aired during the time segment normally reserved for a Saturday news broadcast. This program featured only Lynn Yeakel and was hosted by a paid employee of WPXI. WPXI refused to allow me to speak with Ms. Yeakel during the show and refused to provide a similar or identical format presentation by the petitioner in spite of numerous requests.

WPXI provided advertising time during the well publicized program to various commercial advertisers, including West Penn Power Company. This advertiser has contributed to the election campaign of Ms. Yeakel by paying a portion of the production and distribution costs of the program in exchange for advertising time.

Although WPXI characterizes this broadcast as a news event, it still represents a substantial contribution to the campaign of

93040945361

a clearly identified candidate.

As a news event, there was no attempt made to provide the "reasonably equal coverage to all opposing candidates in the circulation or listening area" required under § 100.7(b)(2)(ii) to exempt the event from contribution reporting requirements.

Additionally, WPXI gave substantial numbers of promotional announcements to the event and frequently featured Ms. Yeakel in their news reporting of the U.S. Senate campaign while deliberately omitting all mention of the petitioner in news broadcasts about the U.S. Senate campaign.

As an FCC licensee and business organization not registered with the Federal Election Commission as a political organization, WPXI is prohibited from making political contributions to specific candidates.

As a business organization and public utility not registered as a political committee, West Penn Power Company is prohibited from making contributions to specific candidates under these circumstances.

93040945382

FEDERAL ELECTION COMMISSION

William D. White petitioner,
-vs-

Lynn Yeakel,
Cinema World,
WPXI Television Channel 11,
respondents,

COMPLAINT

The above named respondents sponsored, produced and distributed a program on behalf of Senate Candidate Lynn Yeakel which is an in-kind and a prohibited contribution to the campaign of Lynn Yeakel.

2 U.S.C. 431(8) - §100.7(a)(1) defines a contribution as "...anything of value made by any person for the purpose of influencing any election for federal office...".

2 U.S.C. 431(8) - §100.7(a)(E)(iii)(A) defines anything of value as including "all in-kind contributions" and that "the provision of any goods or services without charge or at a charge which is less than the usual and normal charge for such goods or services is a contribution." Examples cited in this regulation of goods and services include "facilities, equipment, supplies, personnel, advertising services, membership lists..."

In coordination with the Yeakel campaign, WPXI produced a live, hour-long telephone interview format program which was aired during the time segment normally reserved for a Saturday news broadcast. This program featured only Lynn Yeakel and was hosted by a paid employee of WPXI. WPXI refused to allow me to speak with Ms. Yeakel during the show and refused to provide a similar or identical format presentation by the petitioner in spite of numerous requests.

WPXI provided advertising time during the well publicized program to various commercial advertisers, including Cinema World. This advertiser has contributed to the election campaign of Ms. Yeakel by paying a portion of the production and distribution costs of the program in exchange for advertising time.

Although WPXI characterizes this broadcast as a news event, it still represents a substantial contribution to the campaign of a clearly identified candidate.

93040945383

As a news event, there was no attempt made to provide the "reasonably equal coverage to all opposing candidates in the circulation or listening area" required under § 100.7(b)(2)(ii) to exempt the event from contribution reporting requirements.

Additionally, WPXI gave substantial numbers of promotional announcements to the event and frequently featured Ms. Yeakel in their news reporting of the U.S. Senate campaign while deliberately omitting all mention of the petitioner in news broadcasts about the U.S. Senate campaign.

As an FCC licensee and business organization not registered with the Federal Election Commission as a political organization, WPXI is prohibited from making political contributions to specific candidates.

As a business organization not registered as a political committee, Cinema World is prohibited from making contributions to specific candidates under these circumstances.

93040945384

FEDERAL ELECTION COMMISSION

William D. White petitioner,
-vs-
Lynn Yeakel,
Medic Alert,
WPXI Television Channel 11,
respondents,

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE
92 DEC -2 PM 3:55

COMPLAINT

The above named respondents sponsored, produced and distributed a program on behalf of Senate Candidate Lynn Yeakel which is an in-kind and a prohibited contribution to the campaign of Lynn Yeakel.

2 U.S.C. 431(8) - §100.7(a)(1) defines a contribution as "...anything of value made by any person for the purpose of influencing any election for federal office..."

2 U.S.C. 431(8) - §100.7(a)(E)(iii)(A) defines anything of value as including "all in-kind contributions" and that "the provision of any goods or services without charge or at a charge which is less than the usual and normal charge for such goods or services is a contribution." Examples cited in this regulation of goods and services include "facilities, equipment, supplies, personnel, advertising services, membership lists..."

In coordination with the Yeakel campaign, WPXI produced a live, hour-long telephone interview format program which was aired during the time segment normally reserved for a Saturday news broadcast. This program featured only Lynn Yeakel and was hosted by a paid employee of WPXI. WPXI refused to allow me to speak with Ms. Yeakel during the show and refused to provide a similar or identical format presentation by the petitioner in spite of numerous requests.

WPXI provided advertising time during the well publicized program to various commercial advertisers, including Medic Alert. This advertiser has contributed to the election campaign of Ms. Yeakel by paying a portion of the production and distribution costs of the program in exchange for advertising time.

Although WPXI characterizes this broadcast as a news event, it still represents a substantial contribution to the campaign of a clearly identified candidate.

93040945385

As a news event, there was no attempt made to provide the "reasonably equal coverage to all opposing candidates in the circulation or listening area" required under § 100.7(b)(2)(ii) to exempt the event from contribution reporting requirements.

Additionally, WPXI gave substantial numbers of promotional announcements to the event and frequently featured Ms. Yeakel in their news reporting of the U.S. Senate campaign while deliberately omitting all mention of the petitioner in news broadcasts about the U.S. Senate campaign.

As an FCC licensee and business organization not registered with the Federal Election Commission as a political organization, WPXI is prohibited from making political contributions to specific candidates.

As a non-profit business organization not registered as a political committee, Medic Alert is prohibited from making contributions to specific candidates under these circumstances.

93040945386

FEDERAL ELECTION COMMISSION

William D. White | petitioner,
-vs- |
Lynn Yeakel,
General Mills,
WPXI Television Channel 11,
respondents,

COMPLAINT

The above named respondents sponsored, produced and distributed a program on behalf of Senate Candidate Lynn Yeakel which is an in-kind and a prohibited contribution to the campaign of Lynn Yeakel.

2 U.S.C. 431(8) - §100.7(a)(1) defines a contribution as "...anything of value made by any person for the purpose of influencing any election for federal office...".

2 U.S.C. 431(8) - §100.7(a)(E)(iii)(A) defines anything of value as including "all in-kind contributions" and that "the provision of any goods or services without charge or at a charge which is less than the usual and normal charge for such goods or services is a contribution." Examples cited in this regulation of goods and services include "facilities, equipment, supplies, personnel, advertising services, membership lists..."

In coordination with the Yeakel campaign, WPXI produced a live, hour-long telephone interview format program which was aired during the time segment normally reserved for a Saturday news broadcast. This program featured only Lynn Yeakel and was hosted by a paid employee of WPXI. WPXI refused to allow me to speak with Ms. Yeakel during the show and refused to provide a similar or identical format presentation by the petitioner in spite of numerous requests.

WPXI provided advertising time during the well publicized program to various commercial advertisers, including General Mills. This advertiser has contributed to the election campaign of Ms. Yeakel by paying a portion of the production and distribution costs of the program in exchange for advertising time.

Although WPXI characterizes this broadcast as a news event, it still represents a substantial contribution to the campaign of a clearly identified candidate.

93040945387

As a news event, there was no attempt made to provide the "reasonably equal coverage to all opposing candidates in the circulation or listening area" required under § 100.7(b)(2)(ii) to exempt the event from contribution reporting requirements.

Additionally, WPXI gave substantial numbers of promotional announcements to the event and frequently featured Ms. Yeakel in their news reporting of the U.S. Senate campaign while deliberately omitting all mention of the petitioner in news broadcasts about the U.S. Senate campaign.

As an FCC licensee and business organization not registered with the Federal Election Commission as a political organization, WPXI is prohibited from making political contributions to specific candidates.

As a business organization not registered as a political committee, General Mills is prohibited from making contributions to specific candidates under these circumstances.

93040945388

FEDERAL ELECTION COMMISSION

William D. White petitioner,
-vs-
Lynn Yeakel,
Willi's,
WPXI Television Channel 11,
respondents,

RECEIVED
FEDERAL ELECTION COMMISSION
92DEC-2 PM 3:55

COMPLAINT

The above named respondents sponsored, produced and distributed a program on behalf of Senate Candidate Lynn Yeakel which is an in-kind and a prohibited contribution to the campaign of Lynn Yeakel.

2 U.S.C. 431(8) - §100.7(a)(1) defines a contribution as "...anything of value made by any person for the purpose of influencing any election for federal office...".

2 U.S.C. 431(8) - §100.7(a)(E)(iii)(A) defines anything of value as including "all in-kind contributions" and that "the provision of any goods or services without charge or at a charge which is less than the usual and normal charge for such goods or services is a contribution." Examples cited in this regulation of goods and services include "facilities, equipment, supplies, personnel, advertising services, membership lists..."

In coordination with the Yeakel campaign, WPXI produced a live, hour-long telephone interview format program which was aired during the time segment normally reserved for a Saturday news broadcast. This program featured only Lynn Yeakel and was hosted by a paid employee of WPXI. WPXI refused to allow me to speak with Ms. Yeakel during the show and refused to provide a similar or identical format presentation by the petitioner in spite of numerous requests.

WPXI provided advertising time during the well publicized program to various commercial advertisers, including Willi's. This advertiser has contributed to the election campaign of Ms. Yeakel by paying a portion of the production and distribution costs of the program in exchange for advertising time.

Although WPXI characterizes this broadcast as a news event, it still represents a substantial contribution to the campaign of a clearly identified candidate.

93040945389

As a news event, there was no attempt made to provide the "reasonably equal coverage to all opposing candidates in the circulation or listening area" required under § 100.7(b)(2)(ii) to exempt the event from contribution reporting requirements.

Additionally, WPXI gave substantial numbers of promotional announcements to the event and frequently featured Ms. Yeakel in their news reporting of the U.S. Senate campaign while deliberately omitting all mention of the petitioner in news broadcasts about the U.S. Senate campaign.

As an FCC licensee and business organization not registered with the Federal Election Commission as a political organization, WPXI is prohibited from making political contributions to specific candidates.

As a business organization not registered as a political committee, Willi's is prohibited from making contributions to specific candidates under these circumstances.

93040945390

The following is a list of whatever address information is available for the various respondents. WPXI should be able to provide complete address information for all the respondents.

Cinema World

Fountainhead
800-638-4380

General Mills

The Lawrence Convention Center
10th & Penn Avenues
Pittsburgh, Pa. 15230
412-565-6000

MAACO
1650 Golden Mile Hwy.
Monroeville, Pa. 15
412-327-1616

MAACO
3109 Washington Road
Bridgeville, Pa. 15
412-221-0770

Medic Alert
Turlock, Ca.
1-800-ID ALERT

Monroe Muffler/Brake

Quality Furniture
Rt 286
Monroeville, Pa.

Quality Furniture
Rt. 19 North
Wexford, Pa.

Quality Furniture
Rt 19 South
Canonsburg, Pa.

Red Lobster

Edgar Snyder & Associates
Pittsburgh, Pa.
412-391-2101
800-222-6540

Turnpike Toyota
Rt. 19
Cranberry Township
412-772-1600

Vick's

Welch's, Inc.
Concord, MA. 01742

West Penn Power Co.

Willi's

Mr. John Howell, General Manager
WPXI Television Channel 11
11 Television Hill
Pittsburgh, Pa. 152

Lynn Yeakel for U.S. Senate
Pittsburgh Area Office
401 Wood Street
11th floor
Pittsburgh, Pa. 15222

93040945391

I, William D. White, swear that the foregoing is correct and true to the best of my knowledge.

William D. White
William D. White, petitioner
16 East Manilla Avenue
Pittsburgh, Pa. 15220
412-922-3834

Subscribed and sworn to before me

on this 30th day of November, 1992

Susan P. Kaczorowski

Notarial Seal
Susan P. Kaczorowski, Notary Public
Pittsburgh, Allegheny County
My Commission Expires July 26, 1993
Member, Pennsylvania Association of Notaries

93040945392



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 14, 1992

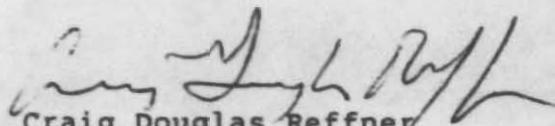
William D. White
16 East Manilla Avenue
Pittsburgh, Pennsylvania 15220

RE: MUR 3709

Dear Mr. White:

This letter acknowledges receipt on December 2, 1992, of the amendment to the complaint you filed on November 19, 1992 against Lynn Hardy Yeakel, Lynn Yeakel for U.S. Senate and Sidney Rosenblatt, as treasurer, and WPXI (Channel 11). These respondents as well as Monroe Muffler/Brake; Welch's, Inc.; Vicks; MAACO; Quality Furniture Co.; Edgar Snyder & Associates; Red Lobster Restaurants; Fountainhead; Turnpike Toyota; West Penn. Power Company; Cinema World, Inc.; Medic Alert; General Mills, Inc.; and Willi's, will be sent copies of the amendment. You will be notified as soon as the Federal Election Commission takes final action on your complaint.

Sincerely,


Craig Douglas Reffney
Attorney

93040945393



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 14, 1992

Sidney Rosenblatt, Treasurer
Lynn Yeakel for U.S. Senate
304 C Lombart Street
Philadelphia, Pennsylvania 19147

RE: MUR 3709

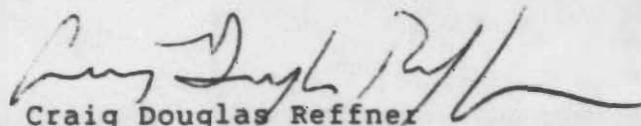
Dear Mr. Rosenblatt:

On November 24, 1992, you were notified that the Federal Election Commission received a complaint from William D. White alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. At that time you were given a copy of the complaint and informed that a response to the complaint should be submitted within 15 days of receipt of the notification.

On December 2, 1992, the Commission received additional information from the complainant pertaining to the allegations in the complaint. Enclosed is a copy of this additional information. As this new information is considered an amendment to the original complaint, you are hereby afforded an additional 15 days in which to respond to the allegations.

If you have any questions, please contact me at
(202) 219-3400.

Sincerely,


Craig Douglas Reffner
Attorney

Enclosure

93040945394



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 14, 1992

Lynn Hardy Yeakel
257 S. Ithan Avenue
Rosemont, Pennsylvania 19010

RE: MUR 3709

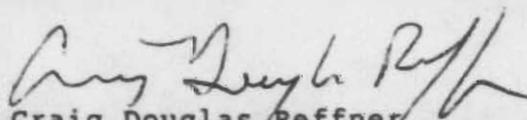
Dear Ms. Yeakel:

On November 24, 1992, you were notified that the Federal Election Commission received a complaint from William D. White alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. At that time you were given a copy of the complaint and informed that a response to the complaint should be submitted within 15 days of receipt of the notification.

On December 2, 1992, the Commission received additional information from the complainant pertaining to the allegations in the complaint. Enclosed is a copy of this additional information. As this new information is considered an amendment to the original complaint, you are hereby afforded an additional 15 days in which to respond to the allegations.

If you have any questions, please contact me at
(202) 219-3400.

Sincerely,


Craig Douglas Reffner
Attorney

Enclosure

93040945395



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 14, 1992

WPXI (Channel 11)
11 Television Hill
Pittsburgh, Pennsylvania 15214

RE: MUR 3709

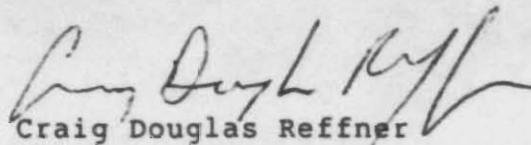
Dear Sir or Madam:

On November 24, 1992, you were notified that the Federal Election Commission received a complaint from William D. White alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. At that time you were given a copy of the complaint and informed that a response to the complaint should be submitted within 15 days of receipt of the notification.

On December 2, 1992, the Commission received additional information from the complainant pertaining to the allegations in the complaint. Enclosed is a copy of this additional information. As this new information is considered an amendment to the original complaint, you are hereby afforded an additional 15 days in which to respond to the allegations.

If you have any questions, please contact me at
(202) 219-3400.

Sincerely,


Craig Douglas Reffner
Attorney

Enclosure

93040945396



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 14, 1992

Lawrence Convention Center
1001 Pennsylvania Avenue
Pittsburgh, Pennsylvania 15230

RE: MUR 3709

Dear Sir or Madam:

The Federal Election Commission received a complaint which indicates that the Lawrence Convention Center may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3709. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Lawrence Convention Center in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

93040945397

Lawrence Convention Center
Page 2

If you have any questions, please contact Craig Douglas Reffner, the attorney assigned to this matter, at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Lisa E. Klein
Assistant General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

93040945398



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 14, 1992

Monroe Muffler/Brake
P. O. Box 22720
Rochester, New York 14692

RE: MUR 3709

Dear Sir or Madam:

The Federal Election Commission received a complaint which indicates that Monroe Muffler/Brake may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3709. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against Monroe Muffler/Brake in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

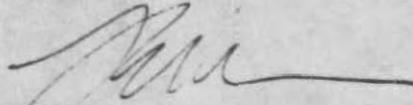
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

93040945399

Monroe Muffler/Brake
Page 2

If you have any questions, please contact Craig Douglas Reffner, the attorney assigned to this matter, at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Lisa E. Klein
Assistant General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

93040945400



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 14, 1992

Welch's
Welch Foods, Inc.
100 Main Street
Concord, Massachusetts 01742

RE: MUR 3709

Dear Sir or Madam:

The Federal Election Commission received a complaint which indicates that Welch's may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3709. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against Welch's in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

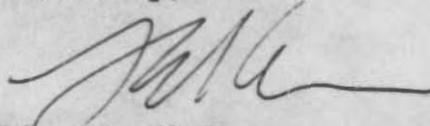
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

93040945401

Welch's
Page 2

If you have any questions, please contact Craig Douglas Reffner, the attorney assigned to this matter, at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Lisa E. Klein
Assistant General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

93040945402



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 14, 1992

Vicks
Richardson-Vicks, Inc.
a Procter & Gamble Company
c/o C. T. Corporation Systems
1635 Market Street
Philadelphia, Pennsylvania 19103

RE: MUR 3709

Dear Sir or Madam:

The Federal Election Commission received a complaint which indicates that Vicks may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3709. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against Vicks in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

93040945403

Vicks
Page 2

If you have any questions, please contact Craig Douglas Reffner, the attorney assigned to this matter, at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Lisa E. Klein
Assistant General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

93040945404



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 14, 1992

MAACO
381 Brooks Road
King of Prussia, Pennsylvania 19406

RE: MUR 3709

Dear Sir or Madam:

The Federal Election Commission received a complaint which indicates that MAACO may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3709. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against MAACO in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

93040945405

MAACO
Page 2

If you have any questions, please contact Craig Douglas Reffner, the attorney assigned to this matter, at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Lisa E. Klein
Assistant General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

93040945406



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 14, 1992

Quality Furniture Co.
1700 Goldenmile Highway
Monroeville, Pennsylvania 15146

RE: MUR 3709

Dear Sir or Madam:

The Federal Election Commission received a complaint which indicates that Quality Furniture Co. may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3709. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against Quality Furniture Co. in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

93040945407

Quality Furniture Co.
Page 2

If you have any questions, please contact Craig Douglas Reffner, the attorney assigned to this matter, at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Lisa E. Klein
Assistant General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

93040945408



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 14, 1992

Edgar Snyder & Associates
707 Grand Street
Gulf Howell - 16th Floor
Pittsburgh, Pennsylvania 15219

RE: MUR 3709

Dear Sir or Madam:

The Federal Election Commission received a complaint which indicates that Edgar Snyder & Associates may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3709. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against Edgar Snyder & Associates in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

93040945409

Edgar Snyder & Associates
Page 2

If you have any questions, please contact Craig Douglas Reffner, the attorney assigned to this matter, at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Lisa E. Klein
Assistant General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

93040945410



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 14, 1992

Red Lobster Restaurants
P. O. Box 593330
Orlando, Florida 32859-3330

RE: MUR 3709

Dear Sir or Madam:

The Federal Election Commission received a complaint which indicates that the Red Lobster Restaurants may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3709. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Red Lobster Restaurants in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

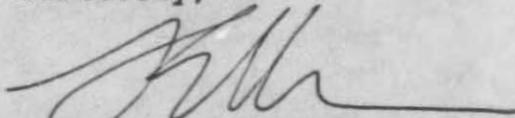
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

93040945411

Red Lobster Restaurants
Page 2

If you have any questions, please contact Craig Douglas Reffner, the attorney assigned to this matter, at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Lisa E. Klein
Assistant General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

93040945412



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 14, 1992

Fountainhead
8339 Telegraph Road
Odenton, Maryland 21113

RE: MUR 3709

Dear Sir or Madam:

The Federal Election Commission received a complaint which indicates that Fountainhead may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3709. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against Fountainhead in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

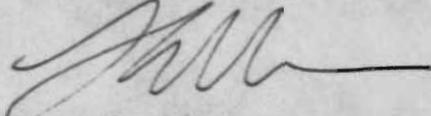
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

93040945413

Fountainhead
Page 2

If you have any questions, please contact Craig Douglas Reffner, the attorney assigned to this matter, at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Lisa E. Klein
Assistant General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

93040945414



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 14, 1992

Turnpike Toyota
1312 Perry Highway
Mars, Pennsylvania 16046

RE: MUR 3709

Dear Sir or Madam:

The Federal Election Commission received a complaint which indicates that Turnpike Toyota may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3709. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against Turnpike Toyota in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

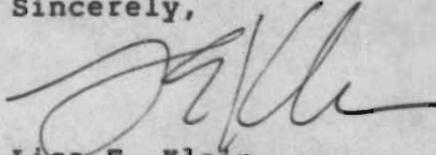
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

93040945415

Turnpike Toyota
Page 2

If you have any questions, please contact Craig Douglas Reffner, the attorney assigned to this matter, at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Lisa E. Klein
Assistant General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

93040945416



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 14, 1992

West Penn. Power Company
800 Cabin Hill Drive
Greensburg, Pennsylvania 15601

RE: MUR 3709

Dear Sir or Madam:

The Federal Election Commission received a complaint which indicates that the West Penn. Power Company may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3709. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the West Penn. Power Company in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

93040945417

West Penn. Power Company
Page 2

If you have any questions, please contact Craig Douglas Reffner, the attorney assigned to this matter, at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Lisa E. Klein
Assistant General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

93040945418



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 14, 1992

Cinema World, Inc.
107 Sixth Street
10th Floor
Pittsburgh, Pennsylvania 15222

RE: MUR 3709

Dear Sir or Madam:

The Federal Election Commission received a complaint which indicates that Cinema World, Inc. may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3709. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against Cinema World, Inc. in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

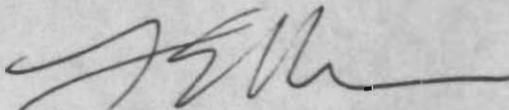
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

93040945419

Cinema World, Inc.
Page 2

If you have any questions, please contact Craig Douglas Reffner, the attorney assigned to this matter, at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Lisa E. Klein
Assistant General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

93040945420



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 14, 1992

Medic Alert
2323 N. Colorado Street
Turlock, California 95381

RE: MUR 3709

Dear Sir or Madam:

The Federal Election Commission received a complaint which indicates that Medic Alert may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3709. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against Medic Alert in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

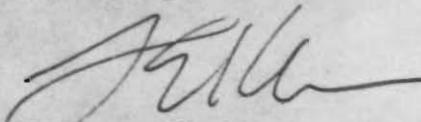
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

93040945421

Medic Alert
Page 2

If you have any questions, please contact Craig Douglas Reffner, the attorney assigned to this matter, at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Lisa E. Klein
Assistant General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

93040945422



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 14, 1992

General Mills, Inc.
c/o C. T. Corporation System
1635 Market Street
Philadelphia, Pennsylvania 19103

RE: MUR 3709

Dear Sir or Madam:

The Federal Election Commission received a complaint which indicates that General Mills, Inc. may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3709. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against General Mills, Inc. in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

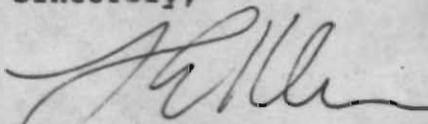
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

93040945423

General Mills, Inc.
Page 2

If you have any questions, please contact Craig Douglas Reffner, the attorney assigned to this matter, at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Lisa E. Klein
Assistant General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

93040945424



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 14, 1992

Willi's
Willi's Ski Shop
3738 Library Road
Pittsburgh, Pennsylvania 15234

RE: MUR 3709

Dear Sir or Madam:

The Federal Election Commission received a complaint which indicates that Willi's may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3709. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against Willi's in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

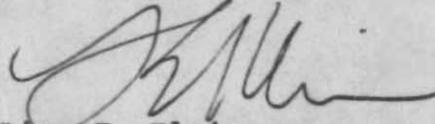
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

93040945425

Willi's
Page 2

If you have any questions, please contact Craig Douglas Reffner, the attorney assigned to this matter, at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Lisa E. Klein
Assistant General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

93040945426



11 Television Hill
Pittsburgh, PA 15214-1400
412 237-1100
FAX 412 323-8097

Dec 15 3 15 PM '92

December 14, 1992

Craig D. Reffner
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RE: MURs 3709 and 3710

Dear Mr. Reffner:

By letters dated November 24, 1992, received by my office on November 30, 1992, Lisa Klein, Assistant General Counsel of the Federal Election Commission, advised me that Mr. William D. White had filed two complaints with the Commission alleging that Television Station WPXI had violated federal election law through its news coverage of Pennsylvania's recent Senate race between incumbent Republican Senator Arlen Specter and Democratic challenger Lynn Yeakel. I understand that you have been assigned both MUR 3709, complaining of WPXI and Ms. Yeakel, and MUR 3710, complaining of WPXI and Senator Specter.

