



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1571

DATE SCANNED 6/6/07

SCANNER NO. 1

SCAN OPERATOR ESS

27092602338



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2007 FEB 22 A 10:10

February 21, 2006
SENSITIVE

MEMORANDUM

TO: THE COMMISSION

THROUGH: PATRINA M. CLARK *pmc*
STAFF DIRECTOR

MARGARITA MAISONET *mm*
CHIEF COMPLIANCE OFFICER

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

SUBJECT: REASON TO BELIEVE RECOMMENDATION -
2006 OCTOBER MONTHLY REPORT FOR THE
ADMINISTRATIVE FINES PROGRAM

Attached is a list containing two political committees and their treasurers who failed to file the 2006 October Monthly Report in accordance with 2 U.S.C. 434(a). On February 2, 2006 and August 27, 2006, Prior Notices were sent to all monthly party and political action committees and their treasurers, informing them that the October Monthly Report was due on October 20, 2006.

Under the Administrative Fines Program, the October Monthly Report is considered an election sensitive filing for all unauthorized monthly filers.

The committees appearing on the attached list filed the required October Monthly Report prior to four (4) days before the general election, thus they would be considered late filers. In accordance with the schedule of civil money penalties for reports at 11 C.F.R. 111.43, these committees should be assessed the civil money penalty outlined on the attached circulation list.

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Recommendation

- (1) Find reason to believe that the political committees and their treasurers listed on the attached circulation list violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount so indicated on the circulation list.
- (2) Send the appropriate letter.

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Federal Election Commission
Reason to Believe Circulation Report
2006 OCTOBER MONTHLY Election Sensitive 10/20/2006

| AF# | Committee ID | Committee Name | Treasurer | Threshold | PV | Receipt Date | Days Late | LOA | RTB Penalty |
|------|--------------|--|-------------------|-------------|----|--------------|-----------|----------|-------------|
| 1571 | C00335232 | ALLEGHENY ENERGY, INC: FEDERAL POLITICAL ACTION COMMITTEE (ALLEGHENY POWERPAC - FEDERAL) | MICHAEL T. KRINER | \$414,027 | 1 | 10/27/2006 | 7 | \$22,204 | \$275 |
| 1572 | C00279380 | DISTRICT NO 1 ERCD, MEBA POLITICAL FUND (MEBA-PAF) | MR. BILL VANIEGO | \$1,092,098 | 0 | 10/26/2006 | 6 | \$57,376 | \$900 |

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
RTB Recommendation - 2006 October) AF 1571
Monthly Report For The Administrative)
Fines Program: Allegheny Energy, Inc.)
Federal Political Action Committee)
(Allegheny PowerPAC – Federal) and)
Michael T. Kriner, as treasurer.)

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on February 27, 2007, the Commission decided by a vote of 6-0 to take the following actions in AF 1571:

1. Find reason to believe 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 make a preliminary determination that the civil money penalty would be in the amount of \$275.00.
2. Send the appropriate letter.

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

Attest:

February 27, 2007
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 1, 2007

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

C00335232
AF#: 1571

Dear Michael T. Kriner:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an October Monthly Report of Receipts and Disbursements covering the period through September 30th. This report shall be filed no later than October 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 filed on 10/27/2006, 7 days late.

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 2/27/2007, the FEC found that there is reason to believe ("RTB") that Allegheny Energy Inc. Federal Political Action Committee (Allegheny PowerPAC - Federal) and you, as treasurer, violated 2 U.S.C. 434(a) by failing to file timely this report on or before October 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 \$275. It is due by 4/8/2007 and is based on these factors:

Election Sensitivity of Report: Election Sensitive
Level of Activity: \$ 22,204
Number of Days Late: 7
Number of Previous Civil Money Penalties Assessed: 1

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 4/8/2007. 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 based on a factual error, miscalculation of the calculated civil money penalty by the FEC, or the existence of extraordinary

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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

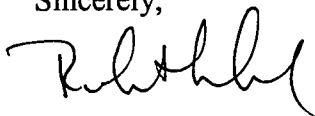
If you do not pay the calculated civil money penalty or submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Allegheny Energy Inc. Federal Political Action Committee (Allegheny PowerPAC - Federal) and you, as treasurer, violated 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 Rhiannon Ryan 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,



Robert D. Lenhard
Chairman

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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 \$275 for the 2006 October 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 4/8/2007. 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#: 1571

PAYMENT DUE DATE: 4/8/2007

PAYMENT AMOUNT DUE: \$ 275

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2007 APR 17 P 3:40
April 17, 2007

