



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1536

DATE SCANNED 3/1/07

SCANNER NO. 1

SCAN OPERATOR SES

27092593648



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

November 28, 2006

2006 NOV 28 5:00

MEMORANDUM

SENSITIVE

TO: THE COMMISSION

THROUGH: PATRINA M. CLARK
STAFF DIRECTOR *mc*

FROM: *JG* JOHN D. GIBSON
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

SUBJECT: ADMINISTRATIVE FINE PROGRAM
REASON TO BELIEVE RECOMMENDATION –
2006 SEPTEMBER MONTHLY REPORT

Attached is a list containing the name of a political committee and its treasurer who failed to timely file the 2006 September Monthly Report in accordance with 2 U.S.C. 434(a). On February 2, 2006, Prior Notice was sent to all political committees and their treasurers, informing them that the September Monthly Report was due on September 20, 2006, and should cover the reporting period from August 1, 2006 through August 31, 2006.

The committee appearing on the attached RTB Circulation Report failed to file the report more than five (5) days after the due date. In accordance with the schedule of civil money penalties located within 11 CFR §111.43, the committee should be assessed the civil money penalty outlined on the attached list.

Recommendation

- 1) Find reason to believe that the political committee and treasurer listed on the RTB Circulation Report violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the RTB Circulation Report.
- 2) Send the appropriate Reason to Believe letter to the committee.

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11/28/2006 2:32 PM

Federal Election Commission
Reason to Believe Circulation Report
2006 SEPTEMBER MONTHLY Non Election Sensitive 09/20/2006 P_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1536	C00335232	ALLEGHENY ENERGY, INC. FEDERAL POLITICAL ACTION COMMITTEE (ALLEGHENY POWERPAC - FEDERAL)	N/A	MICHAEL T. KRINER	\$391,823	0	10/26/2006	Not Filed	\$12,270	\$5

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Administrative Fine Program Reason To) AF 1536
Believe Recommendation - 2006)
September Monthly Report.)

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on December 04, 2006, the Commission decided by a vote of 6-0 to take the following actions in AF 1536:

1. Find reason to believe that Allegheny Energy, Inc. Federal Political Action Committee (Allegheny PowerPAC – Federal) and Michael T. Kriner, treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be in the amount of \$ 500.00.
2. Send the appropriate Reason to Believe letter to the committee.

Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

Attest:

December 4, 2006
Date

Mary W. Dove
Mary W. Dove
Secretary of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 7, 2006

Michael T. Kriner
Allegheny Energy Inc. Federal Political
Action Committee (Allegheny PowerPAC – Federal)
800 Cabin Hill Drive
Greensburg, PA 15601

C00335232
AF#: 1536

Dear Michael T. Kriner:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a September Monthly Report of Receipts and Disbursements covering the period through August 31st. This report shall be filed no later than September 20th. 2 U.S.C. 434(a). You were previously notified of the due date for this report. Records at the Federal Election Commission ("FEC") indicate that this report was not filed within thirty (30) days of the due date. You should file this report if you have not already done so.

The Act was further amended in 1999 to permit the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. 434(a). 2 U.S.C. 437g(a)(4). On 12/4/2006, the FEC found that there is reason to believe ("RTB") that Allegheny Energy Inc. Federal PAC and you, as treasurer, violated 2 U.S.C. 434(a) by failing to file timely this report on or before September 20th. Based on the FEC's schedules of civil money penalties at 11 C.F.R. 111.43, the amount of your civil money penalty calculated at the RTB stage is \$500.00. It is due by 1/13/2007 and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$12,270.00
Number of Days Late: Not Filed
Number of Previous Civil Money Penalties Assessed: 0

To Pay the Calculated Civil Money Penalty

To pay the calculated civil money penalty, send the enclosed remittance and your payment to the FEC at the address on page 3. Upon receipt of your payment, the FEC will send you a final determination letter.

To Challenge the RTB Finding and/or Calculated Civil Money Penalty

To challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found on page one, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received by 1/13/2007. Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty. The FEC will only consider challenges that are

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based on a factual error, miscalculation of the calculated civil money penalty by the FEC, or the existence of extraordinary circumstances that persisted for more than 48 hours that were beyond your control and prevented you from filing the report in a timely manner. Your response must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. Examples of circumstances that will not be considered extraordinary include, but are not limited to, negligence, problems with vendors or contractors, staff illness, computer failures and similar circumstances. 11 C.F.R. 111.35(b)(1)(iii) and (4).

Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of your right to present such argument in a petition to the district court under 2 U.S.C. 437g. 11 C.F.R. 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

If You Do Not Pay the Calculated Civil Money Penalty or Submit a Challenge

If you do not pay the calculated civil money penalty or submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Allegheny Energy Inc. Federal Political and you, as treasurer, violated 2 U.S.C. 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. 3701 et seq. The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 C.F.R. 111.45.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 C.F.R. 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

Additional information on the FEC's administrative fine program, including the final regulations, is located at the FEC's website at www.FEC.gov. If you have questions regarding the payment of the calculated civil money penalty, please contact Patricia Carmona in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

Sincerely,



Ellen L. Weintraub
Commissioner

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ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. 111.43, the amount of your civil money penalty calculated at RTB is \$500.00 for the 2006 September Monthly Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The remittance and your payment are due by 1/13/2007. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Allegheny Energy Inc. Federal Political Action Committee (Allegheny PowerPAC - Federal)

FEC ID#: C00335232

AF#: 1536

PAYMENT DUE DATE: 1/13/2007

PAYMENT AMOUNT DUE: \$500.00

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 26, 2007

MEMORANDUM

TO: THE COMMISSION

THROUGH: PATRINA M. CLARK
STAFF DIRECTOR

MARGARITA MAISONET *MA*
CHIEF COMPLIANCE OFFICER

FROM: JOHN D. GIBSON *JG*
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

SUBJECT: ADMINISTRATIVE FINE PROGRAM
FINAL DETERMINATION RECOMMENDATION –
2006 SEPTEMBER MONTHLY REPORT

Attached is a circulation report identifying a political committee and its treasurer against which the Commission has found reason to believe (RTB) and assessed proposed civil money penalties calculated at RTB for failure to timely file the 2006 September Monthly Report. The committee has paid the civil money penalty requested at RTB.

In accordance with 11 C.F.R. 111.34, the Commission shall send a final determination notice to those respondents that have paid the civil money penalty.

RAD Recommendation

- (1) Make final determination that the political committee and their treasurer on the attached report violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated.
- (2) Send the appropriate Final Determination letter to the committee.

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Federal Election Commission
 FD Circulation Report Fine Paid
 2006 SEPTEMBER MONTHLY Non Election Sensitive 09/20/2006 P_UNAUTH

AF#	Committee Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Final Money Penalty	Date Paid	Amount Paid
1536	ALLEGHENY ENERGY, INC. FEDERAL POLITICAL ACTION COMMITTEE (ALLEGHENY POWERPAC - FEDERAL)	C00335232	KRINER, MICHAEL T.	10/26/2006	Not Filed	\$12,270	0	12/04/2006	\$500	\$500	1/12/2007	\$500

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Administrative Fine Program Final) AF 1536
Determination Recommendation – 2006)
September Monthly Report.)

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on February 01, 2007, the Commission decided by a vote of 6-0 to take the following actions in AF 1536:

1. Make a final determination that Allegheny Energy, Inc. Federal Political Action Committee (Allegheny PowerPac Federal) and Michael T. Kriner, as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty in the amount of \$500.
2. Send the appropriate Final Determination letter to the committee.

Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

Attest:

February 1, 2007
Date

Mary W. Dove
Mary W. Dove
Secretary of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 6, 2007

Michael T. Kriner, Treasurer
Allegheny Energy Inc. Federal Political Action Committee
(Alleghany PowerPAC – Federal)
800 Cabin Hill Drive
Greensburg, PA 15601

C00335232
AF#: 1536

Dear Michael T. Kriner,

On 12/4/2006, the Federal Election Commission ("FEC") found reason to believe ("RTB") that Allegheny Energy Inc. Federal Political Action Committee (Alleghany PowerPAC – Federal) and you, as treasurer, violated 2 U.S.C. 434(a) for filing late or failing to file the 2006 September Monthly Report. By letter dated 12/7/2006 the FEC sent you notification of the RTB finding that included a civil money penalty calculated at the RTB stage of \$500 in accordance with the schedule of penalties at 11 C.F.R. 111.43.

On 1/12/2007, the FEC received payment of your civil money penalty calculated at the RTB stage. The FEC made a final determination on 2/1/2007 that you, as treasurer, and Allegheny Energy Inc. Federal Political Action Committee Alleghany PowerPAC – Federal) violated 2 U.S.C. 434(a), assessed a civil money penalty in the amount of \$500 in accordance with 11 C.F.R. 111.43, and voted to close the file.

The confidentiality provisions at 2 U.S.C. 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. 111.42(b). Although the file must be placed on the public record within thirty (30) days from the date of the Commission's notification, this could occur at anytime following certification of the Commission's vote.

If you have any questions regarding this matter, please contact Rhiannon Ryan on our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert D. Lenhard".

Robert D. Lenhard
Chairman
Federal Election Commission

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FOR: Allegheny Energy Inc. Federal Political Action Committee (Allegheny PowerPAC - Federal)

FEC ID#: C00335232

AF#: 1536

PAYMENT DUE DATE: 1/13/2007

PAYMENT AMOUNT DUE: \$500.00

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058
SEQ# 003 \$ 000050000 BA# 1 01-11-07 20 4



usbancorp.
The Star Service Company

1642

Allegheny PowerPAC - Federal
A Qualified Multicandidate Committee

SUSQUEHANNA BANK
65-25-650

PAY TO THE ORDER OF *Federal Election Commission* *January 3, 2007*
Five Hundred and 00/100 \$500.00 DOLLARS

MEMO *C00335232; AF#1536*

[Signature]

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Security Features Indicated

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FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1536

DATE SCANNED 3/1/07

SCANNER NO. 1

SCAN OPERATOR SES

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