In MUR 3709, Mr. White, a self-proclaimed candidate for the United States Senate, complains that WPXI's broadcast of a one-hour viewer call-in television program featuring Ms. Yeakel, during a regularly scheduled news program, constituted an in-kind campaign contribution under the Federal Election Campaign Financing Act. In MUR 3710, Mr. White makes the same allegations with respect to a similar program featuring Senator Specter.

Mr. White is a regular critic of WPXI's campaign coverage. Earlier this year, Mr. White filed a lawsuit in federal court in Pittsburgh, complaining of WPXI's broadcast of a debate between Senator Harris Wofford and Attorney General Richard Thornburgh, Pennsylvania's major party candidates for the United States Senate in 1990. That suit was dismissed for failure to state a claim on September 15, 1992.

Mr. White's most recent complaints seem as meritless as his previous ones. The call-in programs of which he complains, broadcast on consecutive Saturday mornings in a regular news slot, allowed the voters of Pennsylvania to put questions directly to the major party candidates for the United States Senate.

Mr. White's claim that these programs constituted in-kind contributions to the campaigns of Ms. Yeakel and Senator Specter seems to miss the mark. As I understand the law, the programs fall within the news exemption set out in 11 C.F.R. §100.7(b)(2). (WPXI, Inc. is a wholly owned subsidiary of Cox Communications, Inc., a subsidiary of Cox Enterprises, Inc.) Therefore, the programs are within the news exemption.

93040945427

DEC 15 11 35 AM '92



11 Television Hill
Pittsburgh, PA 15214-1400
412 237-1100
FAX 412 323-8097

Craig D. Reffner
December 14, 1992
Page 2

In light of the applicability of the news exemption, WPXI hopes the Commission will see fit to dismiss Mr. White's most recent complaints summarily. In any event, the station stands ready to assist the Commission in any investigation it chooses to undertake.

Attached is a Statement of Designation of Counsel identifying Jonathan D. Hart of Dow, Lohnes & Albertson, Washington, D.C., as counsel for WPXI for each matter. Please contact Mr. Hart at 202-857-2819 with any further questions you may have on this matter.

I appreciate your assistance.

Sincerely,

John A. Howell, III
Vice President/General Manager

Enclosures

cc: Jonathan D. Hart

93040945428

STATEMENT OF DESIGNATION OF COUNSEL

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF THE CLERK
92 DEC 15 PM 3:33

NUR 3709

NAME OF COUNSEL: Jonathan D. Hart

ADDRESS: Dow, Lohnes & Albertson
1255 23rd St., N.W., Suite 500
Washington, DC 20037

TELEPHONE: (202) 857-2819

The above-named individual is hereby designated as my
counsel and is authorized to receive any notifications and other
communications from the Commission and to act on my behalf
before the Commission.

12/14/92
Date

Jonathan D. Hart
Signature

RESPONDENT'S NAME: WPXI Television

ADDRESS: 11 Television Hill
Pittsburgh, PA 15214

TELEPHONE: NONE ()
BUSINESS (412) 237-1110

93040945429

INTERNATIONAL  PAPER

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIN COPY ROOM

Dec 28 9 10 AM '92

WILLIAMS G. LEWIS
COUNSEL
SPECIALTY BUSINESSES

TWO MANHATTANVILLE ROAD
PURCHASE NY 10577 2196
PHONE 914 397 1914
FAX 914 397 1909

VIA FAX & REGULAR MAIL
(202) 219-3923

December 18, 1992

92 DEC 28 PM 12:23

RECEIVED
FEDERAL ELECTION COMMISSION

Mr. Craig Douglas Reffner, Esq.
Office of General Counsel
Federal Election Commission
Washington, DC 20463

RE: MUR 3709

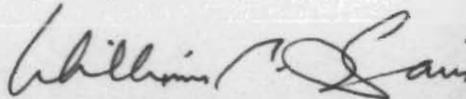
Dear Mr. Craig:

Pursuant to our telephone conversation of even date, I am counsel for International Paper Company, the parent company of Nevamar Corporation, which markets the product known as "Fountainhead®". On December 17, 1992, Nevamar Corporation received the December 14, 1992 letter addressed to "Fountainhead". This letter, along with its attachments, were received by me on December 18, 1992.

I would request a 15 day extension of the time to file a response to the December 14, 1992 letter, until January 14, 1993. This additional time is requested due to upcoming holidays and the unavailability of many Nevamar personnel, whom I need to contact to discuss this matter. I would appreciate your confirming in writing your agreement to this extension.

Best wishes for the holidays.

Very truly yours,



Williams G. Lewis

WGL/msm

a:1218922.wgl

93040945430



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 21, 1992

William G. Lewis, Counsel
International Paper and Nevamar Corporation
Two Manhattanville Road
Purchase, New York 10577-2196

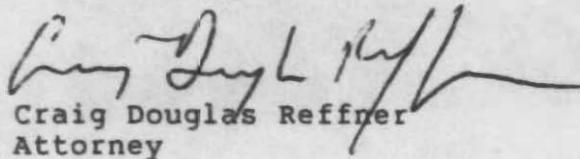
RE: MUR 3709

Dear Mr. Lewis:

This is in response to your letter dated December 18, 1992, which we received on December 18, 1992, requesting an extension until January 14, 1993, to respond to the complaint in this matter. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on January 14, 1993.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,


Craig Douglas Reffner
Attorney

93040945431

Procter & Gamble

The Procter & Gamble Company
Legal Division
1 Procter & Gamble Plaza, Cincinnati, Ohio 45202-3315

David G. Hemminger
Corporation Counsel

Phone: (513) 983-2174
Fax: (513) 983-4274

December 22, 1992

Craig Douglas Reffner, Esq.
Office of the General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: MUR 3709

Dear Mr. Reffner:

I am replying to the letter dated December 14, 1992 from the Federal Election Commission to Richardson-Vicks, Inc. as a Respondent in a complaint brought by William D. White. Richardson-Vicks, Inc. (RVI) was acquired several years ago by Procter & Gamble and I will be responding as Counsel on behalf of Vicks in this matter.

Because of the Christmas and New Year holiday period, we will be unable to investigate and respond within the 15 day deadline. Accordingly, this letter requests an extension to January 19 as the filing date for our response. Please send a written confirmation that this extension of time is acceptable.

Very truly yours,

David G. Hemminger
David G. Hemminger

DGH/ram
DAHEMMING@VICKS.FEELTR

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF THE GENERAL COUNSEL
92 DEC 22 AM 5:06

93040945432



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 29, 1992

David G. Hemminger, Esq.
Corporation Counsel
The Procter & Gamble Company
1 Procter & Gamble Plaza
Cincinnati, Ohio 45202-3315

RE: MUR 3709

Dear Mr. Hemminger:

This is in response to your letter dated December 22, 1992, which we received on December 22, 1992, requesting an extension on behalf of Richardson-Vicks, Inc., until January 19, 1993, to respond to the complaint in the above-captioned matter. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on January 19, 1993.

If you have any questions, please contact me at (202) 219-3690.

Sincerely,


Craig Douglas Reffner
Attorney

93040945433

OGC 8016

GENERAL MILLS, INC. - EXECUTIVE OFFICES

Number One General Mills Boulevard • Minneapolis, Minnesota

IVY S. BERNHARDSON
Vice President
Senior Associate Counsel
Assistant Secretary
Tel.(612) 640-7365

TELECOPY COVER SHEET

SEND TO: TELECOPY NUMBER (202) 219-3923

Number of pages 1 (including cover page) Date: 12-21-92

TO: Craig Roffner / Lisa Klein
COMPANY: Federal Election Commission
FROM: IVY S. BERNHARDSON
PHONE: 612-540-7365

92 DEC 22 AM 8:49

RECEIVED
OFFICE OF THE
FEDERAL ELECTION COMMISSION

MESSAGE: Re: HUR 3709

Per our conversation, this confirms your agreement to extend our response time in the above matter to January 11, 1993. This extension applies to General Mills, Inc. and Ledtobets, which is a division of General Mills Restaurants, Inc., our wholly-owned subsidiary.

WE ARE TRANSMITTING FROM AN AUTOMATIC RICOH FAX 75
TELECOPY MACHINE PHONE NUMBER 612-540-2268
ALTERNATE MACHINE PHONE NUMBER 612-540-4925

Thank you,
Ivy S. Bernhardson

IF THERE ARE ANY PROBLEMS RECEIVING THIS TRANSMISSION,
PLEASE CALL SUE, 612-540-3617

THIS COMMUNICATION IS INTENDED ONLY FOR THE USE OF THE ADDRESSEE(S) AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED AND CONFIDENTIAL. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE. THANK YOU.

cc: Cl Whitaker
GT Williams

93040945434



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 29, 1992

Ivy S. Bernhardson, Esq.
Vice President
Senior Associate Counsel
Assistant Secretary
General Mills, Inc.
Executive Offices
Number One General Mills Boulevard
P. O. Box 1113
Minneapolis, Minnesota 55440

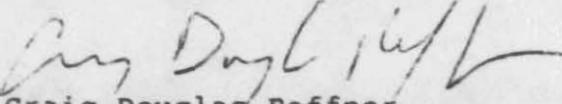
RE: MUR 3709
General Mills, Inc.
Red Lobster Restaurants

Dear Ms. Bernhardson:

This is in response to your correspondence dated December 21, 1992, which we received on December 21, 1992, requesting an extension on behalf of General Mills, Inc., and the Red Lobster Restaurants, a division of General Mills Restaurants, Inc., until January 11, 1993, to respond to the complaint in the above-captioned matter. After considering the circumstances that we discussed in our telephone conversation on December 21, 1992, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on January 11, 1993.

If you have any questions, please contact me at (202) 219-3690.

Sincerely,


Craig Douglas Reffner
Attorney

93040945435



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 22, 1992

Paul Curry, Esq.
Welch's
Welch Foods, Inc.
2 South Portage
Westfield, New York 14787

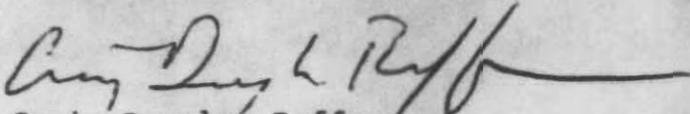
RE: MUR 3709

Dear Mr. Curry:

Enclosed you will find a copy of the complaint in the above-captioned matter. I apologize for the poor quality of the copy of this complaint that you previously received and hope that the enclosed copy is of a better quality.

Should you have any questions, please do not hesitate to contact me at (202) 219-3690.

Sincerely,


Craig Douglas Reffner

Enclosure

93040945436

1818 MARKET STREET
THIRTY-FIFTH FLOOR
PHILADELPHIA
PENNSYLVANIA 19103

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIN COPY ROOM

ABRAHAM PRESSMAN & BAUER P. C.

Dec 28 10 21 AM '92

A T T O R N E Y S

JOSEPH SCHUMACHER

December 23, 1992

Direct Dial (215) 569-9794
FAX (215) 569-4372

Via Fax 202-219-3923/Regular Mail

Craig Douglas Reffner, Esquire
General Counsel Office
Federal Election Commission
999 "E" Street, N.W.
Washington, DC 20463

RE: NUR 3709
MAACO Enterprises, Inc.

Dear Mr. Reffner:

Pursuant to our telephone conversation yesterday, enclosed please find the Statement of Designation of Counsel from MAACO Enterprises, Inc. authorizing me to represent it in the above referenced matter.

As we discussed, I hereby request an extension of time to respond to the complaint to and including January 15, 1992. It was my understanding from our discussion yesterday that you would fax me written confirmation of this extension.

Thank you for your courtesy and cooperation in this matter.

Very truly yours,

ABRAHAM, PRESSMAN & BAUER, P.C.

By: 

Joseph Schumacher

JS:doc
enc/as
cc: Anthony A. Martino
Mark A. Martin
Kevin A. Kormondy

JS:LTRS\REFFNER 900-00100

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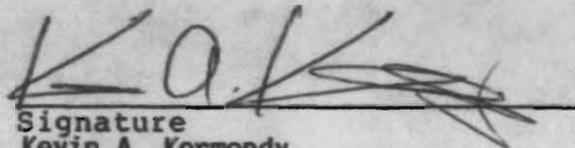
STATEMENT OF DESIGNATION OF COUNSEL

MUR 3709
NAME OF COUNSEL: Joseph Schumacher, Esquire
ADDRESS: Abraham, Pressman & Bauer, P.C.
1818 Market Street - 35th Floor
Philadelphia, PA 19103
TELEPHONE: (215) 569-9990

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FEDERAL ELECTION COMMISSION
92 DEC 28 PM 12:22

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

12/22/92
Date


Signature
Kevin A. Kormondy
Vice President of Licensing
MAACO Enterprises, Inc.

RESPONDENT'S NAME: MAACO ENTERPRISES, INC.
ADDRESS: 381 Brooks Road
King of Prussia, PA 19406
HOME PHONE: (215) 265-6606
BUSINESS PHONE: _____

93040945438



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 29, 1992

Joseph Schumacher, Esq.
Abraham, Pressnan & Bauer, P.C.
1818 Market Street
35th Floor
Philadelphia, Pennsylvania 19103

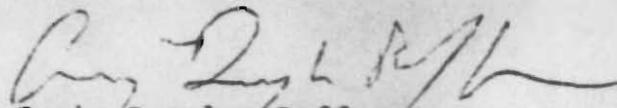
RE: MUR 3709

Dear Mr. Schumacher:

This is in response to your letter dated December 23, 1992, which we received on December 23, 1992, requesting an extension on behalf of MAACO Enterprises, Inc., until January 15, 1992, to respond to the complaint in the above-captioned matter. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on January 15, 1992.

If you have any questions, please contact me at (202) 219-3690.

Sincerely,


Craig Douglas Reffner
Attorney

93040945439



Executive Offices: P.O. Box 22720 • 2340 Brighton-Henrietta Town Line Rd. • Rochester, N.Y. 14692

Office: 716/427-2280 • Distribution Center: 716/427-2309

December 22, 1992

Federal Election Commission
General Counsel's Office
Washington, D.C. 20463

92 DEC 28 PM 12: 22

RECEIVED
FEDERAL ELECTION COMMISSION

RE: MUR 3709

Dear Sir or Madam:

In response to your inquiry regarding the above matter, please be advised that we are unable to confirm or deny that a **Monro Muffler Brake** commercial aired during the WPXI program featuring Lynn Yeakel as no date or time of broadcast was included in the complaint. Our media buying service, C.C. Communications, has confirmed, that one spot was ordered to run every other week from July 11 through October 3, 1992 in the WPXI Saturday morning "news block" between 8 am and 12 pm. Commonly referred to as "rotators" within the advertising community, this type of purchase arrangement gives the station, in this case WPXI, the latitude to run the spots anywhere within the specified time period.

Furthermore, WPXI never represented to us or C.C. Communications that our commercial would be run in anything other than "news programming". We consequently deny the allegations that we illegally contributed to the campaign of Lynn Yeakel.

Yours truly,

Robert W. August
Vice President, Marketing

Dec 28 9 21 AM '92

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FEDERAL ELECTION
COMMISSION
MAIN COPY ROOM

93040945440

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3709

NAME OF COUNSEL: _____

ADDRESS: _____

TELEPHONE: _____

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

Date

Signature

RESPONDENT'S NAME: Robert W August

ADDRESS: PoBox 22720
Rochester, NY 14692

HOME PHONE: 716 381-4224

BUSINESS PHONE: 716 427-2280

FEDERAL ELECTING COMMISSION
OFFICE OF THE CLERK
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RECEIVED
FEDERAL ELECTION
COMMISSION
MAIN COPY ROOM

Dec 28 9 30 AM '92

92 DEC 28 PM 12: 22

RECEIVED
FEDERAL ELECTION COMMISSION

December 23, 1992

Ms. Lisa E. Klein
Assistant General Counsel
Federal Election Commission
Washington, DC 20463

RE: MUR 3709

Dear Ms. Klein:

We believe the Federal Election Commission should take no action against Medic Alert in this matter. Medic Alert made no contribution, in kind or otherwise, to the campaign of Lynn Yeakel. Medic Alert did not sponsor, produce nor distribute a program on behalf of the candidate Lynn Yeakel.

The complaint identifies Medic Alert inaccurately as a commercial advertiser. It goes on to say that Medic Alert paid a portion of the production and distribution costs of the program in exchange for advertising time - also not true.

Medic Alert is a nonprofit 501(c)(3) charitable institution that does not engage in paid advertising. Medic Alert produces various public service announcements (PSAs) and distributes them on video tape to TV stations throughout the country for airing at the stations' discretion as a public service. Medic Alert has no influence in the stations' scheduling of air time for these PSAs. If a Medic Alert PSA happened to air at about the same time as the Lynn Yeakel programming, we would consider that sheer coincidence; it does not establish any affiliation between Medic Alert and the candidate.

I trust this information demonstrates that no action should be taken against Medic Alert. Let me know if I can be of further assistance in the resolution of this matter.

Very truly yours,
Gene Wycoff
Gene Wycoff
Chief Operating Officer

GKW/yf

Medic Alert Foundation

2323 Colorado Avenue
Turlock, California 95380-USA
Phone: (209) 668-3333
TWX: 707-657 A B MAFITLK
FAX: 1-209-668-8752

FOUNDER AND HONORARY
CHAIRMAN 1956-1977
Marion C. Collins, M.D.

CO-FOUNDER AND HONORARY
SECRETARY
Marion C. Collins

BOARD OF DIRECTORS

CHAIRMAN
Arthur Huff Hayes, Jr., M.D.

VICE CHAIRMAN
John R. Deats

SECRETARY
Robert S. Bolan

TREASURER
Julian N. Stern

Robert C. Black
Donald S. Bivus, F.A.C.H.E.
Anthony C. Chevins
Charles H. Epps, Jr., M.D.
Alice Fleming
James E. Hartfield, M.D.
Perry E. Hudson, Jr., J.D.
Robert C. Johnson, D.P.S.
W. Gerald Rauer, M.D.
William Y. Rial, M.D.
Colin C. Rortie, Jr., Ph.D.
Robert Singley
Andrew Thurn
Aram Tsvetlian
Alexander H. Williams, III

PRESIDENT
Richard S. Wilbur, M.D., J.D.

MEDICAL ADVISOR
Erectt H. Johnson, M.D.

COVINGTON & BURLING

1201 PENNSYLVANIA AVENUE, N.W.

P.O. BOX 7566

WASHINGTON, D.C. 20044

(202) 662-6000

TELEFAX (202) 662-6291

TELEX 89-993 (COVLING WSH)

CABLE COVLING

BRICE M. CLAGETT

DIRECT DIAL NUMBER

(202) 662-5316

ACHESON HOUSE

46 HERTFORD STREET

LONDON W1T 7TF ENGLAND

TELEPHONE 44-71-485-9665

TELEFAX 44-71-485-3101

BRUSSELS CORRESPONDENT OFFICE

41 AVENUE DES ARTS

BRUSSELS 1040 BELGIUM

TELEPHONE 32-2-948-8600

TELEFAX 32-2-908-0989

December 30, 1992

BY TELEFAX

Craig D. Reffner, Esquire
Federal Election Commission
Room 657
999 E Street, N.W.
Washington, D.C. 20463

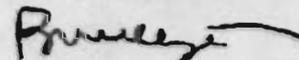
Re: MUR 3709

Dear Mr. Reffner:

I write on behalf of Welch's, one of the respondents in the above-referenced matter. Attached is a copy of Welch's Statement of Designation of Counsel.

Since I have just been retained in this matter, we respectfully request an extension of time of 15 days until January 19, 1993, for Welch's response.

Yours sincerely,



Brice M. Clagett

af

Attachment

93040945443

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OFFICE
92 DEC 30 PM 2:20

12/29/92

41

WELCH'S G.O.

002

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3709

NAME OF COUNSEL: Brice M. Claygatt, Esquire

ADDRESS: Covington and Burling

1201 Pennsylvania Avenue NW

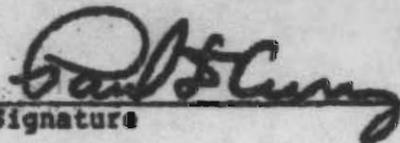
P.O. Box 7566

Washington, D.C. 20044

TELEPHONE: 202 662-5316

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

December 29, 1992
Date


Signature
Paul F. Curry
Senior Attorney

RESPONDENT'S NAME: Welch Foods, Inc.