SENSITIVE

MEMORANDUM

TO: THE COMMISSION

THROUGH: PATRINA M. CLARK *PMC*
STAFF DIRECTOR
MARGARITA MAISONET *MM*
CHIEF COMPLIANCE OFFICER

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

SUBJECT: ADMINISTRATIVE FINE PROGRAM – FINAL
DETERMINATION RECOMMENDATION FOR THE 2006
OCTOBER MONTHLY REPORT – ELECTION SENSITIVE

Attached is a list of political committees and their treasurers 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 October Monthly Report. The committees have paid the civil money penalties requested at RTB.

In accordance with 11 CFR 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 committees and their treasurers on the attached report violated 2 U.S.C. 434(a) and assess the final civil money penalties so indicated.
- (2) Send the appropriate letters.

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Federal Election Commission
FD Circulation Report Fine Paid
2006 OCTOBER MONTHLY Election Sensitive 10/20/2006 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 |
|------|---|--------------|--------------------|--------------|-----------|----------|----|------------|-------------|---------------------|-----------|-------------|
| 1571 | ALLEGHENY ENERGY, INC. FEDERAL POLITICAL ACTION COMMITTEE (ALLEGHENY POWERPAC - FEDERAL) | C00335232 | KRINER, MICHAEL T. | 10/27/2006 | 7 | \$22,204 | 1 | 02/27/2007 | \$275 | \$275 | 4/16/2007 | \$275 |
| 1572 | DISTRICT NO. 1-PCD, MEBA POLITICAL FUND (MEBA-PAF) | C00279380 | VAN LOO, BILL MR. | 10/26/2006 | 6 | \$59,897 | 0 | 02/27/2007 | \$900 | \$900 | 4/2/2007 | \$900 |

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Administrative Fine Program - Final) AF 1571
Determination Recommendation for The)
2006 October Monthly Report - Election)
Sensitive. (Allegheny PowerPac -)
Federal))

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on April 23, 2007, the Commission decided by a vote of 5-0 to take the following actions in AF 1571:

1. Make a final determination that Allegheny Energy, Inc. Federal Political Action Committee (Allegheny PowerPac – Federal) and Michael T. Kriner, treasurer violated 2 U.S.C. 434(a) and assess the final civil money penalty in the amount of \$275.
2. Send the appropriate letters.

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

Attest:

April 23, 2007
Date

Darlene Harris
for Mary W. Dove
Secretary of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 25, 2007

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

C00335232
AF#: 1571

Dear Michael T. Kriner,

On 2/27/2007, the Federal Election Commission ("FEC") found reason to believe ("RTB") that Allegheny Energy, Inc. Federal Political Action Committee (Allegheny PowerPAC - Federal) and you, as treasurer, violated 2 U.S.C. 434(a) for filing late or failing to file the 2006 October Monthly Report. By letter dated 3/1/2007 the FEC sent you notification of the RTB finding that included a civil money penalty calculated at the RTB stage of \$275 in accordance with the schedule of penalties at 11 C.F.R. 111.43.

On 4/16/2007, the FEC received payment of your civil money penalty calculated at the RTB stage. The FEC made a final determination on 4/23/2007 that you, as treasurer, and Allegheny Energy, Inc. Federal Political Action Committee (Allegheny PowerPAC - Federal) violated 2 U.S.C. 434(a), assessed a civil money penalty in the amount of \$275 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 "R. Lenhard".

Robert D. Lenhard
Chairman

27092602349

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

FEC ID#: C00335232

AF#: 1571

PAYMENT DUE DATE: 4/8/2007

PAYMENT AMOUNT DUE: \$ 275

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058
SEQ# 003 \$ 0000027500 BA# 1 04-13-07 20 4



| | | |
|---|----------------------------------|----------------------|
| MICHAEL T. KRINER DONNA L. KRINER | | 4839 60-8111/2312 |
| [REDACTED] | | April 7, 2007 DATE |
| PAY TO THE ORDER OF | Federal Election Commission | \$ 275.00 |
| | Two Hundred Seventy Five & 1/100 | DOLLARS |
| PSECU PENNSYLVANIA STATE EMPLOYEES CREDIT UNION HARRISBURG, PA 17110-2990 | [Signature] | |
| FOR AF# 1571 | [REDACTED] | |

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FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1571

DATE SCANNED 6/6/07

SCANNER NO. 1

SCAN OPERATOR ESJ

27092602351