

September 15, 2004

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OFFICE OF GENERAL
COUNSEL
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Office of General Counsel
Federal Election Commission
999 E Street, NW
Washington, D.C. 20463

RE: MUR #5521

Dear Office of General Counsel;

I am in receipt of your letter dated September 2, 2004, indicating that a complaint has been filed regarding our July 15, 2004 Quarterly Report.

The purpose of this letter is to respond to that complaint alleging late filing.

Consistent with the first and prior quarter filing on paper, I filed on paper the April 1, 2004 to June 30, 2004 quarterly report, by certified mail, return receipt requested, on its due date of July 15, 2004. Since the page 2 summary page indicated total election cycle-to-date contributions of only \$5,429, at the date of filing, I did not realize that an electronic filing, instead of a paper filing, was necessary. I later learned that it was the candidate loan on 6/29/04 that triggered the electronic filing requirement.

On the evening of Friday, July 30, 2004, I obtained a first notice dated July 29, 2004 from the Federal Election Commission, and another on Saturday July 31, 2004 dated July 30, 2004, both of which indicated that the July quarterly report and all subsequent reports need to be filed electronically. Since the Commission was not available after hours on the weekend, I immediately followed-up on Monday, August 2, 2004 and left a detailed voice message with Dayna Brown in the Reports Analysis Division. After several missed return calls, I finally spoke with Dayna on Tuesday, August 3, 2004 and she kindly walked me through the procedure of getting set up to file electronically. Also on August 3, 2004, I faxed the required written request to the Electronic Filing Office requesting a password. I obtained my password the afternoon of August 3, 2004. I attempted to download the electronic filing software and ran into technical difficulties getting past the first screen and called on August 4, 2004, Chris Whyrick, the Analyst assigned to the campaign and left a detailed voice message requesting his help. On August 5, 2004, Chris Whyrick returned my call and referred me to Chris Jones in the technical support area, to assist me with the software. After instructing me to uninstall the software and walking me through a re-install, the software appeared to finally be working with my

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dial-up modem. After inputting the data, however, further problems arose with incomplete election cycle-to-date amounts, due to the prior quarter amounts not being properly totaled by the software. I then notified technical assistant Dustin and between his help and the help of Chris Whyrick, after several missed phone calls and over a couple more days, we finally were successful in identifying and solving the problem. I then successfully uploaded a duplicate filing of the July quarterly report in electronic format on August 9, 2004.

In summary, I believe we met the intent and spirit of the law by filing the quarterly information by the due date of July 15, 2004, and then followed up with a duplicate filing in an electronic format in as expedient manner as was possible. I therefore respectfully request that the Commission take these circumstances into consideration and not impose any administrative monetary files.

Thank you,



Doreen Penberthy

On behalf of:
Doreen Penberthy, Treasurer
Rick for Congress (primary committee)
Richard Penberthy, Candidate

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