ADDRESS: 2 South Portage Street

Westfield, NY 14787

HOME PHONE: 814 - 864-5107

BUSINESS PHONE: 716 - 326-5265

93040945444



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 30, 1992

Brice M. Clagett, Esq.
Covington & Burling
1201 Pennsylvania Avenue, N.W.
P. O. Box 7566
Washington D.C. 20044

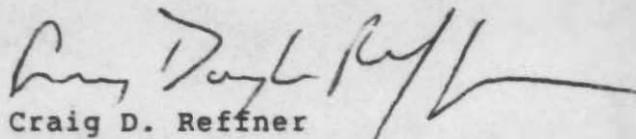
RE: MUR 3709
Welch's (Welch Foods, Inc.)

Dear Mr. Clagett:

This is in response to your letter dated December 30, 1992, which we received on December 30, 1992, requesting an extension of 15 days for Welch's to respond to the complaint in the above-referenced matter. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on January 19, 1993.

If you have any questions, please contact me at (202) 219-3690.

Sincerely,


Craig D. Reffner
Attorney

93040945445

PETER J. DAILEY
Attorney

MICHAEL D. McDOWELL
Attorney

JOHN L. MUNSCH
Attorney

DAVID L. WILLIAMS
Attorney



800 Cabin Hill Drive
Greensburg, PA 15601-1689
(412) 837-3000 FAX (412) 838-6177

December 31, 1992

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JAN 4 11 08 AM '93

Federal Election Commission
Washington, DC 20463

RE: William D. White v. WPXI Television
Channel 11 et al:
MUR-3709

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93 JAN -4 PM 1:39

To The Commission:

Enclosed please find the Answer of Respondent, West Penn Power Company, to the above-captioned Complaint.

Very truly yours,

John L. Munsch
John L. Munsch

JLM:rt

Enclosure

93040945446

BEFORE THE
FEDERAL ELECTION COMMISSION

WILLIAM D. WHITE,
Petitioner

v.

Docket No.: MUR 3709

LYNN YEAKEL,
WEST PENN POWER COMPANY,
WPXI TELEVISION CHANNEL 11,
Respondents.

ANSWER TO COMPLAINT

NOW COMES, West Penn Power Company (hereinafter West Penn Power),
by and through its attorneys, and answers the Complaint of William D. White
at the above-captioned docket as follows:

1. West Penn Power is a Pennsylvania corporation and public
utility with its principal place of business at 800 Cabin Hill Drive,
Greensburg, Pennsylvania 15601. West Penn Power provides electric utility
service in all or parts of 23 counties in western and central Pennsylvania.

2. The names and address of West Penn Power attorneys authorized
to receive service in this matter are: John L. Munsch and Peter J. Dailey,
800 Cabin Hill Drive, Greensburg, Pennsylvania 15601.

3. West Penn Power denies that it is in violation of the Election
Campaign Act of 1971, 2 U.S.C. §431 et seq, or regulations promulgated
thereunder, or any other federal or state law or regulation in respect of
allegations of fact made in the above-captioned complaint.

93040945447

4. West Penn Power purchased an annual contract from television station WPXI Channel 11 in early January of 1992 for the placement of commercials during news broadcasts. Said contract was purchased through an advertising agency. Said contract with WPXI called for the commercials to be scheduled three times per week, at the same times each week, or within a reasonable period thereof. West Penn Power had no way of knowing or of influencing the actual substance of the news program during which the commercials would be aired. The details of West Penn Power's purchase of WPXI advertising time are described in the December 23, 1992, letter of Willoughby Communications to West Penn Power, attached hereto as Exhibit No. 1.

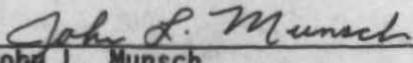
5. The Federal Election Campaign Act is not applicable in the instant case insofar as West Penn Power is concerned because, among other reasons, West Penn Power's payment for advertising as described in Paragraph 4 does not constitute a direct or indirect political expenditure or contribution, as defined in regulations promulgated by the Federal Election Commission (11 CFR §100.7 and §100.8), since the payments were not "made for the purpose of influencing any election for Federal office."

6. West Penn Power reserves the right to raise additional defenses or facts or affirmative claims to the Complaint of the Petitioner, including an affirmative demand for attorney fees and other costs from Petitioner.

WHEREFORE, West Penn Power respectfully requests that the Federal Election Commission dismiss the above-captioned Complaint of the Petitioner.

Respectfully submitted,

Date: December 31, 1992



John L. Munsch
West Penn Power Company
800 Cabin Hill Drive
Greensburg, PA 15601
(412) 838-6210

93040945449

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA)
) ss:
COUNTY OF WESTMORELAND)

C. S. AULT, being duly sworn according to law, deposes and says that he is Vice President, Division Operations of West Penn Power Company; that he is authorized to and does make this affidavit for it; and that the facts set forth in the foregoing Answer are true and correct to the best of his knowledge, information and belief and he expects West Penn Power Company to be able to prove the same at any hearing hereof.

C. S. Ault

Sworn to and subscribed before me
this 31st day of December 1992.

G. S. Moose
Notary Public

NOTARIAL SEAL
GREGORY S. MOOSE, Notary Public
Greensburg, Westmoreland Co.
My Commission Expires June 23, 1994



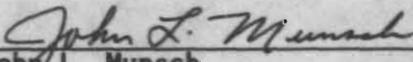
93040945450

CERTIFICATE OF SERVICE

I hereby certify that this 31st day of December, 1992, I served a copy of the Answer of West Penn Power Company as follows by U.S. Mail.

William D. White
16 East Manilla Avenue
Pittsburgh, PA 15220

Jonathan P. Hart, Esquire
Dow Lohnes & Albertson
1255 23rd Street, N.W., Suite 500
Washington, DC 20037


John L. Munsch

93040945451

Willoughby
Communications

December 23, 1992

John J. Vincze
West Penn Power Company
800 Cabin Hill Drive
Greensburg, PA 15601

RE: WPXI litigation (political news features October 3rd and
October 10th 1992)

Dear John,

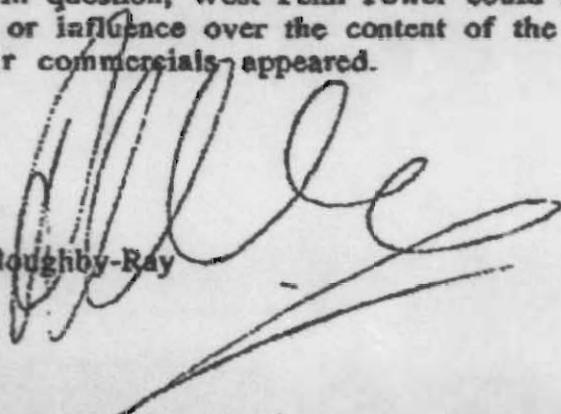
We purchased an annual contract for commercials during news
broadcasts on WPXI in early January 1992.

The contract calls for commercials to be scheduled at the same
times each week during newscasts for the entire year. There is no
way we can know the content of a newscast before it airs.
Specifically, we had no knowledge of the political news features in
question or of the fact that our commercials would be aired during
such programming.

In summation, since the commercials which appeared in this
programming were purchased approximately 10 months before the
broadcasts in question, West Penn Power could have had no
knowledge or influence over the content of the news feature in
which their commercials appeared.

Sincerely,

Roger Willoughby-Ray



93040945452

OGC 8122

DOW, LOHNES & ALBERTSON

ATTORNEYS AT LAW
1255 TWENTY-THIRD STREET
WASHINGTON, D. C. 20037

TELEPHONE (202) 857-2500

TELECOPIER (202) 857-2900

JONATHAN D. HART

CABLE "DOWLA"
TELEX 425546

DIRECT DIAL NO.

857-2819

January 4, 1993

VIA HAND DELIVERY

Mr. Craig D. Reffner
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 3709
Response of Cinema World, Edgar Snyder & Associates, and Willi's Ski Shops, Inc.

Dear Mr. Reffner:

As you know, on November 19, 1992, William D. White, a self-proclaimed candidate for United States Senate, complained to the Federal Election Commission that United States Senator Arlen Specter (Republican of Pennsylvania), his Democratic challenger in the recent election, Lynn Yeakel, and Pittsburgh television station WPXI all had violated federal election laws. Specifically, Mr. White alleged that it was unlawful for WPXI to invite Sen. Specter and Ms. Yeakel to appear on the air live to answer questions from Pennsylvania voters. According to Mr. White, Sen. Specter and Ms. Yeakel violated federal law by appearing on WPXI on successive Saturdays during a regularly scheduled news program. Mr. White's complaint against Ms. Yeakel and WPXI was designated MUR 3709; his complaint against Sen. Specter and WPXI was designated MUR 3710.

Mr. White is apparently disappointed with WPXI's editorial decision not to afford his candidacy the coverage it afforded the candidacies of Sen. Specter and Ms. Yeakel. In further protest of this editorial decision, he has now filed 15 additional complaints against businesses he believes purchased advertising on WPXI during the call-in interview featuring Ms. Yeakel. Each of these new complaints has been assigned MUR 3709.

In an effort to limit the burden on its advertisers of Mr. White's campaign of harassment, WPXI has offered each of the advertiser respondents the services of this office in responding to Mr. White's complaint. Though we would have preferred to

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Mr. Craig D. Reffner
January 4, 1993
Page 2

avoid burdening the Commission with duplicative filings by submitting a single consolidated response on behalf of all respondents, as of this date the services of this firm have been engaged by only three of the respondents. Accordingly, we submit this letter on behalf of respondents Cinema World, Edgar Snyder & Associates, and Willi's Ski Shops, Inc. (Forms designating this firm as counsel for each of these entities are attached hereto.) We respectfully request that the Commission accept an additional response, to be filed within two weeks, on behalf of any other respondents that engage us to represent them following their return to work after the holidays.

93040945454
Like his previous complaints against WPXI, Mr. White's most recent complaints appear to be entirely without merit. Mr. White continues to misconstrue the definition of a campaign contribution under the Federal Election Campaign Financing Act ("Act"). As explained in WPXI's December 14 letter, the program of which Mr. White complains is exempt from the prohibitions of the Act as a news story since WPXI is not "owned or controlled by any political party, political committee, or candidate" 11 C.F.R. § 100.7(b)(2). (WPXI, Inc. is a wholly owned subsidiary of Cox Communications, Inc., a subsidiary of Cox Enterprises, Inc.)

Moreover, the Commission has issued an advisory opinion flatly rejecting the position urged by Mr. White against these respondents: sponsorship of a candidate interview program does not constitute a campaign contribution under the Act. See AO 1987-8, 2 Fed. Election Camp. Fin. Guide (CCH) ¶ 5890 at 11362-64 (May 4, 1987) (News exemption applied to a series of "thirteen individual one-hour programs" featuring "interviews and background material profiling" the "twelve major [presidential] candidates for the Republican and Democratic Party nominations." Corporate sponsorship of series did not constitute campaign contributions.)

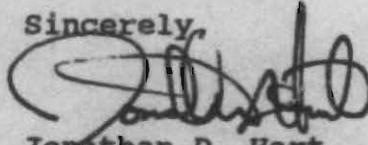
In any event, these advertisers could not possibly have violated federal election laws since they had no way of knowing in advance the editorial content of the Saturday morning news programs during which they purchased advertising time. None of these advertisers knew that the spots they had purchased would run during the portion of the newscast during which voters were invited to put questions directly to Ms. Yeakel. Thus, sponsorship of the newscasts could not have been made "for the purpose of influencing any election," as required under 2 U.S.C. § 431(8)(A).

Mr. Craig D. Reffner
January 4, 1993
Page 3

Accordingly, respondents Cinema World, Edgar Snyder & Associates, and Willi's Ski Shops, Inc. join WPXI in urging the Commission to dismiss Mr. White's complaints summarily. In any event, the respondents are prepared to assist the Commission in any investigation it chooses to undertake.

I appreciate your assistance.

Sincerely,



Jonathan D. Hart

Enclosures

cc: John A. Howell, III
Cinema World, Inc.
Edgar Snyder & Associates
Willi's Ski Shops, Inc.

93040945455

DO NOT WRITE IN THESE SPACES

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3709

NAME OF COUNSEL: Jonathan D. Hart

ADDRESS: Dow, Lohnes & Albertson

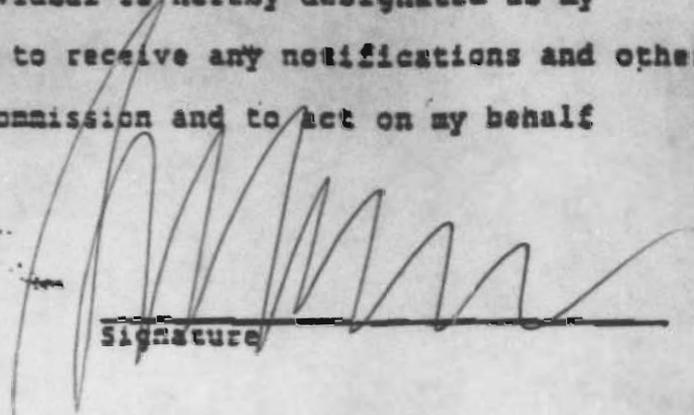
1255 23rd Street N.W., Suite 500

Washington, DC 20037

TELEPHONE: (202) 857-2819

The above-named individual is hereby designated as my --
counsel and is authorized to receive any notifications and other
communications from the Commission and to act on my behalf
before the Commission.

12/24/92
Date


Signature

RESPONDENT'S NAME: CINEMA WORLD, INC.

ADDRESS: 1000 FULTON BLDG

PITTSBURGH, PA 15222

TELEPHONE: HOME (_____) _____

BUSINESS (412) 232-0042

93040945456

STATEMENT OF DESIGNATION OF COUNSEL

X NUM 3709

NAME OF COUNSEL: JONATHAN D. HART

ADDRESS: DOW, LOHNS & ALBERTSON
1255 23RD ST. N.W. SUITE 500
WASHINGTON DC 20037

TELEPHONE: (202) 857-2819

The above-named individual is hereby designated as my
counsel and is authorized to receive any notifications and other
communications from the Commission and to act on my behalf
before the Commission.

12/21/92
Date

X Edgar Snyder
Signature

X RESPONDENT'S NAME: EDGAR SNYDER E. ASSOC

X ADDRESS: 16TH FLOOR GULF TOWER
PQH VA 15219

TELEPHONE: HOME ()
X BUSINESS: 412 394-1000

93040945457

STATEMENT OF DESIGNATION OF COUNSEL

FEDERAL ELECTION COMMISSION
OFFICE OF THE CLERK
93 JAN -4 PH 4-50

NO. 3709

NAME OF COUNSEL: Jonathan D. Hart

ADDRESS: Dow, Lohnes & Albertson

1255 23rd Street N.W., Suite 500

Washington, DC 20037

TELEPHONE: (202) 857-2819

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

12.28.92
Date

Willi's Ski Shop
Willi Klein, Pres.
Signature

RESPONDENT'S NAME: WILLI KLEIN

ADDRESS: 3738 LIBRARY RD
PITT PA 15234

HOME PHONE: 412-561-3480

BUSINESS PHONE: 412 881-3956

93040945458

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIN COPY ROOM

JAN 7 9 25 AM '93

GENERAL MILLS, INC. • EXECUTIVE OFFICES

Number One General Mills Boulevard • Minneapolis, Minnesota 55426

VIA EXPRESS MAIL

January 6, 1993

C.L. WHITEHILL
Senior Vice President
General Counsel and Secretary
Tel. (612) 540-3862
Fax (612) 540-3778

Federal Election Commission
Washington, DC 20463

RE: MUR3709

Dear Sir or Madam:

This letter is General Mills' response to your letter dated December 14, 1992 concerning a complaint received by the Federal Election Commission and which you have numbered MUR3709. Further, by fax correspondence, an understanding was reached that General Mills would have until January 11, 1993 to respond to this matter.

The complaint received by the Commission appears to relate to both "General Mills" and "Red Lobster." "Red Lobster" is a division of General Mills Restaurants, Inc., a wholly owned subsidiary of General Mills, Inc., and therefore this response covers both "General Mills" and "Red Lobster."

Upon investigation, commercial(s) for products or services of General Mills and Red Lobster appeared during the program in question produced by WPXI, which was understood to have been a news program.

Neither General Mills nor Red Lobster sponsored this program, nor did General Mills or Red Lobster make any type of contribution to the candidacy of Lynn Yeakel. None of the monies paid by General Mills and Red Lobster for the television time in question were, to our best knowledge and belief, paid by either the National Broadcasting Company or WPXI, directly or indirectly, to the campaign committee or any other organization supporting the candidacy of Lynn Yeakel. The commercials of General Mills and Red Lobster appeared during the time of this program because General Mills and Red Lobster, through their advertising agencies, purchased air time coincident with the timing of this particular program. This is the usual and customary practice of commercial advertisers on television, and only with rare exception, which does not exist in this particular circumstance, does General Mills or Red Lobster sponsor a specific television program. While General Mills and Red Lobster were aware that their commercial(s) would be running during a WPXI news program, neither General Mills nor Red Lobster were aware that the format of the program would be a call-in type show featuring Lynn Yeakel. Therefore, neither General Mills nor Red Lobster were aware of, instructed, or endorsed the placing of their

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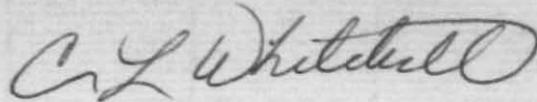
Federal Election Commission
January 6, 1993
Page 2

commercials on the program in question. The only control or instruction given by General Mills or Red Lobster as to placing of their commercial advertisements on television is that such commercials shall not appear at the same time that a program is being broadcast which would be offensive or in extremely bad taste to a large segment of the viewing audience. Other than this particular guideline, it is the decision of the national television companies or the local television station as to what program might be broadcast during the time that commercials of an advertiser such as General Mills or Red Lobster are shown.

Accordingly, for the above reasons, neither General Mills nor Red Lobster made any contribution to the candidacy of Lynn Yeakel, nor did either General Mills or Red Lobster endorse such candidacy.

If further information or detail is requested as to this matter, please contact the undersigned.

Yours truly,



CLW/do

93040945460

ECKERT SEAMANS CHERIN & MELLOTT

ATTORNEYS AT LAW

42ND FLOOR
600 GRANT STREET
PITTSBURGH, PA 15219
(412) 566-6000

FACSIMILE (412) 566-6099
TELEX 866172

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JAN 7 9 26 AM '93

DENNIS L. VERALDI
(412) 566-5982

January 6, 1993

BY FEDERAL EXPRESS

Federal Election Commission
999 E. Street, N.W.
Washington, D.C. 20463

Attn: Craig Douglas Reffner, Esquire

Re: **William D. White v. Lynn Yeakel, et al.**
MUR 3709
Response of David L. Lawrence Convention Center

Dear Mr. Reffner:

The David L. Lawrence Convention Center ("**Convention Center**") is a named respondent in the Complaint filed by William D. White in the above-referenced matter. The Complaint avers as a basis for action against the Convention Center, that as one of the sponsors of a television program which featured Lynn Yeakel in an hour-long telephone format show on WPXI-TV, the Convention Center made an in kind prohibited contribution to the campaign of Lynn Yeakel. This assertion is clearly incorrect.

The Federal Election Campaign Code at 2 U.S.C. § 431(8)(A)(i) defines the term "Contribution" to include:

[A]ny gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office (Emphasis ours)

Similarly, § 431(9)(A)(i) of the Federal Election Campaign Code defines the term "Expenditure" to include:

[A]ny purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made by any person for the purpose of influencing any election for Federal office (Emphasis ours)

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The Code of Federal Regulations applicable to the Federal Election Commission parrot the language in the Federal Election Campaign Code and provide further insight into what constitutes a "Contribution" and an "Expenditure."

Specifically, 11 C.F.R. § 100.7(a)(iii)(A) defines the term "Anything of Value" as used in the Code to include all in-kind contributions. The regulations state that the provision of any goods or services without charge or at a charge which is less than usual and normal charge for said goods or services is considered a contribution. The Code of Federal Regulations then cites the following example of such goods and services -- "Securities, facilities, equipment, supplies, personnel, advertising services, membership lists and mailing lists."

11 C.F.R. § 100.8(a)(1) defining the term "Expenditure" again provides that only payments, gifts or other things of value made for the purpose of influencing any election for Federal office is an expenditure under the Act. Further, 11 C.F.R. § 100.8(a)(1)(IV)(a) states:

For purposes of 11 C.F.R. § 100.8(a)(1), the term anything of value includes all in-kind contributions. . . . [T]he provision of any goods or services without charge or at a charge which is less than the usual and normal charge for the goods or services is an expenditure. Examples of such goods or services include, but are not limited to: securities, facilities, equipment, supplies, personnel, advertising services, membership lists and mailing lists. . .
(Emphasis ours)

It is clear from a review of the language contained in 2 U.S.C. § 431(8) and (9) and 11 C.F.R. § 100.7 and 100.8, that, as a prerequisite for payments, gifts, services or other things of value to be considered a contribution or a an expenditure, they must be made for the purpose of influencing any election for Federal office.

The enclosed Affidavit of James M. Kiesel, establishes that the David L. Lawrence Convention Center ("**Convention Center**") is operated and maintained by the Public Auditorium Authority of Pittsburgh and Allegheny County ("**Auditorium Authority**"). The Auditorium Authority is a public body, exercising public powers of the Commonwealth of Pennsylvania as an agency thereof. In order to promote the Convention Center and increase the use of the Convention Center facilities, the Auditorium Authority advertises the Convention Center by purchase of "image" advertising spots on local radio and television stations, including WPXI-TV Channel 11. The Affidavit states unequivocally that the television advertising time purchased by the Convention Center for Saturday, October 3, 1992 (which according to information received from WPXI-TV was the date of the Lynn Yeaker telephone show), was limited solely to news programs. The WPXI-TV Schedule of shows sponsored by the

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Convention Center (attached as Exhibit "A" to the Kiesel Affidavit) does not reference a Lynn Yeakel telephone show and for Saturdays designates only news programs as shows to be sponsored by the Convention Center. Mr. Kiesel's Affidavit further states that WPXI-TV did not advise the Auditorium Authority that the news spots for which it had purchased Convention Center advertising time would be aired during a Lynn Yeakel telephone interview program instead of a normal news program; that WPXI-TV did not advise the Auditorium Authority that its regular Saturday news program format would be changed to a live telephone interview program featuring Lynn Yeakel and that at no time did the Auditorium Authority give permissions to WPXI-TV to air its advertising spots for the Convention Center during the Lynn Yeakel telephone interview program. Further, as a policy matter, the Auditorium Authority specifically does not promote or support the candidacy of any individual who seeks nomination for election, or election to Federal office. Mr. Kiesel's Affidavit states unequivocally that had the Auditorium Authority been advised or become aware that Convention Center ads were to be aired during a Lynn Yeakel telephone interview program, the Auditorium Authority specifically would have requested WPXI-TV not to air Convention Center commercials during that show.

Based on the facts set forth in Mr. Kiesel's deposition, it is clear that the Auditorium Authority was not aware and did not consent to the Convention Center as being a sponsor for the Lynn Yeakel telephone interview program. Therefore, it follows that the Auditorium Authority did not purchase advertising time from WPXI-TV for the purpose of influencing an election for Federal office. To the contrary, Convention Center purchased advertising time during scheduled news segments, solely for the purpose of promoting the Convention Center.

In his Complaint, Petitioner, relying on 11 C.F.R. § 100.7(a)(E)(iii)(A), maintains that by purchasing advertising spots on WPXI-TV which were aired during the Lynn Yeakel telephone interview format program, the Convention Center/Auditorium Authority provided an in-kind contribution to Lynn Yeakel. However, close examination of the language in the regulation, does not support this contention. Specifically, the regulation provides that only the " -- provision of goods or services without charge or at a charge which is less than the usual and normal charge for such goods or services is a contribution." The regulation then cites several examples of such goods or services, one of which is the provision of advertising service.

Nowhere in his Complaint does the Petitioner assert that the Convention Center/Auditorium Authority provide goods or services to Lynn Yeakel at a charge which is less than the usual and normal charge for such goods. Further, nowhere in his Complaint does the Petitioner assert that the Convention Center provided advertising services to Lynn Yeakel at any cost. The Petitioner merely asserts that the Convention Center was one of the sponsors of a telephone interview show produced by WPXI-TV as part of its Saturday news programming.

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Federal Election Commission

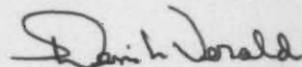
January 6, 1993

Page 4

In support of the Convention Center, the Affidavit of James M. Kiesel discloses that the Auditorium Authority entered into an agreement with WPXI-TV for the purchase of advertising time to promote the Convention Center. The Auditorium Authority did not agree, through WPXI-TV, to provide advertising services for Lynn Yeakel at a reduced cost or, in fact, at any cost. According to the facts set forth in the Affidavit, the Auditorium Authority purchased advertising air time solely for the purpose of promoting the Convention Center facilities. Image advertising purchased from WPXI-TV by the Auditorium Authority for the purpose of promoting the Convention Center cannot be construed as the provision of advertising services for the Lynn Yeakel campaign as is required by the Federal regulations in order to constitute a contribution.

Based on the information set forth in this response and the attached Affidavit of James M. Kiesel, it is evident that the Convention Center/Auditorium Authority did not make a "Contribution" or "Expenditure" for the Lynn Yeakel campaign. Therefore, it is respectfully requested that in accordance with 11 C.F.R. § 111.7, that General Counsel find that there is no reason to believe a violation has been committed or is about to be committed and recommend that the Commission dismiss the Complaint.

Very Truly Yours,



Dennis L. Veraldi

DLV/jb

Enclosures

cc: James M. Kiesel

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4. The Auditorium Authority, pursuant to its enabling act, operates and maintains the David L. Lawrence Convention/Exposition Center ("Convention Center").

5. The Convention Center is a "public auditorium authority" that is used for large public assemblies, the holding of conventions, exhibitions and other business, social, cultural, scientific and recreational events.

6. In order to promote the Convention Center and increase the use of the Convention Center facilities, the Auditorium Authority advertises the Convention Center by the purchase of "image" advertising spots on local radio and TV stations, including WPXI-TV Channel 11.

7. Due to a limited television advertising budget, the Auditorium Authority purchases primarily news spots, because the purchase price for TV advertising time on news shows is much less expensive than prime time advertising.

8. Typically the Auditorium Authority purchases television advertising time slots well in advance of the actual programs for which the Convention Center is a sponsor.

9. The TV advertising time for Saturday, October 3, 1992 (which according to information received from WPXI-TV was the date of the Lynn Yeakel telephone show), was purchased September 8, 1992.

10. Based on the schedule received from WPXI-TV dated 9/8/92 (copy of which is attached hereto as Exhibit "A") Saturday advertising spots purchased by the Convention Center were limited solely to news programs. The schedule did not reference a Lynn Yeakel telephone talk show as a show to be sponsored by the Convention Center.

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11. According to WPXI-TV Invoice No. 6435-02 (copy attached hereto as Exhibit "B") on Saturday, October 3, 1992 Convention Center TV ads aired on various news programs at 8:26 a.m., 11:20 a.m. and 6:10 p.m.

12. According to WPXI-TV Invoice No. 6435-01 (copy attached hereto as Exhibit "C") on Saturday, September 26, 1992 Convention Center TV ads aired on various news programs at 9:31 a.m., 10:30 a.m. and 6:21 p.m.

13. The invoices attached hereto as Exhibits "A" and "B" are consistent with the Auditorium Authority's understanding that the Convention Center would appear as a sponsor during WPXI-TV news telecasts.

14. At no time did the Auditorium Authority give permission to WPXI-TV to air image advertising spots for the Convention Center during the Lynn Yeakel telephone interview program.

15. At no time did WPXI-TV advise the Auditorium Authority that the news spots it had purchased for Convention Center advertising, would be aired during a Lynn Yeakel telephone interview program instead of WPXI-TV's normal news programs.

16. At no time did WPXI-TV advise the Auditorium Authority that its regular Saturday news program format would be changed to a live telephone interview format program featuring Lynn Yeakel.

17. The Auditorium Authority is a public agency of the Commonwealth of Pennsylvania and as a policy matter, specifically does not promote or support the candidacy of any individual who seeks nomination for election, or election, to Federal office.

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18. Had the Auditorium Authority been advised or become aware that the news advertising spots it had purchased for the Convention Center were to be aired instead during the Lynn Yeakel telephone interview program, the Auditorium Authority specifically would have requested WPXI-TV not to air Convention Center commercials during the Lynn Yeakel telephone interview program.

19. It was the understanding of the Auditorium Authority when it purchased TV advertising time from WPXI-TV, that in accordance with WPXI-TV's advertising schedule for the period September 21 through October 4, Saturday advertising for the Convention Center would be limited to news programs. The Auditorium Authority was not aware and did not consent to the Convention Center as being a sponsor during the Lynn Yeakel telephone interview program. Accordingly, it was never the intention of the Auditorium Authority when purchasing the television advertising for the Convention Center from WPXI-TV, to make a contribution or an expenditure for the purpose of influencing an election for Federal office.

20. The facts stated in this Affidavit are true and correct to the best of my knowledge, information and belief.

James M. Kiesel
James M. Kiesel, Executive Director
Public Auditorium Authority of
Pittsburgh and Allegheny County

Sworn to and subscribed by me this
5th day of January, 1993.

Barbara J. Kraus
Notary Public

My Commission Expires: March 23, 1996

Notarial Seal
Barbara J. Kraus, Notary Public
Pittsburgh, Allegheny County
My Commission Expires March 23, 1996

Member, Pennsylvania Association of Notaries

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EXHIBIT "A"



17 Television Hill
 Pittsburgh, PA 15214-1400
 412 237-1100
 FAX 412 323-8097

DAVID L. LAWRENCE CONVENTION CENTER

Schedule for September 21st - October 4th

DAY	TIME	PROGRAM	# OF 30'S	COST PER 30
M-F	6-7A	News	6	\$100
M-F	7-9A	Today Show	5	\$175
M-F	12N-1230P	Noon News	5	\$125
M-F	5-630P	News	4	\$600
M-F	7-8P	Jeopardy/Wheel	1	\$1000
M-SU	11-1135P	News	1	\$1100
M-F	1135P-1235A	Tonight Show	3	\$300
SAT	8A-12N	News	4	\$175
SA/SU	6-630P	News	3	\$400

Total Number :30 Second Announcements: 32

Total Gross Investment: \$9,400

Total Net Investment: \$7,990

Susan Rutkowsky
 Account Executive
 WPXI-TV

(412) 237-1124

9/8/92

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EXHIBIT "B"

9 3 0 4 0 9 4 5 4 7 2

ORIGINAL

WPXI, INC.
DEPT. L 132 P
PITTSBURGH, PA.
15244



P.O. Box 1100
Pittsburgh, PA 15230

RECEIVED OCT 15 1992

WPXI 10/06/92 PAGE: 1

CENTER ADV.
PGH. CONVENTION CENTER
1001 PENN AVE.
PITTSBURGH, PA.
15222

PROGRAM	SUSAN RUTKOWSKY
ADVERTISER	
DAVID LAWRENCE CONVENTION CENTER SEPT	

TERMS: NET 15 DAYS

REVISION-01	HL#119128
INVT# 6435-02	THRU 10/04/92
9/21-10/04/92	STANDARD

SP	TH	SP	SO	TIME	RATE	NO	DATES	DAY	TIME	SEC	COPIES	COPIY NUMBER	RATE	DEBIT	CREDIT	REMARKS
X	X	X	X	CH 11'S MORN	100.00	5	9/28 MO	558A	30			LCC80689	100.00			
							9/29 TU	643A	30			LCC80689	100.00			
							9/30 WE	627A	30			LCC80689	100.00			
							10/01 TH	654A	30			LCC80689	100.00			
							10/02 FR	607A	30			LCC80689	100.00			
		X		CH 11 NEWS SA	175.00	2	10/03 SA	826A	30			LCC80689	175.00			
		X		6PM NEWS S/S	400.00	1	10/03 SA	1120A	30			LCC80689	175.00			
X	X	X	X	6PM NEWS	600.00	4	9/28 MO	609P	30			LCC80689	400.00			
							9/29 TU	620P	30			LCC80689	600.00			
							9/30 WE	629P	30			LCC80689	600.00			
							10/02 FR	620P	30			LCC80689	600.00			
X	X	X	X	700PM-0800PM	1000.00	1	10/01 TH	713P	30			LCC80689	1000.00			
X	X	X	X	11 PM NEWS	1100.00	1	9/30 WE	1115P	30			LCC80689	1100.00			
X	X	X	X	TODAY SHOW	175.00	5	9/28 MO	850A	30			LCC80689	175.00			
							9/29 TU	746A	30			LCC80689	175.00			
							9/30 WE	854A	30			LCC80689	175.00			
							10/01 TH	853A	30			LCC80689	175.00			
							10/02 FR	826A	30			LCC80689	175.00			
X	X	X	X	NOON NEWS	125.00	5	9/28 MO	1207P	30			LCC80689	125.00			
							9/29 TU	1219P	30			LCC80689	125.00			
							9/30 WE	1229P	30			LCC80689	125.00			
							10/01 TH	1213P	30			LCC80689	125.00			
							10/02 FR	1221P	30			LCC80689	125.00			

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 PITTSBURGH
 CONVENTION CENTER
 POSITION

PAID
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Y 337
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EXHIBIT "C"

WPXI, INC.
DEPT. L 132 P
PITTSBURGH, PA.
15264



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CENTER ATW,
PGH. CONVENTION CENTER
1001 PENN AVE.
PITTSBURGH, PA.
15222

REPRESENTATIVE	SUSAN BLITKOWSKY
ADVERTISER	DAVID LAWRENCE CONV CT CONVENTION CENTER SEPT

REVISION-01	HI #119128
TIME 6435-01	8/31-09/27/92
9/21-10/04/92	STANDARD

TERMS: NET 15 DAYS

SCHEDULE							ADVERTISER/PROGRAM					STATION/SPOTS							
M	TU	W	TH	FR	SA	SU	TIME	RATE	NO.	DATES	DAY	TIME	SEC	SPOTS	COPY NUMBER	RATE	DEBIT	SPOT	REMARKS
X	X	X	X	X			CH 11'S MORN	100.00	1	9/22	TU	613A	30		LCC80689	100.00			
					X		CH 11 NEWS SA	175.00	2	9/26	SA	931A	30		LCC80689	175.00			
					X		6PM NEWS S/S	400.00	1	9/26	SA	1030A	30		LCC80689	175.00			
X	X	X	X	X			TONIGHT SHOW	300.00	3	9/21	MO	1229A	30		LCC80689	400.00			
									3	9/23	WE	1206A	30		LCC80689	300.00			
									3	9/24	TH	1157P	30		LCC80689	300.00			

PAID
OCT 30 1992

V-337
R-005339

INVOICE / AFFIDAVIT

cmb

THANK YOU FOR ADVERTISING ON STATION WPXI.

SCHEDULE COST FOR THIS BILLING PERIOD	ACTUAL GROSS BILLING	AGENCY COMMISSION	NET DUE	SHE TOTALS	RECONCILIATION
1,750.00	1,750.00	262.50	1,487.50		004-06300

WE WARRANT THAT THE ACTUAL BROADCAST INFORMATION SHOWN ON THIS INVOICE WAS TAKEN FROM THE PROGRAM LOG AND WILL BE AVAILABLE, ON REQUEST, FOR INSPECTION BY ADVERTISER OR AGENCY FOR AT LEAST 12 MONTHS

STATEMENT OF DESIGNATION OF COUNSEL

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FEDERAL ELECTION
COMMISSION
MAIN COPY ROOM

Dec 28 10 46 AM '92

MUR 3709

NAME OF COUNSEL: DENNIS VERALDI

ADDRESS: ECKERT SEAMANS CHERIN & MELLOTT

600 GRANT STREET 42ND FLOOR

PITTSBURGH PA 15219

TELEPHONE: 412-566-5982

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92 DEC 28 PM 12:20

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

DEC. 23, 1992
Date

James M. Kiesel
Signature

RESPONDENT'S NAME: JAMES M KIESEL, EXECUTIVE DIRECTOR

ADDRESS: DAVID L LAWRENCE CONVENTION CENTER

1001 PENN AVENUE

PITTSBURGH PA 15222

HOME PHONE: 412-795-6005

BUSINESS PHONE: 412-565-6000

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FEDERAL ELECTION COMMISSION

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FEDERAL ELECTION
COMMISSION
MAIN COPY ROOM

JAN 8 1 08 PM '93

William D. White
petitioner,

MUR 3709

-vs-

Lynn Yeakel,
West Penn Power Company,
WPXI Television Channel 11,
respondents,

REPLY

West Penn Power Company admits in paragraph 4, page 2 of the "Answer to Complaint" that they specifically contracted with WPXI to sponsor "news broadcasts" in January, 1992. It is not relevant to their position that the contract was made through an advertising agency.

Principals are responsible for the actions of their agents. "...each participant is liable for harm to a third person arising from the tortious conduct of the other, because he has induced and encouraged the tort."¹.

"(1) Principal and agent can be joined in an action for a wrong resulting from the tortious conduct of an agent or that of agent and principal, and a judgement can be rendered against each."²

WPXI broadcast numerous promotional announcements prior to the program at issue, stating both the time and the content of the broadcast. Respondents contention that they "had no way of knowing or of influencing the actual substance of the news program" is an admission of neglect and culpable negligence.

West Penn Power Company admits to a contract for specific times for their advertising. If the program at issue is within the time period specified in the contract, West Penn Power Company has directly and knowingly sponsored a contribution to the Yeakel campaign. If the advertising was moved from the contracted time period solely on the decision of WPXI to be within the time of the program, then West Penn Power Company may have a claim against WPXI. In either case, West Penn Power Company has admitted its sponsorship, through its agents, of a political program in violation of the various FEC and FCC regulations applicable to this situation. If West Penn Power Company takes no interest in

¹. Bierczynski v. Rogers, 239 A.2d 218.

². Restatement of the Law, Agency, 2d., § 217 B.

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FEDERAL ELECTION COMMISSION

the performance of their contract with WPXI, it is clearly negligent regarding the conduct of its agents.

While West Penn Power Company may not have had specific control of the content of the program, they certainly could have, and should have, withdrawn their sponsorship of the program. The program was clearly designed to influence a federal election by highlighting a specific candidate in a public appearance. The single and sole topic of the entire program was the Yeakel candidacy.

Jointly or separately, WPXI and West Penn Power Company refused to allow the petitioner any access to the forum provided to only two of four known candidates in the election for United States Senator. Petitioner requested participation well in advance of the event.³ As no attempt was made to provide "reasonably equal coverage" to the petitioner in any news broadcast by WPXI, the program, sponsored by West Penn Power Company and others, is a contribution to the candidate featured in the broadcast according to § 100.7(b)(2)(ii). Additionally, all news broadcasts by WPXI concerning the United States Senate race, which also omitted any mention of the petitioner, are contributions. The sponsors of the news broadcasts just described have also made illegal contributions.

I, William D. White, swear that the foregoing is correct and true to the best of my knowledge.

William D. White

William D. White, petitioner
16 East Manilla Avenue
Pittsburgh, Pa. 15220
412-922-3834

Subscribed and sworn to before me

on this 6th day of January, 1993

Susan P. Kaczorowski

See petitioner's Exhibit A.

Notarial Seal
Susan P. Kaczorowski, Notary Public
Pittsburgh, Allegheny County
My Commission Expires July 26, 1993

MUR 3709
Page (38)

Member, Pennsylvania Association of Notaries

93040945477

Exhibit A

Walter P. DeForest
Reed, Smith, Shaw & McClay
435 Sixth Avenue
Pittsburgh, Pa. 15219

September 30, 1992

Dear Mr. DeForest,

It is not my intention at this time to pursue an appeal of 92-979. While I do not agree with the dismissal, there is no point in attempting to overturn the decision of a biased court.

I will allow my complaints to the Federal Election Commission and the Federal Communications Commission, about your clients, to proceed.

WPXI has announced that they will provide an hour of time to Mr. Spector and Ms. Yeakel, with telephone call-in facilities and a host, for "the Senate candidates".

As you are well aware, I am a write-in candidate for the United States Senate. I am requesting equal access to, and use of, WPXI's facilities, in the identical format, as the station is providing to these two of the four candidates for United States Senator. I am flexible as to when my appearance would be scheduled.

Do not hesitate to contact me by telephone or letter to discuss any questions you may have.

You may wish to contact Mr. Dave Becker, Program Director at WDUQ FM 90.5, and discuss their having provided unprecedented access to the airways for all the candidates in the upcoming Senate election, something your clients have repeatedly failed to do.

Sincerely,

William D. White
16 East Manilla Avenue
Pittsburgh, Pa. 15220
412-922-3834

cc:Mr. Dave Becker
Federal Communications Commission
Mr. John Perry

93040945478

FEDERAL ELECTION COMMISSION

William D. White

petitioner,

MUR 3709

-vs-

Lynn Hardy Yeakel,
West Penn Power Company,
Willoughby Communications,
WPXI Television Channel 11,
respondents,

Amendment to Complaint

The above named respondents sponsored, produced and distributed a program on behalf of Senate Candidate Lynn Yeakel which is an in-kind and a prohibited contribution to the campaign of Lynn Yeakel.

2 U.S.C. 431(8) - §100.7(a)(1) defines a contribution as "...anything of value made by any person for the purpose of influencing any election for federal office...".

2 U.S.C. 431(8) - §100.7(a)(E)(iii)(A) defines anything of value as including "all in-kind contributions" and that "the provision of any goods or services without charge or at a charge which is less than the usual and normal charge for such goods or services is a contribution." Examples cited in this regulation of goods and services include "facilities, equipment, supplies, personnel, advertising services, membership lists..."

In coordination with the Yeakel campaign and under a contractual agreement with West Penn Power Company through its agent, Willoughby Communications, WPXI produced a live, hour-long telephone interview format program which was aired during the time segment normally reserved for a saturday news broadcast. This program featured only Lynn Yeakel and was hosted by a paid employee of WPXI. WPXI refused to allow the petitioner to speak with Ms. Yeakel during the show and refused to provide a similar or identical format presentation by the petitioner in spite of numerous requests.

Willoughby Communications, on behalf of West Penn Power Company, negotiated a contract with WPXI which resulted in a contribution to the election campaign of Ms. Yeakel by paying a portion of the production and distribution costs of the program at issue in exchange for advertising time.

Principals are responsible for the actions of their agents.

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"...each participant is liable for harm to a third person arising from the tortious conduct of the other, because he has induced and encouraged the tort."⁴.

"(1) Principal and agent can be joined in an action for a wrong resulting from the tortious conduct of an agent or that of agent and principal, and a judgement can be rendered against each."⁵

Although WPXI characterizes this broadcast as a news event, it still represents a substantial contribution to the campaign of a clearly identified candidate.

As a news event, there was no attempt made to provide the "reasonably equal coverage to all opposing candidates in the circulation or listening area" required under § 100.7(b)(2)(ii) to exempt the event from contribution reporting requirements.

Additionally, WPXI gave substantial numbers of promotional announcements to the event and frequently featured Ms. Yeakel in their news reporting of the U.S. Senate campaign while deliberately omitting all mention of the petitioner in news broadcasts about the U.S. Senate campaign.

As an FCC licensee and business organization not registered with the Federal Election Commission as a political organization, WPXI is prohibited from making political contributions to specific candidates.

As business organizations not registered as political committees with the Federal Election Commission, West Penn Power Company and its agent, Willoughby Communications, are prohibited from making contributions to specific candidates under these circumstances.

Additionally, Willoughby Communications may have received a kickback of a portion of the payment made to WPXI by West Penn Power Company for their having chosen WPXI as the outlet for West Penn Power Company advertisements.

Whereas, West Penn Power Company has admitted to a contract with WPXI for long-term sponsorship of news broadcasts,

Whereas, the value of this contract exceeds \$1000,

Whereas, the sponsored news broadcasts omitted any mention of

⁴. Bierczynski v. Rogers, 239 A.2d 218.

⁵. Restatement of the Law, Agency, 2d., § 217 B.

the petitioner and are therefor contributions or expenditures whenever less than all candidates but some candidates are featured,

West Penn Power Company and its agent, Willoughby Communications, constitute an unauthorized political committee as defined in § 100.5(a) and §100.5(f)(2). An unauthorized political committee may not be formed in this way by these organizations, rather, a separated segregated fund must be established to support these political contributions.

Further, as the value of the contract is in excess of \$15,000⁶, this unauthorized committee may have far exceeded the contribution limitations imposed on legitimately constituted political committees.

I, William D. White, swear that the foregoing is correct and true to the best of my knowledge.

William D. White

William D. White, petitioner
16 East Manilla Avenue
Pittsburgh, Pa. 15220
412-922-3834

Subscribed and sworn to before me

on this 6th day of January, 1993

Susan P. Kaczorowski

Notarial Seal
Susan P. Kaczorowski, Notary Public
Pittsburgh, Allegheny County
My Commission Expires July 26, 1993

Member, Pennsylvania Association of Notaries

⁶. Petitioners estimates based on information provided by WPXI.

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FEDERAL ELECTION COMMISSION

William D. White

MUR 3709

-vs-

petitioner,

WPXI Television Channel 11,
respondents,

Addendum to Complaint

The central issue in this complaint is the overt manipulation of the United States Senate Election by WPXI. In terms of \$100.7, WPXI intentionally and/or negligently gave control of their news department to the Republican and Democratic parties. This resulted in the censorship of the petitioner and the donation of tremendous resources by WPXI to only the Republican and Democratic parties and their candidates.

WPXI is putting forth the legal fiction that their activities directly in support of particular candidates are "news events" and are therefore exempt from any and all laws and regulations requiring equal use or access to their facilities or that prohibit or regulate such support.

WPXI did not cover a news event when it broadcast the program at issue. In reality, it created a 'public' forum to which it restricted access to only those U.S. Senate candidates it wished to support.

The Public, to the degree upon which they rely on the media to inform them of information, was deceived as to the number of candidates by a lie of omission. WPXI choose to withhold all information concerning the petitioner or the petitioner's positions on any topic from the Public.

The Federal Election Commission, being "committed to honest, independent and impartial monitoring and enforcement of federal election law"⁷ must take immediate and comprehensive action in this matter.

In essence, the elections of Harris Wofford and Arlen Specter to the United States Senate were accomplished with widespread election fraud in the form of media censorship of opposing candidates.

⁷. 11 C.F.R. 7 Subpart A § 7.1(a).

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I, William D. White, swear that the foregoing is correct and true to the best of my knowledge.

William D. White

William D. White, petitioner
16 East Manilla Avenue
Pittsburgh, Pa. 15220
412-922-3834

Subscribed and sworn to before me

on this 6th day of January, 1993

Susan P. Kaczorowski

Notarial Seal
Susan P. Kaczorowski, Notary Public
Pittsburgh, Allegheny County
My Commission Expires July 25, 1993

Member, Pennsylvania Association of Notaries

93040945483



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 22, 1993

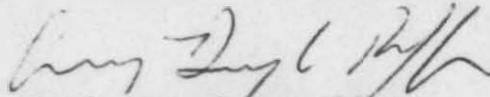
William D. White
16 East Manilla Avenue
Pittsburgh, Pennsylvania 15220

RE: MUR 3709

Dear Mr. White:

This letter acknowledges receipt on January 8, 1993, of the second amendment to the complaint you filed on November 19, 1992, against Lynn Hardy Yeakel, Lynn Yeakel for U.S. Senate and Sidney Rosenblatt, as treasurer, and WPXI (Channel 11). In your first amendment to this complaint, which you filed on December 2, 1992, you included as additional Respondents in this matter: Monroe Muffler/Brake, Welch's, Inc., Vicks, MAACO, Quality Furniture Co., Edgar Snyder & Associates, Red Lobster Restaurants, Fountainhead, Turnpike Toyota, West Penn Power Company, Cinema World, Inc., Medic Alert, General Mills, Inc., and Willi's. Lynn Hardy Yeakel, Lynn Yeakel for U.S. Senate and Sidney Rosenblatt, as treasurer, WPXI and West Penn Power Company as well as Willoughby Communications, whom you have identified as a respondent in your second amendment, will be notified of your January 8, 1993, submission. You will be notified as soon as the Federal Election Commission takes final action on your complaint.

Sincerely,


Craig Douglas Reffner
Attorney

93040945484



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 22, 1993

Sidney Rosenblatt, Treasurer
Lynn Yeakel for U.S. Senate
304 C Lombard Street
Philadelphia, Pennsylvania 19147

RE: MUR 3709

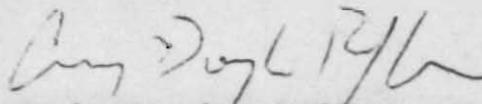
Dear Mr. Rosenblatt:

On November 24, 1992, you were notified that the Federal Election Commission received a complaint from William D. White alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. At that time you were given a copy of the complaint, identified as MUR 3709, and informed that a response to the complaint should be submitted within 15 days of receipt of the notification. Subsequently, on December 14, 1992, you were notified that the Commission received additional information from the complainant pertaining to the allegations in the complaint. A copy of this information was given to you and you were afforded an additional 15 days to respond to the allegations.

On January 8, 1993, the Commission again received additional information from the complainant pertaining to the allegations in the complaint. Enclosed is a copy of this additional information. As this new information is considered an amendment to the original complaint, you are hereby afforded an additional 15 days in which to respond to the allegations.

If you have any questions, please contact me at
(202) 219-3400.

Sincerely,


Craig Douglas Refner
Attorney

Enclosure

93040945485



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 22, 1993

Lynn Hardy Yeakel
257 S. Ithan Avenue
Rosemont, Pennsylvania 19010

RE: MUR 3709

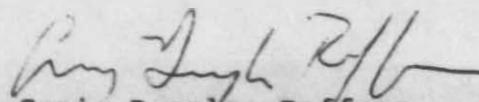
Dear Ms. Yeakel:

On November 24, 1992, you were notified that the Federal Election Commission received a complaint from William D. White alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. At that time you were given a copy of the complaint, identified as MUR 3709, and informed that a response to the complaint should be submitted within 15 days of receipt of the notification. Subsequently, on December 14, 1992, you were notified that the Commission received additional information from the complainant pertaining to the allegations in the complaint. A copy of this information was given to you and you were afforded an additional 15 days to respond to the allegations.

On January 8, 1993, the Commission again received additional information from the complainant pertaining to the allegations in the complaint. Enclosed is a copy of this additional information. As this new information is considered an amendment to the original complaint, you are hereby afforded an additional 15 days in which to respond to the allegations.

If you have any questions, please contact me at
(202) 219-3400.

Sincerely,


Craig Douglas Reffner
Attorney

Enclosure

93040945486



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 22, 1993

John L. Munsch, Esq.
West Penn Power Company
800 Cabin Hill Drive
Greensburg, Pennsylvania 15601-1689

RE: MUR 3709
West Penn Power Company

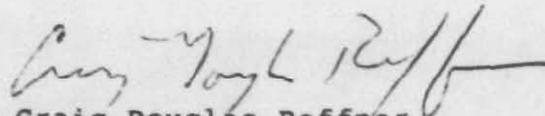
Dear Mr. Munsch:

On November 24, 1992, the West Penn Power Company was notified that the Federal Election Commission received a complaint from William D. White alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. At that time the West Penn Power Company was given a copy of the complaint and informed that a response to the complaint should be submitted within 15 days of receipt of the notification.

On January 8, 1993, the Commission received additional information from the complainant pertaining to the allegations in the complaint. Enclosed is a copy of this additional information. As this new information is considered an amendment to the original complaint, you are hereby afforded an additional 15 days in which to respond to the allegations.

If you have any questions, please contact me at
(202) 219-3400.

Sincerely,


Craig Douglas Reffner
Attorney

Enclosure

93040945487



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 22, 1993

Willoughby Communications
1304 Greystone Drive
Pittsburgh, Pennsylvania 15241

RE: MUR 3709

Dear Sir or Madam:

The Federal Election Commission received a complaint which indicates that Willoughby Communications may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3709. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against Willoughby Communications in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

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Willoughby Communications

Page 2

If you have any questions, please contact Craig Douglas Reffner, the attorney assigned to this matter, at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Lisa E. Klein
Assistant General Counsel .

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 22, 1993

Jonathan D. Hart, Esq.
Dow, Lohnes & Albertson
1255 23rd Street, N.W.
Suite 500
Washington, D.C. 20037

RE: MUR 3709
WPXI Television (Channel 11)

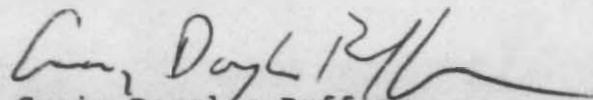
Dear Mr. Hart:

On November 24, 1992, your client, WPXI Television (Channel 11), was notified that the Federal Election Commission received a complaint from William D. White alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. At that time your client was given a copy of the complaint, identified as MUR 3709, and informed that a response to the complaint should be submitted within 15 days of receipt of the notification. Subsequently, on December 14, 1992, you were notified that the Commission received additional information from the complainant pertaining to the allegations in the complaint. A copy of this information was given to you and you were afforded an additional 15 days to respond to the allegations.

On January 8, 1993, the Commission again received additional information from the complainant pertaining to the allegations in the complaint. Enclosed is a copy of this additional information. As this new information is considered an amendment to the original complaint, you are hereby afforded an additional 15 days in which to respond to the allegations.

If you have any questions, please contact me at
(202) 219-3400.

Sincerely,


Craig Douglas Reffner
Attorney

Enclosure

93040945490

OVINGTON & BURLING

1201 PENNSYLVANIA AVENUE, N.W.

P.O. BOX 7566

WASHINGTON, D.C. 20044

(202) 662-6000

TELEFAX: (202) 662-6291

TELEX: 89-593 (COVLING WSH)

CABLE: COVLING

OGC 8223

ACHESON HOUSE

46 HERTFORD STREET

LONDON W1Y7TF ENGLAND

TELEPHONE 44-71-495-8855

TELEFAX 44-71-495-3101

BRUSSELS CORRESPONDENT OFFICE

44 AVENUE DES ARTS

BRUSSELS 1040 BELGIUM

TELEPHONE 32-2-512-9890

TELEFAX 32-2-502-1898

BRICE M. CLAGETT

DIRECT DIAL NUMBER

(202) 662-5316

January 14, 1993

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OFFICE
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BY HAND DELIVERY

Craig D. Reffner, Esquire
Staff Attorney
Federal Election Commission
Room 657
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 3709
Response of Welch's

Dear Mr. Reffner:

Welch's, one of the respondents in the above MUR, responds as follows.

Welch's adopts and incorporates by reference the response of WXPI, dated December 14, 1992, and the response of Cinema World, Edgar Snyder & Associates, and Willi's Ski Shops, Inc., dated January 4, 1993. These responses should be more than sufficient for the prompt dismissal of the case.

Welch's raises the following additional points:

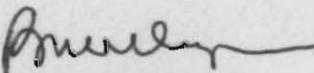
1. Welch's questions whether the claimant ever became a "candidate" for federal office as that term is defined in 11 C.F.R. § 100.3(a).
2. Welch's denies the allegation of the complaint that Welch's paid "a portion of the production and distribution costs of the program." Welch's paid a price to purchase advertising time.
3. Welch's questions whether the opening of MUR 3709 complied with the Commission's procedures. The "Description of Preliminary Procedures for Processing Possible Viola-

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Craig D. Reffner, Esquire
January 14, 1993
Page 2

tions Discovered by the Federal Election Commission," enclosed with the complaint, provides that a Matter Under Review shall be opened only after the Office of the General Counsel has submitted a report, and only after the Commission has found reason to believe that a violation of the Act has been committed and has voted to open a Matter Under Review. Welch's understanding is that these procedures were not followed in this case; therefore no Matter Under Review should have been opened.

Yours very truly,


Bruce M. Clagett
Attorney for Welch's

af

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1818 MARKET STREET
THIRTY-FIFTH FLOOR
PHILADELPHIA
PENNSYLVANIA 19103

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ABRAHAM PRESSMAN & BAUER P. C.

ATTORNEYS

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OFFICE
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JOSEPH SCHUMACHER

Direct Dial (215) 569-9794
FAX (215) 569-4372

January 14, 1993

FEDERAL EXPRESS

Craig Douglas Reffner, Esquire
General Counsel Office
Federal Election Commission
999 "E" Street, N.W.
Washington, D.C. 20463

Re: MUR 3709
Response of MAACO Enterprises, Inc.

Dear Mr. Reffner:

As you know, I represent MAACO Enterprises, Inc. ("MAACO") with regard to the above-captioned matter. By way of response, MAACO unequivocally denies that it has in any way violated the Federal Election Campaign Act of 1971, 2 U.S.C. §431, et seq. (the "Act"). Specifically, MAACO denies that the airing of a MAACO television advertisement during a local news broadcast on WPXI Television / Pittsburgh ("WPXI"), the substance of which was an interview with former senatorial candidate Lynn Yeakel, was an "expenditure" or "contribution" violative of the Act.

Complainant William D. White, ("White") asserts in his complaint of November 19, 1992 that MAACO, by reason of the appearance of a MAACO television advertisement during an interview with former senatorial candidate Lynn Yeakel, "contributed to the election campaign of Ms. Yeakel by paying a portion of the production and distribution costs of the program in exchange for advertising time." Complainant White's allegations against MAACO are necessarily premised upon two fundamental assumptions. Initially, Complainant White is making the assumption that the news broadcast in question does not fall within the exceptions to the definitions of "Expenditure" and "Contribution" known as the "Press Exemption", codified at 2 U.S.C. §431(9)(B)(i) and 11 C.F.R. §100.7(b)(2). Second, Complainant White makes the assumption that MAACO received full disclosure from WPXI about the nature and content of

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the subject broadcast, had editorial control over the conduct and content of the subject broadcast, affirmatively requested that their television advertisements be aired during the subject broadcast and understood that the fee paid for their advertisement would be applied to the production costs of the subject broadcast. As will be shown below, even if the program were **not** exempt, which we believe it is, Complainant White is in error as to his second assumption. Thus, WPXI's airing of a MAACO television advertisement during the subject broadcast could not have been an "Expenditure" or "Contribution" in violation of the Act. Finally, it is our understanding from WPXI's counsel that WPXI is not owned or controlled by any political party, political committee or candidate and, therefore, the subject program is exempt from those portions of the Act which Complainant White claims were violated.

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Although Complainant White fails to specify the time and date that the subject broadcast was aired, MAACO has learned that the subject broadcast was aired on a Saturday morning. MAACO's advertising schedule for the time period in which the subject broadcast was aired consisted of 24 commercial advertisements to be aired on Saturday and Sunday mornings between 8:00 A.M. and 12:00 P.M. from September 28 through October 25, 1992 and for 18 commercial advertisements to be aired Saturday and Sunday mornings between 8:00 A.M. and 12:00 P.M. from October 26 to November 22, 1992. WPXI scheduled the airing of MAACO's commercial advertisements during the requested time slots at its sole discretion. MAACO's contract with WPXI provided only the number of advertisements to be aired and the time period during which they were to be aired. MAACO was not further advised by WPXI of the exact time within the requested time period that the advertisements would be aired or of the content of the programming being broadcast at the time the advertisements would be aired. MAACO only learned of the exact time during which their advertisements were aired after the fact upon receipt of the WPXI invoices, and even then remained unaware of the subject matter of the programming being aired at the time of the airing of their commercial advertisements.

Both the definitions of "expenditure" and "contribution" require that the "expenditure" or "contribution" is made "for the purpose of influencing an election of public office". 2 U.S.C. §431(9)(A); 2 U.S.C. §431(8)(A). Implicit in this definition is the notion that the expenditure or contribution is made with the knowledge that it would be used for the "purpose of influencing an election for federal office." MAACO was without knowledge that its contract with WPXI for the airing of commercial advertisements would be aired during the subject broadcast. MAACO, therefore, could not have contracted with WPXI for the "purpose of influencing any election for federal office", and thus the advertisements could not have been an expenditure or contribution violative of the Act.

Further, the Commission has issued an advisory opinion regarding the position taken by Complainant White; finding that sponsorship of a candidate interview program does not constitute a campaign contribution under the Act. See AO 1987-8; 2 Fed. Election Comp. Fin.

Guide (CCH) ¶ 5890 at 11362-64 (May 4, 1987). In AO 1987-8, the Commission held that a corporate "sponsorship of a series of interviews with presidential candidates" to be aired as "thirteen individual one-hour programs ... would be covered by the news story exemption in 2 U.S.C. §431(9)(B)(i) and therefore would not result in a contribution by [the sponsor] to any of the featured candidates." In rendering its decision, the Commission relied on the fact that the advertising sponsor would not exercise any control or influence with respect to: the selection of the presidential candidates to be interviewed; the nature or conduct of the interviews; the timing of the broadcast; the markets to be broadcast into; or the production costs of the project.

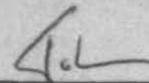
The facts of the present case warrant a similar finding. Not only did MAACO exercise no editorial or financial control over the subject broadcast, but was not even aware that its advertisements would be aired during the subject broadcast. Thus, the airing of MAACO's advertisements during the subject broadcast fall well short of constituting a contribution or expenditure violative of the Act.

Complainant White's allegation that MAACO knowingly contributed to Ms. Yeakel's senatorial campaign, in violation of the Federal Election Act of 1971, by placing advertising with WPXI that was aired during a news broadcast during which an interview with Ms. Yeakel also aired, is completely without merit. The Federal Election Commission is urged, therefore, to dismiss Complainant White's Complaint with prejudice. If you require any further information, please feel free to contact me.

Thank you for your assistance with this matter.

Very truly yours,

ABRAHAM, PRESSMAN & BAUER, P.C.

By: 

Joseph Schumacher

BCK:JS/bar

cc: Mr. Anthony A. Martino
Mr. Mark A. Martino
Mr. Kevin A. Kormondy
Jonathan D. Hart, Esq.

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INTERNATIONAL PAPER



WILLIAMS G. LEWIS
COUNSEL
SPECIALTY BUSINESSES

TWO MANHATTANVILLE ROAD
PURCHASE NY 10577 2196
PHONE 914 397 1914
FAX 914 397 1909

VIA FAX & FEDERAL EXPRESS

January 14, 1993

Office of General Counsel
Federal Election Commission
Washington, DC 20463

Attn: Craig Douglas Reffner, Esq.

RE: MUR 3709

Ladies and Gentlemen:

Please accept this letter as our response to the above numbered complaint filed with the Federal Election Commission against "Fountainhead".

As a matter of clarification, Fountainhead® is a registered trade name for a product manufactured and sold by Nevamar Corporation, a wholly owned subsidiary of International Paper Company. Thus, the response made hereby is on behalf of Nevamar Corporation ("Nevamar").

Nevamar Corporation hereby submits and responds that it did not make any contribution to the campaign of Lynn Yeakel, cash, in kind or otherwise. Nevamar possessed certain radio and television advertising time credits, of which it desired to make use. Nevamar elected to utilize its time credits for advertising in five cities, one of which was Pittsburgh, Pennsylvania. The only control Nevamar exercised over this advertising was choosing the markets in which the advertisements appeared and selecting the general time slots in which the advertisements were to be shown. Nevamar had absolutely no control over the actual time slots in which the advertisements appeared nor in the program or the contents of the program which the advertisements were to be shown.

Regardless of when the advertisement appeared, Nevamar received what it paid for - Nevamar paid for television advertising and received television advertising. Nevamar made no payments toward the production of the program in question, did not request that its advertising be shown during the program, did not endorse the candidate who appeared on this program, nor acted in any manner which

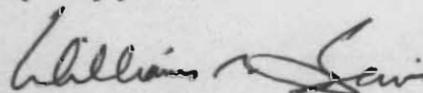
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Federal Election Commission
January 14, 1993
Page Two

could even remotely be considered a political contribution. The fact that the advertising happened to appear during a news program on which a political candidate may have appeared in no way constitutes a prohibited contribution.

Nevamar respectfully requests that the above referenced complaint filed with the Federal Election Commission be immediately dismissed with prejudice.

Very truly yours,



William G. Lewis

WGL/msm

cc: Evans Heath
President - Nevamar Corporation

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DOW, LOHNES & ALBERTSON

ATTORNEYS AT LAW

1255 TWENTY-THIRD STREET

WASHINGTON, D. C. 20037

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MAIN COPY ROOM

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OAC 8266

TELEPHONE (202) 857-2500

TELECOPIER (202) 857-2900

JONATHAN D. HART

CABLE "DOWLA"
TELEX 428848

DIRECT DIAL NO.

857-2819

January 19, 1993

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FEDERAL ELECTION COMMISSION

VIA HAND DELIVERY

Mr. Craig D. Reffner
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 3709
Response of Quality Furniture Co.

Dear Mr. Reffner:

By this letter, Quality Furniture Co. responds to the November 19, 1992 complaint filed by William White and assigned MUR 3709.

On January 4, 1993, this firm responded on behalf of Cinema World, Edgar Snyder & Associates, and Willi's Ski Shops, Inc. to virtually identical complaints, also filed by Mr. White on November 19, 1992. In that response we requested that the Commission accept an additional response, to be filed within two weeks, on behalf of any other respondents that designated us to represent them following their return to work after the holidays. Since the filing of the January 4 response, we have been designated as counsel by Quality Furniture Co., for whom a designation of counsel form is attached.

As you know, on November 19, 1992, William D. White, a self-proclaimed candidate for United States Senate, complained to the Federal Election Commission that United States Senator Arlen Specter (Republican of Pennsylvania), his Democratic challenger in the recent election, Lynn Yeakel, and Pittsburgh television station WPXI all had violated federal election laws. Specifically, Mr. White alleged that it was unlawful for WPXI to invite Sen. Specter and Ms. Yeakel to appear on the air live to answer questions from Pennsylvania voters. According to Mr. White, Sen. Specter and Ms. Yeakel violated federal law by appearing on WPXI on successive Saturdays during a regularly scheduled news program. Mr. White's complaint against Ms. Yeakel

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Mr. Craig D. Reffner
January 19, 1993
Page 2

and WPXI was designated MUR 3709; his complaint against Sen. Specter and WPXI was designated MUR 3710.

Mr. White is apparently disappointed with WPXI's editorial decision not to afford his candidacy the coverage it afforded the candidacies of Sen. Specter and Ms. Yeakel. In further protest of this editorial decision, he has now filed 15 additional complaints (designated MUR 3709) against businesses he believes purchased advertising on WPXI during the call-in interview featuring Ms. Yeakel. Quality Furniture Co. is one of these fifteen businesses.

Like his previous complaints, Mr. White's complaint against Quality Furniture Co. appears to be entirely without merit. Mr. White misconstrues the definition of a campaign contribution under the Federal Election Campaign Financing Act ("Act"). As explained in WPXI's letter of December 14, and the January 4 letter of Cinema World, Edgar Snyder & Associates, and Willi's Ski Shops, Inc., the program of which Mr. White complains is exempt from the prohibitions of the Act as a news story since WPXI is not "owned or controlled by any political party, political committee, or candidate" 11 C.F.R. § 100.7(b)(2). (WPXI, Inc. is a wholly owned subsidiary of Cox Communications, Inc., a subsidiary of Cox Enterprises, Inc.)

Moreover, the Commission has issued an advisory opinion flatly rejecting the position urged by Mr. White against Quality Furniture: sponsorship of a candidate interview program does not constitute a campaign contribution under the Act. See AO 1987-8, 2 Fed. Election Camp. Fin. Guide (CCH) ¶ 5890 at 11362-64 (May 4, 1987) (News exemption applied to a series of "thirteen individual one-hour programs" featuring "interviews and background material profiling" the "twelve major [presidential] candidates for the Republican and Democratic Party nominations." Corporate sponsorship of series did not constitute campaign contributions.)

In any event, Quality Furniture Co. could not possibly have violated federal election laws since it had no way of knowing in advance the editorial content of the Saturday morning news programs during which it purchased advertising time. Quality Furniture Co. did not know that the spots they had purchased would run during the portion of the newscast during which voters were invited to put questions directly to Ms. Yeakel. Thus, sponsorship of the newscasts could not have been made "for the purpose of influencing any election," as required under 2 U.S.C. § 431(8)(A).

93040945499

Mr. Craig D. Reffner
January 19, 1993
Page 3

Accordingly, respondent Quality Furniture Co. joins WPXI, Cinema World, Edgar Snyder & Associates, and Willi's Ski Shop in urging the Commission to dismiss Mr. White's complaints summarily. In any event, Quality Furniture is prepared to assist the Commission in any investigation it chooses to undertake.

I appreciate your assistance.

Sincerely,



Jonathan D. Hart

Enclosures

cc: Yu-Bin Chiao

93040945500

DOWNLOADED BY ALBERTSON

STATEMENT OF DESIGNATION OF COUNSEL

93 JAN 21 PM 1:37

RECEIVED
FEDERAL ELECTION COMMISSION

NR 3709

NAME OF COUNSEL: Jonathan D. Hart

ADDRESS: Dow, Lohnes & Albertson
1255 23rd Street, N.W. - Suite 500
Washington, D.C. 20037

TELEPHONE: (202) 857-2819

The above-named individual is hereby designated as my --
counsel and is authorized to receive any notifications and other
communications from the Commission and to act on my behalf
before the Commission.

1/13/93
Date

Jonathan D. Hart
Signature

RESPONDENT'S NAME: Yu-Bin Chiao

ADDRESS: Quality Furniture Co.
1700 Golden Mile Hwy.
Monroeville, PA 15146
(412) 327-2160

Quality Furniture Co.
1700 Golden Mile Hwy.
Monroeville, PA 15146
(412) 327-2160

TELEPHONE: HOME (412) 372-7519
BUSINESS: ()

93040945501

Procter & Gamble

OGC 8258

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIN COPY ROOM

JAN 21 1 19 PM '93

The Procter & Gamble Company
Legal Division
1 Procter & Gamble Plaza, Cincinnati, Ohio 45202-3315

David G. Hemminger
Corporation Counsel

Phone: (513) 983-2174
Fax: (513) 983-4274

January 15, 1993

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Federal Election Commission
Office of the General Counsel
Federal Election Commission
Washington, D.C. 20463

Attention: Lisa E. Klein, Esq.
Assistant General Counsel

Re: MUR 3709

Dear Ms. Klein:

This letter responds to a Complaint received by the Federal Election Commission that Vicks NyQuil, a product of The Procter & Gamble Company, through its advertising on a news broadcast aired by WPXI-TV, Pittsburgh, Pennsylvania, on October 3, 1992 may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). The Complaint under review by your office was forwarded with your letter of December 14, 1992 to Richardson-Vicks, Inc. and is part of MUR 3709. The Procter & Gamble Company owns the Vicks NyQuil brand. The Company was granted an extension of time to January 19, 1993 to file its response and this response has been timely filed.

The Procter & Gamble Company strongly contests the validity of the Complaint involving Vicks NyQuil advertising and submits, for the reasons advanced below, that the Act has not been violated by The Procter & Gamble Company as alleged in the Complaint.

Background

The Vicks NyQuil commercial, aired on WPXI-TV on October 3, 1992 during the time Ms. Lynn Yeakel appeared on the Saturday morning news, is called "spot television advertising". Procter & Gamble annually airs over one million 30-second television spots nationally covering about 100 of its brands. There are over 200 television markets in the U.S. with 4-5 television stations in each market. While the Media Department at Procter & Gamble directly purchases national television air time, the purchase of spot television is much more complex since it is based on the needs of Procter & Gamble brands in local markets. Accordingly, all Procter & Gamble spot advertising is purchased by eight major advertising agencies under general policy guidelines distributed to all agencies by Procter & Gamble (Exhibit 1).

The Vicks NyQuil commercial at issue in the Complaint was purchased by D'arcy, Masius, Benton & Bowles ("DMB&B") on September 29, 1992 as one of thirteen spots for Vicks NyQuil to be aired during the Saturday "news" program on WPXI-TV during the 8:00 a.m. to 12:00 noon time slot. These spots occurred each week during the period October 3, 1992 to December 27, 1992 (Exhibit 2).

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93 JAN 21 PM 1:44

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FEDERAL ELECTION COMMISSION

Federal Election Commission
January 15, 1992
Page 2

The cost shown on Exhibit 2 of \$125 per spot is based primarily on the efficiency of the advertising in reaching the targeted viewers and like any media buy is determined primarily by negotiation between Procter & Gamble's advertising agency and the station. Supply and demand, demographics and other factors are assessed in the process of negotiating a price. Thirty-second commercial spots will vary widely in price in the same television market during the same general period of time based on these varying factors. Procter & Gamble spot costs in the Pittsburgh market ranged from \$50 to \$1600 based on a random sample of advertising placed during the fourth quarter by DMB&B. Other spots for another Procter & Gamble brand, Fixodent, during part of the same period and program on WPXI-TV also cost \$125 per spot (Exhibit 3).

Neither Procter & Gamble nor its agencies review the specific content of a program on the day a commercial is to air. The designated "Sat. News" as shown on Exhibit 2 would be an adequate description of content for the Agency to conclude that the program content would be compatible with Procter & Gamble television program content policy (Exhibit 1).

Legal Analysis

Procter & Gamble denies that it made an "expenditure" or "contribution" as those terms are defined in the Act as a result of Procter & Gamble payment for the cost of its Vicks NyQuil advertising spot on the October 3, 1992 Saturday morning news on WPXI-TV. Accordingly, there is no violation of §441(b) of the Act, prohibiting corporate expenditures or contributions in connection with the election of a federal candidate. This position is based on the facts described above, analyzed under the standards established in the Act and FEC Regulations, as follows:

1. The Regulations of the Federal Election Commission exclude any "news story" as a "contribution" or "expenditure" under the Act. (11 CFR 100.7(b)(2) "contribution" and 11 CFR 100.8(b)(2) "expenditure"). If a bona fide news story cannot itself be a contribution or expenditure then it follows that the cost paid by an advertiser for a spot commercial during the news program cannot be regarded as a contribution or expenditure.

Procter & Gamble paid for the cost of the Vicks NyQuil air time at its true value and no more. Procter & Gamble paid for advertising its Vicks NyQuil brand to the viewing public at the "usual and normal charge" (11 CFR 100.7(a)(1)(iii)(A)), the same as it paid for Fixodent advertising aired on the WPXI-TV Saturday news, but not on October 3, 1992 (Exhibit 3). Contrary to the allegations in the Complaint, Procter & Gamble paid for no "advertising services" promoting the election of a specific candidate. Procter & Gamble was only promoting its own brand on a news program with the spot Vicks NyQuil Commercial.

Procter & Gamble had every reason to believe, and there are no facts to the contrary, that the program content of the Saturday morning news on WPXI-TV on October 3, 1992 would qualify as a "bona fide news account" and "part of a general pattern of campaign-related news accounts which give reasonably equal coverage to all opposing candidates in the circulation or listening area..." (quoted in pertinent part from FEC Regulations cited above).

93040945503

Federal Election Commission
January 15, 1992
Page 3

II. The definition of "contribution" or "expenditure" under the Act require that they be made "for the purpose of influencing any federal election" (2 U.S.C. §431(8)(A) "contribution" and 2 U.S.C. §431(9)(A) "expenditure" -- emphasis added). It is self-evidence from the facts that Procter & Gamble as an advertiser had as its sole purpose for airing its Vicks NyQuil commercial the communication of the attributes of its product to the viewing public during the spot telecast in question. The process by which this advertising was purchased (Exhibit 2) underscores this point and there are no facts to suggest otherwise.

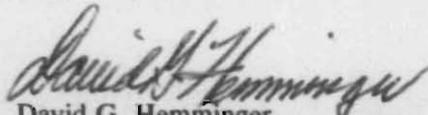
Procter & Gamble had no foreknowledge of the specific news program content on WPXI-TV on October 3, 1992 when its ad was aired nor would it need to know its specific content. This spot was purchased by DMB&B on the basis that it was to be aired during the Saturday news. The expenditure by Procter & Gamble for the Vicks NyQuil ad was never made "for the purpose" of influencing the federal election of Miss Yeakel or any other candidate. Thus, Procter & Gamble has not made a contribution or expenditure that would violate §441(b) of the Act.

Conclusion

As indicated in the Procter & Gamble Television Program Content Policy, Point 14, the Company is very sensitive to avoiding politically oriented programs that would not meet the balance requirements generally contained in the FEC Regulations for bona fide news shows. For all the reasons cited above, the expenditure by Procter & Gamble for the Vicks NyQuil commercial, which is the subject of this complaint, did not violate the Act and we respectfully request that the Office of General Counsel consider recommending that the Commission close its file in this matter and dismiss the Complaint against Procter & Gamble.

This Response sets forth the principal reasons why the Company has not violated the Act. We, of course, reserve the opportunity to expand on our position with a more detailed brief should the Complaint advance beyond a preliminary assessment in the Commission's procedure. Procter & Gamble is willing to cooperate fully in this investigation and we will be happy to consider providing sworn affidavits or personal interviews with Procter & Gamble employees should this be required. Finally, please note that Exhibit 1 is marked "Confidential" and as part of this investigation, is not to be disclosed by the Commission under 11 CFR 111.21(a).

Very truly yours,


David G. Hemminger

DGH/ram
Exhibits Attached
S:\HEMMINDG\FEC.LTR

93040945504

TELEREP, INC.
875 THIRD AVE
NEW YORK, NY 10022

TELEREP

468

2

CODE	ADVERTISER	DATE	ORDER NUMBER	MOD #	PAGE
PG	PROCTER & GAMBLE	SEP29/92	1474906		1
	PRODUCT	STATION	MARKET		
	NYQUIL	WPXI-TV	PITTSBURGH		
	SALESPERSON EST#8938	AGENCY CODE			

SANJ JOE SANTAMARIA
212 759-8787
OFFICE

BARG NY NSI RA18 49

NY NEW YORK

SCHEDULE DATES	WEEKS
OCT3/92-DEC26/92	13

D'ARCY, MASIUS BENTON BOWLES
MEDIA BUYER - DAN CICERO
1675 BROADWAY
NEW YORK, N.Y. 10019

LINE #	PROGRAM	TIME	SPOTS	START DATE	END DATE	SPOTS PER WEEK	DATE/SPOT	TOTAL SPOTS
1	SAT NEWS	800A-1200N	30	OCT03-DEC26	13W	1	\$125.00	13
		OCT92	\$500	NOV92	\$625	DEC92	\$500	\$1,625.00

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Handwritten notes:
15
10/14

TELEVISION CONTRACT

AGENCY

Printed in accordance with the provisions of the contract as amended at time of sale.
This contract applies to the order and is subject to the terms and conditions set forth in the contract.
All stations and programs are subject to the current rate card.
* Modification Code appears on the station's invoice on the back.

TELEREP, INC
875 THIRD AVE
NEW YORK, NY 10022

TELEREP 355

CODE: PG ADVERTISER: PROCTER & GAMBLE DATE: OCT14/92 ORDER NUMBER: 1477712 MOD # PAGE: 1
 PRODUCT: FIXODENT STATION: WPXI-TV MARKET: PITTSBURGH
 SALES PERSON: EST#9195 AGENCY CODE: DARC-NY NSI RA35*

NY NEW YORK

SCHEDULE DATES: OCT5/92-DEC27/92 WEEKS: 12

D'ARCY, MASTUS RENTON BOWLES
MEDIA BUYER - DAN CICERO
1675 BROADWAY
NEW YORK, N.Y. 10019

MOD CODE	LINE #	DATE	TIME	LENGTH	SPOTS	CLASS OF TV	SEC.	PLAN	SPOTS PER WEEK	RATE/SPOT	TOTAL SPOTS
	1	M-F	400P-600P	30	DEC07-DEC11 DEC21-DEC25	1W 1W			2	\$250.00	2
		ROTATION. * * * SPOTS NOT TO RUN IN CURRENT AFFAIR PEOPLES CT/NEWS/NEWS									
	2	SAT	600A-1200N [OR	30	OCT10-OCT17 OCT31	2W 1W			2	\$125.00	2
		NEWS SPTS NA 1X 10/10-10/17; SEE LINES 3 AND 4 FOR HG.									
	3	SUN	500P-600P	30	OCT18	1W			1	\$125.00	1
		PT 1 MKGD FOR SPTS NA ON LINE 2.									
	4	SUN	430P-600P	30	NOV01	1W			1	\$125.00	1
		PT 2 MKGD FOR SPTS NA ON LINE 2. MOVIE									
		OCT92	\$125	NOV92	\$375	DEC92	\$750			\$1,250.00	

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CK @
11/13

TELEVISION CONTRACT AGENCY

Lines listed represent programming spots scheduled as ordered in copy of order.
 Spot charges apply as noted above and/or variations set forth in SPOT.
 Rate protection and product protection will follow policy outlined in station's current rate card.
 * Multiplies Code operations and facility charges appear on the back.

Willoughby
Communications

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

OGC 8358

JAN 30 10 31 AM '93

January 26, 1993

Federal Election Commission
999 E. Street, NW
Washington, DC 20463

Attn: Craig Douglas Reffner, Esq.

RE: MUR 3709

Dear Attorney Reffner,

I am in receipt of a letter dated January 22, 1993 which suggests that we may have violated the "Federal Election Campaign Act of 1971".

This arises apparently because we are the advertising agency for West Penn Power and one of this client's commercials happened to fall within a newscast, the content of which, is claimed to have been politically damaging to the petitioner. The complainant states that West Penn Power has directly and knowingly sponsored a contribution to the Yeakel campaign.

We have in no way violated the "Federal Election Campaign Act" for the following reasons:

1. We purchase annual contracts for approximately 5,000 commercials for West Penn Power which run on more than thirty radio and television stations throughout western Pennsylvania. We make these purchases in January each year as we did in 1992. Approximately 2,000 of these commercials fall within the local and national news programming of the various stations. We do not know the content of these news programs in advance. It would be impossible for us to do so.

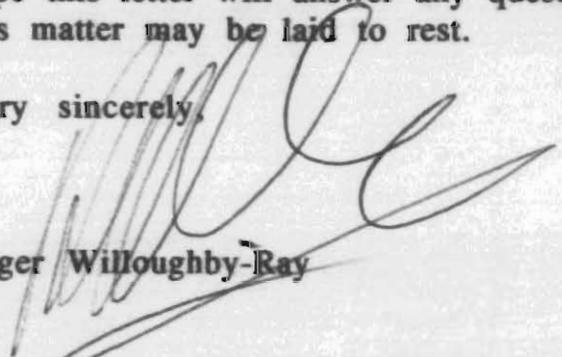
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- 9 3 0 4 0 9 4 5 5 0 8
2. We have no political clients and no political motives whatsoever. We were unaware of any of the parties involved in this issue when we placed the time and made no contact with the station or anyone else regarding any political issue.
 3. We have no control whatsoever over the content of WPXI television news programming.
 4. We were not notified that a commercial featuring our client, West Penn Power, would appear in a newscast which was to involve a political element.
 5. The suggestion made by the petitioner that we could have received a "kickback" from WPXI for placing the commercial in this newscast is way out of line. We have never received a "kickback" from WPXI for this or any other placement.

I attach a copy of the information sheet which West Penn Power received from us in January 1992 giving the details of the WPXI-TV schedule. This is all the information that they or we have concerning the programming. Incidentally, you will notice that the cost of the spot which ran in the program in question was \$85.89. I hope this letter will answer any questions you may have and that this matter may be laid to rest.

Very sincerely,



Roger Willoughby-Ray

cc: Mr. John Vincze, West Penn Power Company

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DAY	TIME	PROGRAM	FREQ.
M-F	5-6:00AM	WPXI LOCAL NEWS/NBC NEWS	5X
M-F	6-7:00AM	WPXI LOCAL NEWS	5X
M-F	7-9:00AM	TODAY SHOW	3X
M-F	5-6:30PM	1ST NEWS AT 5	3X
SA-SU	12NOON-6PM	SPORTS VARIOUS	2X
SAT**	8AM-12PM	SAT. MORNING NEWS	<u>4X</u>
		PER WEEK	22X

1ST & 3RD QUARTER:

88 SPOTS PER 4-WEEK FLIGHT @ \$7,040.00 NET PER FLIGHT.

2ND & 4TH QUARTER:

88 SPOTS PER 4-WEEK FLIGHT @ \$8,076.00 NET PER FLIGHT.

TOTALS:

16 WEEKS @ \$1,760.00 NET = \$28,160.00 NET

16 WEEKS @ \$2,019.00 NET = \$32,304.00 NET

\$60,464.00 NET ANNUAL

AVERAGE COST PER SPOT = \$85.89 NET

704 SPOTS PER YEAR

****PLUS 1 FULL-PAGE AD IN WPXI MAGAZINE--320,000 CIRCULATION**



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FEDERAL ELECTION
COMMISSION
MAIL ROOM

FEB 9 10 54 AM '93

OGC 8368

11 Television Hill
Pittsburgh, PA 15214-1400
412 237-1100
FAX 412 323-8097

93 FEB -9 PM 3:26

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE

February 5, 1993

Craig D. Reffner, Esq.
Attorney
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RE: MUR 3709

Dear Mr. Reffner:

In his most recent flurry of filings with the Commission, William White again complains of news judgments made by WPXI in its coverage of last year's Senate race in Pennsylvania.

In his Amended Complaint, he repeats his erroneous assertion that federal law obligates WPXI to afford his candidacy news coverage equal to that given to the candidacies of Senator Spector and his Democratic challenger Lynn Yeakel. In support of this remarkable proposition he again cites Section 100.7 (b) (2) (ii) of the Commission's regulations. As we pointed out in our letter to your office of December 14, 1992, the interviews WPXI conducted with Senator Spector and Ms. Yeakel are exempt from federal regulation as news stories. The "equal coverage" requirement referred to by Mr. White is wholly inapplicable since WPXI is not "owned or controlled by any political party, political committee, or candidate. . . ." 11 C.F.R. 100.7 (b) (2).

In his Reply, Mr. White offers the logical extension of his pernicious misconstruction of federal election law: "[A]ll news broadcasts by WPXI concerning the United States Senate race, which also omitted any mention of the petitioner, are contributions. The sponsors of the news broadcasts just described have also made illegal contributions." Reply at 2 (MUR 3709, Page 38).

WPXI urges the Commission to dismiss Mr. White's frivolous complaints summarily before he attempts to drag more of our advertisers into these proceedings. Of course, WPXI stands ready to assist the Commission in any way it can.

Sincerely,

John A. Howell, III
Vice President/General Manager

JAH/moc

cc: Jonathan D. Hart, Esq.

93040945510

PETER J. DAILEY
Attorney

MICHAEL D. McDOWELL
Attorney

JOHN L. MUNSCH
Attorney

DAVID L. WILLIAMS
Attorney

A **West Penn Power Company**
Part of the Allegheny Power System

800 Cabin Hill Drive
Greensburg, PA 15601-1688
(412) 837-3000 FAX (412) 838-6177

February 12, 1993

OAC 8413
RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

FEB 16 10 28 AM '93

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

93 FEB 16 PM 3:09

Craig Douglas Reffner, Esquire
Federal Election Commission
999 E Street, NW
Washington, DC 20463

RE: MUR-3709; West Penn Power Company

Dear Mr. Reffner:

This is in response to your letter dated January 22, 1993,
providing an amendment to the complaint in the above proceeding.

I have reviewed the additional document filed by the Complainant
and find that there is no additional relevant information to which West
Penn Power Company must respond. On behalf of West Penn Power Company
I reassert its Answer filed December 31, 1992.

Very truly yours,

John L. Munsch
John L. Munsch

JLM:rt

Enclosure

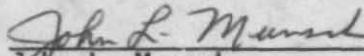
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CERTIFICATE OF SERVICE

I hereby certify that this 12th day of February 1993 I served a copy of the foregoing document as follows by U.S. Mail.

William D. White
16 East Manilla Avenue
Pittsburgh, PA 15220

Jonathan P. Hart, Esquire
Dow Lohnes & Albertson
1255 23rd Street, N.W., Suite 500
Washington, DC 20037



John L. Munsch

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RECEIVED
F.E.C.
SECRETARIAT

FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, D.C. 20463

JUN 17 09 48 08

FIRST GENERAL COUNSEL'S REPORT

SENSITIVE

MUR #s 3483, 3605, 3615, 3624,
3660, 3706, 3709, 3710

STAFF MEMBER: Lawrence L. Calvert, Jr.

COMPLAINANTS:

MUR 3483: Gerald B. Wetlaufer
MUR 3605: Rodney G. Gregory, as General Counsel to
Friends of Corinne Brown
MUR 3615: Don Brewer Jr., as Chairman of the Duval
County Republican Executive Committee
MUR 3624: Walter H. Shapiro
MUR 3660: Dr. Philip W. Ogilvie
MURs 3706, 3709, and 3710: William D. White

RESPONDENTS:

MUR 3483: George Bush
Bush-Quayle '92 Primary Committee
and J. Stanley Huckaby, as treasurer
KXIC Radio
U. S. Small Business Administration

MUR 3605: Andrew E. Johnson
Committee to Elect Andy Johnson
and Andrew E. Johnson, as treasurer
WVOJ Radio

MUR 3615: Clinton/Gore '92 Committee and
Robert A. Farmer, as treasurer
WJXT-TV

MUR 3624: Bush-Quayle '92 Primary Committee
and J. Stanley Huckaby, as treasurer
Bush-Quayle '92 General Committee
and J. Stanley Huckaby, as treasurer
WBT Radio

MUR 3660: Flower & Garden Magazine

MUR 3706: Lynn Yeakel
Lynn Yeakel for U. S. Senate Committee and
Sidney Rosenblatt, as treasurer
Arlen Specter
Citizens for Arlen Specter and
Stephen J. Harmelin, as treasurer
WDUQ Radio
Kevin Gavin

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MUR 3709: Lynn Yeakel
 Lynn Yeakel for U. S. Senate Committee and
 Sidney Rosenblatt, as treasurer
 WPXI-TV
 Lawrence Convention Center
 Monro Muffler/Brake
 Welch Foods, Inc.
 Richardson-Vicks, Inc.
 MAACO
 Quality Furniture Co.
 Edgar Snyder and Associates
 Red Lobster Restaurants
 International Paper Co.
 Turnpike Toyota
 West Penn Power Co.
 Cinema World, Inc.
 Medic Alert
 General Mills, Inc.
 Willi's Ski Shop
 Willoughby Communications

MUR 3710: Arlen Specter
 Citizens for Arlen Specter
 and Stephen J. Harmelin, as treasurer
 WPXI-TV

RELEVANT STATUTES: 2 U.S.C. § 431(8)(A)
 2 U.S.C. § 431(9)(B)(i)
 2 U.S.C. § 431(11)
 2 U.S.C. § 441a(a)(1)
 2 U.S.C. § 441b
 2 U.S.C. § 441b(a)
 2 U.S.C. § 441d
 2 U.S.C. § 441d(a)(1)
 26 U.S.C. § 9003(d)
 11 C.F.R. § 100.7(a)(1)(iii)(A)
 11 C.F.R. § 100.7(b)(2)
 11 C.F.R. § 100.8(b)(2)
 11 C.F.R. § 114.4(e)
 11 C.F.R. § 114.9(d)
 47 C.F.R. § 73.1940(b)

INTERNAL REPORTS CHECKED: Disclosure Reports

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTERS

These matters arise from various complaints filed in 1992 concerning several 1992 elections. Each complaint alleges that a news story or broadcast constituted a prohibited in-kind

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contribution from a media corporation to candidates or committees in violation of 2 U.S.C. § 441b. Accordingly, the complaints are treated in one report. Details about the generation of each particular matter and the material facts of each case will be provided in the next section.

II. FACTUAL AND LEGAL ANALYSIS

A. The Law

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that no corporation, except through a separate segregated fund, may make a contribution or expenditure in connection with any Federal election. 2 U.S.C. § 441b. However, the Act and the Commission's regulations exclude, under certain conditions, costs associated with the production or dissemination of news stories, commentaries or editorials from the definitions of "contribution" and "expenditure". 2 U.S.C. § 431(9)(B)(i); 11 C.F.R. §§ 100.7(b)(2) and 100.8(b)(2).

In Readers' Digest Ass'n. v. FEC, 509 F. Supp. 1210, 1214 (S.D.N.Y. 1981), the court, interpreting the Act, stated that the media exemption applies when the distribution of news or commentary falls within the media entity's "legitimate press function," and when the entity is not owned or controlled by any political party, political committee, or candidate. The Commission has interpreted the media exemption broadly, consistent with Congress' admonition that the Act was not intended "to limit or burden in any way the first amendment freedom of the press." H. R. Rep. No. 943, 93d Cong., 1st Sess., at 4 (1974). For instance, although Section 431(9)(B)(i) speaks only of "news

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stor[ies], commentar[ies], or editorial[s]", the Commission's regulations have extended the protection to "costs incurred in covering or carrying" exempt material. 11 C.F.R.

§§ 100.7(b)(2) and 100.8(b)(2). See also, e.g., Advisory Opinion 1982-44 (cable television network's donation of time to national party committees for broadcasts in which candidates and other party leaders discussed issues and solicited contributions was protected by media exemption).

Section 431(9)(B)(i) identifies only "broadcasting station[s], newspaper[s], magazine[s], or other periodical publication[s]" as press entities entitled to the exemption. To determine whether a medium of communication fits one of these descriptions, the Commission has applied the definitions of "broadcaster," "newspaper", and "magazine or other periodical publication" in its Explanation and Justification of 11 C.F.R. § 114.4(e). See, e.g. MURs 2277 and 2567. Although that regulation deals with the sponsorship of candidate debates by news organizations, the definitions in the Explanation and Justification were explicitly drafted with the media exemption in mind. See Explanation and Justification of 11 C.F.R. § 114.4(e), 44 Fed. Reg. 76,734 (1979).

According to the Explanation and Justification, "the term 'broadcaster' is meant to include broadcasting facilities licensed by the Federal Communications Commission [{"FCC"}], as well as networks." 44 Fed. Reg. at 76,735. Magazines and "other periodical publications" are "publication[s] in bound pamphlet form appearing at regular intervals (usually either weekly,

93040945516

bi-weekly, monthly or quarterly) and containing articles of news, information, opinion and entertainment, whether of general or specialized interest. Only magazines and periodicals which ordinarily derive their revenues from subscriptions and advertising" are to be exempt. 44 Fed. Reg. at 76,735.

In addition to the "legitimate press function" test, the Commission must also determine whether the press entity is owned or controlled by any political party, political committee or candidate. This test is a straightforward inquiry into whether the complaint, response or other data available to the Commission suggest that a media entity is so owned or controlled. See, e.g., MUR 3645. If it is, it qualifies for the exemption only in certain narrowly defined situations described in the regulations. See 11 C.F.R. §§ 100.7(b)(2)(i) and (ii) and 100.8(b)(2)(i) and (ii).¹

Paid advertising expressly advocating a candidate's election or defeat would not qualify for the media exemption and would be subject to the requirements of 2 U.S.C. § 441d. That section provides disclaimer requirements "whenever any person makes an

1. Under the cited provisions, if a media entity is owned or controlled by a party, committee or candidate the media exemption extends only to the costs of news stories "(i) which represent . . . bona fide news account[s] communicated in a publication of general circulation or on a licensed broadcasting facility, and (ii) which [are] part of a general pattern of campaign-related news accounts which give reasonably equal coverage to all opposing candidates in the circulation or listening area" These provisions are not applicable to any of the MURs discussed in this report. However, it is important to note that, contrary to the assertion of complainant William D. White in MURs 3706, 3709 and 3710, the "reasonably equal coverage" requirement is triggered only by a finding that a media entity is owned or controlled by a party, committee or candidate.

93040945517

expenditure" for "general public political advertising" containing express advocacy. Obviously, Congress did not intend through the media exemption to exempt paid advertising containing express advocacy from the definition of "expenditure"; otherwise, Section 441d would be a nullity. By contrast, paid non-political advertising sponsorship of a broadcast or publication protected by the exemption is permitted, provided that the sponsor exercises no control over the exempt content. See Advisory Opinion 1987-6 (corporate sponsorship of magazine and television interview series with presidential candidates was not prohibited).

B. The Cases

1. MUR 3483

This matter was generated by a complaint received from Gerald B. Wetlaufer of Iowa City, Iowa against KXIC Radio of Iowa City; then-President George Bush; the Bush-Quayle '92 Primary Committee, Inc. and J. Stanley Huckaby, as treasurer; and the U. S. Small Business Administration (SBA). The complaint alleges that taped radio public service announcements produced by SBA and broadcast by KXIC contained the statement "President Bush knows our challenges", leading into a voice-over message from the President promoting SBA export assistance programs. The complaint appears to allege that because President Bush was a candidate for re-election at the time the public service announcement was broadcast, the announcement expressly advocated his candidacy and was a thing of value to his campaign. Consequently, the complaint theorizes that the production and airing of the public service announcement constituted a prohibited in-kind contribution from

93040945518

the SBA and KXIC to the Bush campaign. Attachment A-1.

As a threshold matter, this Office is of the opinion that the Commission lacks jurisdiction over the SBA in this case. Although 2 U.S.C. § 441a(a)(1) provides that "no person" shall make contributions in excess of certain limits, 2 U.S.C. § 431(11) provides that "the term 'Person' . . . does not include the Federal Government or any authority of the Federal Government." The SBA is, of course, a federal agency. Moreover, for reasons that will be shown, even if the SBA were subject to the Commission's jurisdiction this Office would still recommend that the Commission find no reason to believe the SBA violated any provision of the Act.

KXIC asserts it broadcast the announcement "to meet its responsibilities as a licensee of the Federal Communications Commission to present programming that addresses issues of concern to the community," and argues that the broadcast of public service announcements like the one at issue here is per se within the legitimate press function of a radio station. Attachment A-3 at 2.

In Advisory Opinion 1978-76, the requester, a member of Congress, had produced a film on the services his office made available to constituents. A television station in the member's home district proposed to broadcast the film free of charge as a public service announcement. The Commission determined that the media exemption was "available when, in the exercise of its responsibility [as an FCC licensee] to serve the public interest, convenience and necessity, the station carries a . . . public

93040945519

service announcement to inform constituents of facilities and services provided" by the member's office.

The SBA announcement appears to meet the test articulated in AO 1978-76. KXIC asserts it broadcast the announcement in furtherance of its obligation as an FCC licensee, and, by providing a toll-free telephone number listeners could call to order SBA publications, the announcement informed listeners of services provided by the Federal government.² Attachment A-3 at 5. Additionally, KXIC's general manager, Steven Winkey, declared that KXIC's parent, Iowa City Broadcasting Co., is neither owned nor controlled by a party, committee or candidate. Id. at 4. Because the announcement appears to be within the press exemption, it does not appear to contribute a contribution to the Bush-Quayle '92 Primary Committee.

Therefore, this Office recommends that the Commission find no reason to believe that KXIC Radio, the U. S. Small Business Administration, George Bush, or the Bush-Quayle '92 Primary Committee and J. Stanley Huckaby, as treasurer, violated any provision of the Act with respect to MUR 3483 and close the file.

2. MUR 3605

This matter was generated by a complaint received from

2. Cf. former 47 C.F.R. § 73.1810(d)(4), the FCC's former definition of a "public service announcement", which provided that announcements for which the broadcaster made no charge and which promoted the activities and services of Federal agencies, among other entities, qualified as public service announcements. Although the FCC has removed the regulation from the Code of Federal Regulations, see 49 Fed. Reg. 33,658 (August 24, 1984), it has continued to refer to the definition. See In the Matter of Policies and Rules Concerning Children's Television Programming, 5 FCC Rcd. 7199, 7204-05 n. 10 (1990).

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Rodney G. Gregory, as general counsel to Friends of Corinne Brown, against Andrew E. Johnson, the Committee to Elect Andy Johnson and Andrew E. Johnson, as treasurer, and WVOJ Radio of Jacksonville, Florida.³ The complaint alleged that Johnson continued to host a call-in radio program on WVOJ after becoming a candidate for Congress, and that this arrangement may have constituted a prohibited in-kind contribution from WVOJ to the Johnson campaign. Attachment B-1. WVOJ's response indicates that both before and after becoming a candidate for Congress, Johnson paid WVOJ for two hours of live broadcast time every weekday afternoon and a two hour replay at night. See Attachment B-2 at 1. The station asserts that after Johnson became a Congressional candidate, the time was paid for by his campaign committee. Id. at 3. The committee's disclosure reports appear to corroborate the assertion.

As discussed supra at 5-6, paid political advertising falls outside the scope of the news media exemption. Furthermore, because it appears that WVOJ charged Johnson the usual and normal charge for air time consistent with 11 C.F.R.

§ 100.7(a)(1)(iii)(A), this Office recommends the Commission find no reason to believe that WVOJ violated 2 U.S.C. § 441b, and close

3. Friends of Corinne Brown was the principal campaign committee of Corinne Brown, who, like Johnson, was a candidate for the Democratic nomination for U. S. Representative from the Third Congressional District of Florida. In the September 1, 1992 Florida Democratic primary, Brown and Johnson received 43 percent and 31 percent of the vote, respectively, qualifying them for the October 1, 1992, run-off election. In the run-off, Brown was nominated, receiving 64 percent of the vote to Johnson's 36 percent. Brown was elected to the U. S. House of Representatives in the November 3, 1992 general election.

the file with respect to WVOJ.⁴

However, WVOJ's response raises the question of whether Johnson's call-in show carried a legally sufficient disclaimer. The response indicates that after Johnson became a candidate, the show was identified as a "Paid Political Broadcast." Attachment B-2 at 2. 2 U.S.C. § 441d(a)(1) provides that political advertising, "if paid for and authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state that the communication has been paid for by such authorized political committee." A disclaimer identifying Johnson's show as a "Paid Political Broadcast" without identifying who paid for it would not meet Section 441d(a)(1)'s requirements. Accordingly, this Office recommends that the Commission find reason to believe that the Committee to Elect Andy Johnson and Andrew E. Johnson, as treasurer, violated 2 U.S.C. § 441d(a)(1).

4. 11 C.F.R. § 100.7(a)(1)(iii)(A) provides that the provision of services to a political committee at less than the usual and normal charge for such services will constitute an in-kind contribution to the committee. Both the contract between WVOJ and Johnson and the FCC's regulations governing the sale of broadcast time to candidates provide that if air time is used by candidates personally within 45 days of a primary or run-off election, the station may charge the "lowest unit charge of the station for the same class and amount of time for the same period;" prior to 45 days before an election, the station may charge not more than "the charges made for comparable use of such station time by other users." Attachment B-2 at 3; 47 C.F.R. § 73.1940(b) (reprinted at 11 C.F.R. Supp. A., p. 265 (1992 ed.)). Moreover, the rates on the contract appear generally consistent with the advertising rates quoted for WVOJ in the Gale Directory of Publications and Broadcast Media 1993, taking into consideration the time of broadcast and the station's wattage. Therefore, it appears that WVOJ charged Johnson the "usual and normal" charge for air time.

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3. MUR 3615

This matter was generated by a complaint received from Don Brewer, Jr., chairman of the Duval County (Florida) Republican Executive Committee, against WJXT-TV in Jacksonville, Florida and the Clinton-Gore '92 Committee and Robert A. Farmer, as treasurer. The complaint alleges that WJXT broadcast a live call-in interview program featuring Democratic presidential nominee Bill Clinton on September 9, 1992.⁵ According to the complaint, WJXT invited the public and placed television sets on its premises outside its studio building so that members of the public could watch the program. It then allegedly allowed the Clinton campaign to erect a tent over the television sets and exclude persons who were not Clinton supporters from the tent. The Clinton committee purportedly "enclosed the area with police tape and police officers to prevent non-Clinton supporters from viewing the program. Approximately two hundred and fifty Clinton supporters were allowed into [the] viewing area while approximately seventy non-Clinton supporters were held away from the event by police lines." Attachment C-1. Moreover, the complaint alleges that "WJXT . . . allowed Clinton financial supporters into the station to meet privately with Governor Clinton." Id. The cumulative effect of these events, the complaint alleges, was a prohibited corporate in-kind contribution from WJXT to the Clinton campaign.

Both responses dispute the complaint's version of the facts.

5. The broadcast was apparently carried statewide over the "Florida News Network," which consists of WJXT and several other television stations.

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while Clinton apparently ~~did~~ appear on WJXT's September 9 broadcast, both responses indicate that the television sets were brought onto WJXT's property by the Clinton campaign, not WJXT. Attachment C-2 at 3; Attachment C-3 at 3. However, WJXT management apparently did not object to the sets' presence; management had already decided to permit the general public to gather on its property while Clinton was inside the studio building, attachment C-2 at 2, and it appears that this decision may have come in response to a request from the Clinton committee. Attachment C-3 at 5. Station management explicitly gave the Clinton campaign permission to put up the tent, but not until the tent was partially erected. Attachment C-2 at 3. Neither response directly disputes the complaint's contention that persons opposed to Clinton's candidacy were excluded from the tent. However, WJXT asserts that crowd control at the site was handled by local police (including some off-duty officers with whom it contracted to direct traffic in its parking lot) and the U. S. Secret Service, and that any actions by those agencies or by Clinton supporters to exclude Clinton opponents from the premises were taken without station management's knowledge or approval. Id. at 2. Finally, WJXT denies that it hosted a "private meeting" between Clinton and "financial supporters"; instead, it asserts it hosted a small reception after the program for Clinton and local

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dignitaries. Id. at 3-4.⁶

The broadcast itself appears to fall within the "media exemption." A call-in interview with a major party nominee for President is a legitimate news story, and it makes no difference that the station is producing, as well as covering, the news story. Cf. MUR 2567 (debates produced by broadcasters are news stories within meaning of exemption). WJXT is an FCC licensee, and there is no indication that it is owned or controlled by a party, candidate, or committee. Moreover, there appears to be no factual basis for any implication in the complaint that the event after the broadcast was a Clinton fundraiser.

This Office does not concur with WJXT or the Clinton-Gore Committee's contention that any costs incurred by WJXT with regard to the tent, including the opportunity costs of allowing the Clinton Committee to use WJXT property to install TV sets and a tent were "costs incurred in covering or carrying" Clinton's appearance on the broadcast and therefore exempt pursuant to 11 C.F.R. §§ 100.7(b)(2) and 100.8(b)(2). Contrary to WJXT's assertions, the station's ability to carry the broadcast was in no way altered by its decision to allow demonstrators on station property. In fact, granting permission to the Clinton Committee to set up TV sets and to erect a tent to shelter the TVs and Clinton supporters is entirely unrelated to the station's

6. WJXT does acknowledge that some Clinton supporters entered the station building and "were restricted to a roped off area" in the lobby, although the station claims WJXT personnel did not let them into the building. The station also acknowledges that Mr. Clinton shook hands with these supporters as he walked through the lobby on his way out. See C-2 at 12-13.

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broadcast function and should not be viewed as a "cost incurred in covering or carrying a new story."

Under the Act, corporations are prohibited from making any contribution or expenditure in connection with the election of a Federal candidate, and candidates and political committees are prohibited from knowingly accepting any such contributions or expenditures. 2 U.S.C. § 441b(a). For purposes of Section 441b, "contribution or expenditure" is defined to include "any direct or indirect payment, distribution, loan advance, deposit or gift or money, or any services, or anything of value to any candidate, campaign committee, or political committee or organization in connection with a federal election." 2 U.S.C. § 441b(b)(2). In this case, the use of WJXT's property by the Clinton campaign clearly constitutes an in-kind contribution prohibited under Section 441b.⁷

WJXT advances two arguments for concluding that, even without the protection of the news media exemption, it made no contribution or expenditure in this case. First, the station argues that none of its actions were taken for the purpose of influencing a federal election as would be required by 2 U.S.C. § 431(8) under Orloski v. FEC, 795 F.2d 156 (D.C. Cir. 1986). That case involved an address at a picnic by an incumbent officeholder in his capacity as a Member of Congress; here Clinton

7. While the Corporations Division of the Office of the Secretary of State of Florida lists no corporation under the name "WJXT," the Gales Directory of Publications and Broadcast Media 1992 lists WJXT as owned by Post-Newsweek Stations, Inc. of Washington, D.C.

93040945526

spoke to Florida voters not in his capacity as Governor of Arkansas but in his capacity as a Presidential candidate.⁸ The station also argues that its actions do not constitute expenditures on the grounds that they lack "express advocacy." WJXT attempts to rely on the Supreme Court's holding "that an expenditure must constitute 'express advocacy' in order to be subject to the prohibition of Section 441b. FEC v. Massachusetts Citizens for Life, 479 U.S. 246, 249 (1986). Respondent's argument carries no weight here since this case does not involve independent expenditures but rather in-kind contributions for which the "express advocacy" limitation does not apply.

Accordingly, it appears that WJXT made, and the Clinton campaign knowingly received, a prohibited contribution. Therefore, this Office recommends that the Commission find reason to believe that WJXT-TV violated 2 U.S.C. § 441b(a) and that the Clinton-Gore '92 Committee and Robert A. Farmer, as treasurer, knowingly violated 2 U.S.C. § 441b(a) and violated 26 U.S.C. § 9003.

4. MUR 3624

This matter was generated by a complaint received from Walter H. Shapiro of Charlotte, North Carolina, against WBT Radio of Charlotte, the Bush-Quayle '92 Primary Committee, the Bush-Quayle '92 General Committee, and J. Stanley Huckaby, as treasurer of both committees. The complaint alleges that by

8. WJXT actually invited both major party candidates to appear for Town Meeting programs. The Bush campaign initially declined the offer and then subsequently agreed to participate in a program broadcast on October 23, 1992. See Attachment C-2 at 2.

93040945527

broadcasting the nationally syndicated Rush Limbaugh radio program, WBT effectively broadcast three hours a day of unpaid advertising for the Bush-Quayle campaign and thereby made a prohibited in-kind contribution. Attachment D-1. On November 30, 1992, Shapiro amended his complaint, alleging that Limbaugh was in a business relationship with Roger Ailes, a consultant to former President Bush's 1988 campaign, and that Bush and then-Vice President Quayle appeared on the Limbaugh program while other candidates for President and Vice President did not. Attachment D-2.

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WBT is licensed by the FCC, and is owned not by any party, candidate or committee but by Jefferson-Pilot Communications Co., a North Carolina media corporation. In a sworn affidavit in response to the complaint, Richard Jackson Whitt, WBT's general manager, stated that the Limbaugh program is a nationally syndicated "call-in" talk show broadcast for three hours every weekday. On the typical show, Limbaugh "states his opinion on some subject and then invites callers, who may express opposing or supporting views. . . . Politics may or may not be discussed on any given day." Attachment D-4 at 5-6. Limbaugh's program therefore appears to be commentary by a third party not employed by WBT; such third-party commentary is squarely within the "legitimate press function" of a broadcaster. Advisory Opinion 1982-44. WBT's broadcast of the Rush Limbaugh program thus appears to be protected by the media exemption, and there appears to have been no prohibited in-kind corporate contribution for

either Bush-Quayle committee to accept.⁹ Accordingly, this Office recommends that the Commission find no reason to believe that WBT Radio, the Bush-Quayle '92 Primary Committee, the Bush-Quayle '92 General Committee, and J. Stanley Huckaby, as treasurer of both committees violated any provision of the Act with respect to MUR 3624, and close the file.

5. MUR 3660

This matter was generated by a complaint received from Dr. Philip W. Ogilvie of Washington, D. C. against Flower & Garden magazine. The complaint alleges that Flower & Garden's use of Barbara Bush's picture on the cover of its November 1992 issue was an illegal in-kind contribution to the presidential campaign of Mrs. Bush's husband. Attachment E-1.

As the response of KC Publishing, Inc., the parent of Flower & Garden, points out, Barbara Bush was a public figure whose interest in gardening was newsworthy for a general-interest publication devoted to that topic; the cover picture accompanied an interview with Mrs. Bush printed inside the magazine. Attachment E-2. Moreover, Flower & Garden would appear to be a "bona fide" magazine. From a xerographic copy of the magazine's cover, it would appear that Flower & Garden is in bound pamphlet form. It is published every other month, and apparently has a

9. Shapiro's amendment to the complaint, which must be read broadly even to find an allegation of conduct that would violate the Act, may be an attempt to allege that through a web of unsubstantiated relationships between the committees, Ailes, and Limbaugh, the costs associated with the program constituted in-kind contributions. No factual support is offered for such an allegation.

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regular subscription price of \$12.95 per year, a subscription and newsstand circulation of more than 570,000, and regular advertising rates. 1 Gale Directory of Publications & Broadcast Media 1993 1165. Further, it appears to contain articles of interest to the general gardening public. Therefore, Flower & Garden's interview with Barbara Bush appears to have been within its legitimate press function.

KC Publishing's response does not explicitly address the issue of ownership or control, but no available data suggest that KC Publishing is a party, committee or candidate. FEC indices reveal no campaign activity by KC Publishing or publisher John C. Prebich in the 1992 election cycle. Accordingly this Office recommends that the Commission find no reason to believe that KC Publishing, Inc., violated 2 U.S.C. § 441b, and close the file on MUR 3660.

6. MURs 3706, 3709, and 3710

These matters were all generated by complaints filed by William D. White of Pittsburgh, Pennsylvania.¹⁰ In MUR 3706, White filed a complaint against Lynn Yeakel; the Lynn Yeakel for U.S. Senate Committee and Sidney Rosenblatt, as treasurer; Senator Arlen Specter; Citizens for Arlen Specter and Stephen J. Harmelin,

10. White claims to have been an independent candidate for United States Senator from Pennsylvania in the November 3, 1992 general election. See, e.g., Attachment F-1 at 2. However, White failed to file a Statement of Candidacy with the Commission for the 1992 election, and counsel for one of the respondents in these matters stated upon information and belief that White failed to qualify for the Pennsylvania ballot. Attachment F-2 at 2.

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as treasurer;¹¹ WDUQ Radio of Pittsburgh; and Kevin Gavin, WDUQ's news director. The complaint alleges that WDUQ provided free air time to the Yeakel campaign, and that this constituted an illegal in-kind contribution. It also implies that Gavin, who is WDUQ's news director, personally contributed services to the Yeakel campaign by interviewing Yeakel during the broadcast produced with WDUQ's grant of free air time. Additionally, White alleges that WDUQ's coverage of Yeakel and Specter's participation in the League of Women Voters' "Citizens' Jury" program constituted an illegal in-kind contribution from WDUQ to both campaigns.

Attachment F-1.

WDUQ's general manager, Judy Jankowski, averred in a sworn affidavit that the station made "free and essentially unrestricted time" available to all candidates for the U. S. Senate from Pennsylvania, including White. Attachment F-4 at 2. WDUQ's donation of air time was similar to that approved by the Commission in Advisory Opinion 1982-44, and to the donation of free newspaper space held to be within the media exemption in MUR 486 (cited in AO 1982-44). WDUQ's coverage of the League of Women Voters' "Citizens' Jury" appears to have been spot news coverage. Moreover, WDUQ is an FCC licensee; therefore, the broadcasts at issue appear to have been within WDUQ's legitimate press function. Additionally, WDUQ appears to be owned not by a party, committee or candidate, but by Duquesne University.

¹¹. Senator Specter was the Republican nominee for U. S. Senator from Pennsylvania in the 1992 general election, and Yeakel was the Democratic nominee. Senator Specter was re-elected, receiving 51 percent of the vote to Yeakel's 49 percent.

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Attachment F-4 at 1. Accordingly, this Office recommends that the Commission find no reason to believe that WDUQ Radio or Kevin Gavin violated any provision of the Act with respect to MUR 3706. Because there appears to have been no prohibited contribution to accept, this Office further recommends that the Commission find no reason to believe that Lynn Yeakel, the Yeakel for Senate Committee or Sidney Rosenblatt, as treasurer, Senator Arlen Specter, or Citizens for Arlen Specter or Stephen J. Harmelin, as treasurer violated any provision of the Act with respect to MUR 3706 and close the file.

In MUR 3709, White filed a complaint against Yeakel, the Yeakel committee, and WPXI-TV of Pittsburgh. The complaint alleged that WPXI's hour-long broadcast of a "call-in" interview featuring Yeakel constituted an illegal in-kind contribution from WPXI to the Yeakel campaign. Attachment G-1. On December 2, 1992, White amended his complaint to name each of the program's advertisers as respondents, and, on January 8, 1993, White again amended his complaint to name as a respondent Willoughby Communications, an advertising agency that acted as purchasing agent for one of the advertisers.¹² The amendments alleged that

12. The advertiser respondents in MUR 3709 are:

Lawrence Convention Center
Monro Muffler/Brake
Welch Foods, Inc.
Richardson-Vicks, Inc.
MAACO
Quality Furniture Co.
Edgar Snyder and Associates
Red Lobster Restaurants
International Paper Co.
Turnpike Toyota

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the advertisers' sponsorship of the program constituted illegal in-kind contributions to the Yeakel campaign. Attachments G-2 and G-3.

WPXI responds that the program about which White complains was a "regularly scheduled news program." Attachment G-4 at 1. Confirming this assertion, all of the advertiser respondents contend that they bought time on WPXI news programming generally, and had no knowledge (much less intent) that they were buying time on a broadcast featuring Yeakel. For instance, respondent Monro Muffler/Brake asserted that "one spot was ordered to run every other week from July 11 through October 3, 1992 in the WPXI Saturday morning 'news block' between 8 a.m. and 12 p.m." Attachment G-6. The specific placement of advertisements within that time period was apparently left up to WPXI.

Regularly scheduled news programs are protected by the media exemption. Moreover, WPXI is an FCC licensee and does not appear to be owned or controlled by a party, committee or candidate. Accordingly, it appears to be within the media exemption, and this Office recommends that the Commission find no reason to believe that WPXI-TV violated any provision of the Act with respect to MUR 3709.

As discussed supra at 6, non-political advertising on or sponsorship of material which qualifies for the media exemption is

(Footnote 12 continued from previous page)

West Penn Power Co.
Cinema World, Inc.
Medic Alert
General Mills, Inc.
Willi's Ski Shop

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not prohibited by 2 U.S.C. § 441b, provided that the advertiser exercises no editorial control over the content of the exempt material. Because none of the advertiser respondents appeared to exercise editorial control over the content of WPXI's interview with Yeakel, this Office recommends that the Commission find no reason to believe that any of the advertiser respondents or Willoughby Communications violated any provision of the Act. Finally, because there appears to have been no prohibited in-kind contribution, this Office recommends that the Commission find no reason to believe that Lynn Yeakel or the Lynn Yeakel for Senate Committee, or Sidney Rosenblatt, as treasurer, violated any provision of the Act with respect to MUR 3709 and close the file.

In MUR 3710, White filed a complaint against Senator Specter, the Specter committee, and WPXI. The allegations were substantially the same as those involving Yeakel, the Yeakel committee, and WPXI in MUR 3709. Attachment H-1. However, unlike in MUR 3709, White did not name individual advertisers on the program as respondents. The allegations and responses in MUR 3710 are sufficiently similar to those in MUR 3709 for the same analysis to apply. Accordingly, this Office recommends that the Commission find no reason to believe that any respondents violated any provision of the Act with respect to MUR 3710 and close the file.

III. RECOMMENDATIONS

A. With respect to MUR 3483:

1. Find no reason to believe that KXIC Radio, the U. S. Small Business Administration, George Bush, or the Bush-Quayle '92 Primary Committee or J. Stanley Huckaby, as treasurer, violated any provision of the Act.

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2. Approve the appropriate letters.

3. Close the file.

B. With respect to MUR 3605:

1. Find no reason to believe that WVOJ Radio violated 2 U.S.C. § 441b, and close the file with respect to WVOJ radio.

2. Find reason to believe that the Committee to Elect Andy Johnson and Andrew E. Johnson, as treasurer, violated 2 U.S.C. § 441d(a)(1).

3. Approve the attached Factual and Legal Analysis.

4. Approve the appropriate letters.

C. With respect to MUR 3615:

1. Find reason to believe that WJXT-TV violated 2 U.S.C. § 441b(a).

2. Find reason to believe that the Clinton-Gore '92 Committee and Robert A. Farmer, as treasurer, knowingly violated 2 U.S.C. § 441b(a) and violated 26 U.S.C. § 9003.

3. Approve the attached Factual and Legal Analyses.

4. Approve the appropriate letters.

D. With respect to MUR 3624:

1. Find no reason to believe that WBT Radio, the Bush-Quayle '92 Primary Committee, the Bush-Quayle '92 General Committee, or J. Stanley Huckaby as treasurer of both committees, violated any provision of the Act.

2. Approve the appropriate letters.

3. Close the file.

E. With respect to MUR 3660:

1. Find no reason to believe that KC Publishing, Inc., violated 2 U.S.C. § 441b.

2. Approve the appropriate letters.

3. Close the file.

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F. With respect to MUR 3706:

1. Find no reason to believe that WDUQ Radio, Kevin Gavin, Lynn Yeakel, the Lynn Yeakel for U. S. Senate Committee or Sidney Rosenblatt, as treasurer, Arlen Specter, or Citizens for Arlen Specter or Stephen J. Harmelin, as treasurer, violated any provision of the Act.
2. Approve the appropriate letters.
3. Close the file.

G. With respect to MUR 3709:

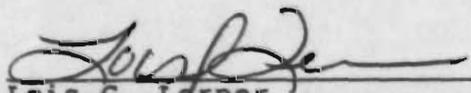
1. Find no reason to believe that Lynn Yeakel, the Lynn Yeakel for U. S. Senate Committee or Sidney Rosenblatt, as treasurer, WPXI-TV, Lawrence Convention Center, Monro Muffler/Brake, Welch Foods, Inc., Richardson-Vicks, Inc., MAACO, Quality Furniture Co., Edgar Snyder and Associates, Red Lobster Restaurants, International Paper Co., Turnpike Toyota, West Penn Power Co., Cinema World, Inc., Medic Alert, General Mills, Inc., Willi's Ski Shop, or Willoughby Communications violated any provision of the Act.
2. Approve the appropriate letters.
3. Close the file.

H. With respect to MUR 3710:

1. Find no reason to believe that Arlen Specter, Citizens for Arlen Specter or Stephen J. Harmelin, as treasurer, or WPXI-TV violated any provision of the Act.
2. Approve the appropriate letters.
3. Close the file.

Lawrence M. Noble
General Counsel

Date 5/17/93

BY: 
Lois G. Lerner
Associate General Counsel

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 3709
Lynn Yeakel;)
Lynn Yeakel for U. S. Senate)
Committee and Sidney Rosenblatt,)
as treasurer;)
WPXI-TV;)
Lawrence Convention Center;)
Monro Muffler/Brake;)
Welch Foods, Inc.;)
Richardson-Vicks, Inc.;)
MAACO;)
Quality Furniture Co.;)
Edgar Snyder and Associates;)
Red Lobster Restaurants;)
International Paper Co.;)
Turnpike Toyota;)
West Penn Power Co.;)
Cinema World, Inc.;)
Medic Alert;)
General Mills, Inc.;)
Willi's Ski Shop;)
Willoughby Communications)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on May 27, 1993, do hereby certify that the Commission decided by a vote of 5-0 to take the following actions in MUR 3709:

(continued)

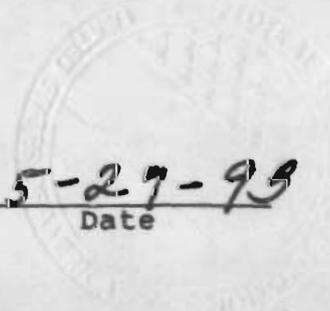
93040945537

1. Find no reason to believe that Lynn Yeakel, the Lynn Yeakel for U. S. Senate Committee or Sidney Rosenblatt, as treasurer, WPXI-TV, Lawrence Convention Center, Monro Muffler/Brake, Welch Foods, Inc., Richardson-Vicks, Inc., MAACO, Quality Furniture Co., Edgar Snyder and Associates, Red Lobster Restaurants, International Paper Co., Turnpike Toyota, West Penn Power Co., Cinema World, Inc., Medic Alert, General Mills, Inc., Willi's Ski Shop, or Willoughby Communications violated any provision of the Act.
2. Approve the appropriate letters as recommended in the General Counsel's report dated May 17, 1993.
3. Close the file.

Commissioners Aikens, Elliott, McGarry, Potter, and Thomas voted affirmatively for the decision; Commissioner McDonald was not present.

Attest:

5-27-93
Date


Marjorie W. Emmons
Marjorie W. Emmons
Secretary of the Commission

93040945538



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

JUNE 8, 1993

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

William D. White
16 East Manilla Avenue
Pittsburgh, PA 15220

RE: MUR 3709

Dear Mr. White:

On May 25, 1993, the Federal Election Commission reviewed the allegations of your complaint dated November 17, 1992, as amended on December 2, 1992 and January 8, 1993, and found that on the basis of the information provided in your complaint that there is no reason to believe that Lynn Yeakel, Lynn Yeakel for U. S. Senate Committee and Sidney Rosenblatt, as treasurer, WPXI-TV, Lawrence Convention Center, Monro Muffler/Brake, Welch Foods, Inc., Richardson-Vicks, Inc., MAACO, Quality Furniture Co., Edgar Synar and Associates, Red Lobster Restaurants, International Paper Co., Turnpike Toyota, West Penn Power Co., Cinema World, Inc., Medic Alert, General Mills, Inc., Willi's Ski Shop, or Willoughby Communications violated any provision of the Federal Election Campaign Act of 1971, as amended ("the Act.") Accordingly, on May 25, 1993, the Commission closed the file in this matter.

The Federal Election Campaign Act of 1971, as amended ("the Act") allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
General Counsel's Report

93040945539



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

JUNE 8, 1993

Sidney D. Rosenblatt, Treasurer
Lynn Yeakel for U. S. Senate Committee
3120 North 17th Street
Philadelphia, PA 19132

RE: MUR 3709
Lynn Yeakel for U. S. Senate
Committee and
Sidney D. Rosenblatt, as
treasurer

Dear Mr. Rosenblatt:

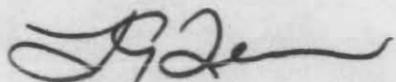
On November 24, 1992, the Federal Election Commission notified the Lynn Yeakel for U. S. Senate Committee ("Committee") and you, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act").

On May 25, 1993, the Commission found, on the basis of the information in the complaint, that there is no reason to believe the Committee and you, as treasurer, violated any provision of the Act with respect to MUR 3709. Accordingly, the Commission closed its file in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

Sincerely,

Lawrence M. Noble
General Counsel


BY: Lois G. Lerner
Associate General Counsel

Enclosure
General Counsel's Report

93040945540



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

JUNE 8, 1993

Lynn Yeakel
1735 Market Street, 35th Floor
Philadelphia, PA 19103

RE: MUR 3709
Lynn Yeakel

Dear Ms. Yeakel:

On November 24, 1992, the Federal Election Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act").

On May 25, 1993, the Commission found, on the basis of the information in the complaint, that there is no reason to believe that you violated any provision of the Act with respect to MUR 3709. Accordingly, the Commission closed its file in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
General Counsel's Report

93040945541



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

JUNE 8, 1993

Jonathan D. Hart, Esquire
Dow, Lohnes & Albertson
1255 23rd Street, N.W. Suite 500
Washington, DC 20037

RE: MUR 3709
WPXI-TV

Dear Mr. Hart:

On November 24, 1992, the Federal Election Commission notified your client of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act").

On May 25, 1993, the Commission found, on the basis of the information in the complaint, and information provided by you on behalf of your client, that there is no reason to believe WPXI-TV violated any provision of the Act with respect to MUR 3709. Accordingly, the Commission closed its file in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
General Counsel's Report

93040945542



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

JUNE 8, 1993

Dennis Veraldi, Esq.
Eckert Seamans Cherin & Mellott
600 Grant Street, 42nd Floor
Pittsburgh, PA 15219

RE: MUR 3709
Lawrence Convention Center

Dear Mr. Veraldi:

On December 14, 1992, the Federal Election Commission notified your client, the Lawrence Convention Center, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act").

On May 25, 1993, the Commission found, on the basis of the information in the complaint, and information provided by you on behalf of your client, that there is no reason to believe that the Lawrence Convention Center violated any provision of the Act with respect to MUR 3709. Accordingly, the Commission closed its file in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
General Counsel's Report

93040945543



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

JUN 8, 1993

Robert W. August, Vice President
Monro Muffler/Brake
P. O. Box 22720
Rochester, NY 14692

RE: MUR 3709
Monro Muffler/Brake

Dear Mr. August:

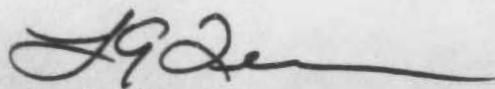
On December 14, 1992, the Federal Election Commission notified Monro Muffler/Brake of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act").

On May 25, 1993, the Commission found, on the basis of the information in the complaint, and information provided by you, that there is no reason to believe Monro Muffler/Brake violated any provision of the Act with respect to MUR 3709. Accordingly, the Commission closed its file in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

Sincerely,

Lawrence M. Noble
General Counsel


BY: Lois G. Lerner
Associate General Counsel

Enclosure
General Counsel's Report

93040945544



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

JUNE 8, 1993

Brice M. Clagett, Esq.
Covington & Burling
1201 Pennsylvania Avenue, N.W.
P. O. Box 7566
Washington, DC 20044

RE: MUR 3709
Welch's (Welch Foods, Inc.)

Dear Mr. Clagett:

On December 14, 1992, the Federal Election Commission notified your client, Welch Foods, Inc., of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act").

On May 25, 1993, the Commission found, on the basis of the information in the complaint, and information provided by you on behalf of your client, that there is no reason to believe Welch's violated any provision of the Act with respect to MUR 3709. Accordingly, the Commission closed its file in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
General Counsel's Report

93040945545



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

JUNE 8, 1993

David G. Hemminger, Esq.
Corporation Counsel
The Procter & Gamble Company
1 Procter & Gamble Plaza
Cincinnati, OH 45202-3315

RE: MUR 3709
Richardson-Vicks, Inc.

Dear Mr. Hemminger:

On December 14, 1992, the Federal Election Commission notified your client of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act").

On May 25, 1993, the Commission found, on the basis of the information in the complaint, and information provided by you on behalf of your client, that there is no reason to believe Richardson-Vicks, Inc. violated any provision of the Act with respect to MUR 3709. Accordingly, the Commission closed its file in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
General Counsel's Report

93040945546



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

JUNE 8, 1993

Joseph Schumacher, Esquire
Abraham, Pressman & Bauer, P.C.
1818 Market Street - 35th Floor
Philadelphia, PA 19102

RE: MUR 3709
MAACO Enterprises, Inc.

Dear Mr. Schumacher:

On December 14, 1992, the Federal Election Commission notified your client, MAACO Enterprises, Inc., of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act").

On May 25, 1993, the Commission found, on the basis of the information in the complaint, and information provided by you on behalf of your client, that there is no reason to believe MAACO Enterprises, Inc. violated any provision of the Act with respect to MUR 3709. Accordingly, the Commission closed its file in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
General Counsel's Report

93040945547



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

JUNE 8, 1993

Jonathan D. Hart
Dow, Lohnes & Albertson
1255 23rd Street, N.W. - Suite 500
Washington, DC 20037

RE: MUR 3709
Quality Furniture Co.

Dear Mr. Hart:

On December 14, 1992, the Federal Election Commission notified your client, Quality Furniture Co., of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act").

On May 25, 1993, the Commission found, on the basis of the information in the complaint, and information provided by you on behalf of your client, that there is no reason to believe Quality Furniture Co. violated any provision of the Act with respect to MUR 3709. Accordingly, the Commission closed its file in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
General Counsel's Report

93040945548



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

JUNE 8, 1993

Jonathan D. Hart, Esquire
Dow, Lohnes & Albertson
1255 23rd Street, N.W.
Washington, DC 20037

RE: MUR 3709
Edgar Snyder and Associates

Dear Mr. Hart:

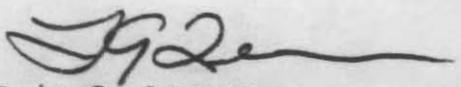
On December 14, 1992, the Federal Election Commission notified your client, Edgar Snyder and Associates, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act").

On May 25, 1993, the Commission found, on the basis of the information in the complaint, and information provided by you on behalf of your client, that there is no reason to believe Edgar Snyder and Associates violated any provision of the Act with respect to MUR 3709. Accordingly, the Commission closed its file in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

Sincerely,

Lawrence M. Noble
General Counsel


BY: Lois G. Lerner
Associate General Counsel

Enclosure
General Counsel's Report

93040945549



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

JUNE 8, 1993

Ivy S. Bernhardson, Esq.
Vice President
Senior Associate Counsel
Assistant Secretary
General Mills, Inc.
Executive Offices
Number One General Mills Boulevard
P. O. Box 1113
Minneapolis, MN 55440

RE: MUR 3709
General Mills, Inc.
Red Lobster Restaurants

Dear Ms. Bernhardson:

On December 14, 1992, the Federal Election Commission notified General Mills, Inc. and Red Lobster Restaurants of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act").

On May 25, 1993, the Commission found, on the basis of the information in the complaint, and information provided by you, that there is no reason to believe General Mills, Inc. or Red Lobster violated any provision of the Act with respect to MUR 3709. Accordingly, the Commission closed its file in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

Sincerely,

Lawrence M. Noble
General Counsel


BY: Lois G. Lerner
Associate General Counsel

Enclosure
General Counsel's Report

93040945550



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

JUNE 8, 1993

Williams G. Lewis, Esquire
International Paper Company
Two Manhattansville Road
Purchase, NY 10577-2196

RE: MUR 3709
International Paper Company

Dear Mr. Lewis:

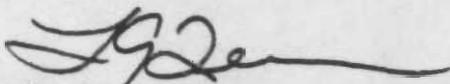
On December 14, 1992, the Federal Election Commission notified International Paper Company of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act").

On May 25, 1993, the Commission found, on the basis of the information in the complaint, and information provided by you, that there is no reason to believe International Paper Company violated any provision of the Act with respect to MUR 3709. Accordingly, the Commission closed its file in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

Sincerely,

Lawrence M. Noble
General Counsel


BY: Lois G. Lerner
Associate General Counsel

Enclosure
General Counsel's Report

93040945551



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

JUNE 8, 1993

Turnpike Toyota
1312 Perry Highway
Mars, PA 16046

RE: MUR 3709
Turnpike Toyota

Dear Sir or Madam:

On December 14, 1992, the Federal Election Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act").

On May 25, 1993, the Commission found, on the basis of the information in the complaint that there is no reason to believe Turnpike Toyota violated any provision of the Act with respect to MUR 3709. Accordingly, the Commission closed its file in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
General Counsel's Report

93040945552



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

JUNE 8, 1993

John L. Munsch, Esquire
West Penn Power Company
800 Cabin Hill Drive
Greensburg, PA 15601

RE: MUR 3709
West Penn Power Company

Dear Mr. Munsch:

On December 14, 1992, the Federal Election Commission notified West Penn Power Company of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act").

On May 25, 1993, the Commission found, on the basis of the information in the complaint, and information provided by you, that there is no reason to believe West Penn Power Company violated any provision of the Act with respect to MUR 3709. Accordingly, the Commission closed its file in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
General Counsel's Report

9304094553



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

JUNE 8, 1993

Jonathan D. Hart
Dow, Lohnes & Albertson
1255 23rd Street, N.W. Suite 500
Washington, DC 20037

RE: MUR 3709
Cinema World, Inc.

Dear Mr. Hart:

On December 14, 1992, the Federal Election Commission notified your client, Cinema World, Inc., of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act").

On May 25, 1993, the Commission found, on the basis of the information in the complaint, and information provided by your client, that there is no reason to believe Cinema World, Inc. violated any provision of the Act with respect to MUR 3709. Accordingly, the Commission closed its file in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
General Counsel's Report

93040945554



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

JUNE 8, 1993

Gene Wycoff
Medic Alert
2323 Colorado Avenue
Turlock, CA 95380

RE: MUR 3709
Medic Alert

Dear Mr. Wycoff:

On December 14, 1992, the Federal Election Commission notified Medic Alert of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act").

On May 25, 1993, the Commission found, on the basis of the information in the complaint, and information provided by you, that there is no reason to believe Medic Alert violated any provision of the Act with respect to MUR 3709. Accordingly, the Commission closed its file in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
General Counsel's Report

9304094555



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

JUNE 8, 1993

Jonathan D. Hart, Esq.
Dow, Lohnes & Albertson
1255 23rd Street, N.W. Suite 500
Washington, DC 20037

RE: MUR 3709
Willi's Ski Shop

Dear Mr. Hart:

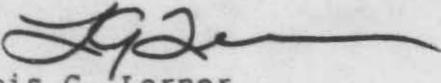
On December 14, 1992, the Federal Election Commission notified your client, Willi's Ski Shop, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act").

On May 25, 1993, the Commission found, on the basis of the information in the complaint, and information provided by you on behalf of your client, that there is no reason to believe Willi's Ski Shop violated any provision of the Act with respect to MUR 3709. Accordingly, the Commission closed its file in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

Sincerely,

Lawrence M. Noble
General Counsel


BY: Lois G. Lerner
Associate General Counsel

Enclosure
General Counsel's Report

93040945556



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

JUNE 8, 1993

Roger Willoughby-Ray
Willoughby Communications
1304 Greystone
Pittsburgh, PA 15241

RE: MUR 3709
Willoughby Communications

Dear Mr. Willoughby-Ray:

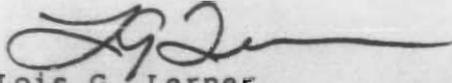
On January 22, 1993, the Federal Election Commission notified Willoughby Communications of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act").

On May 25, 1993, the Commission found, on the basis of the information in the complaint, and information provided by you, that there is no reason to believe Willoughby Communications violated any provision of the Act with respect to MUR 3709. Accordingly, the Commission closed its file in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

Sincerely,

Lawrence M. Noble
General Counsel

BY: 
Lois G. Lerner
Associate General Counsel

Enclosure
General Counsel's Report

93040945557



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3709

DATE FILMED 6/23/93 CAMERA NO. 4

CAMERAMAN E.E.S.

93040945558