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contain a factual summary of each of the cases recommended for closing, the case EPS rating, the factors leading to the assignment of a low priority, and our recommendation not to further pursue the matter.

B. Stale Cases

Effective enforcement relies upon the timely pursuit of complaints and referrals to ensure compliance with the law. Investigations concerning activity more remote in time usually require a greater commitment of resources primarily because the evidence of such activity becomes more difficult to develop as it ages. Focusing investigative efforts on more recent and more significant activity also has a more positive effect on the electoral process and the regulated community. EPS provides us with the means to identify those cases which, though earning a higher numerical rating, remain unassigned for a significant period due to a lack of staff resources for an effective investigation. The utility of commencing an investigation declines as these types of cases age, until they reach a point when activation of such cases would not be an efficient use of the Commission's resources.

Continued from page 1.

Media Matter);

Republican State Committee;
5162 (*American Broadcasting Co. - Media Matter*).

MUR 5104 (*Hoosiers for Roemer*);
MUR 5110 (*KBHK -*

MUR 5120 (*Hillary Rodham Clinton*);

MUR 5148 (*Nebraska*

2011-04-03 14:33:44

Attached to this report is a factual summary of the complaint recommended for closing and the EPS rating for the matter.

III. RECOMMENDATIONS

We recommend that the Commission exercise its prosecutorial discretion and close the cases listed below effective two weeks from the day that the Commission votes on the recommendations. Closing these cases as of this date will allow CED and the Legal Review Team the necessary time to prepare closing letters and case files for the public record.

1. Decline to open a MUR, close the file effective two weeks from the date of the Commission vote, and approve the appropriate letter in:

P-MUR 385

21.04.403.4826


2. Take no action, close the file effective two weeks from the date of the Commission vote, and approve the appropriate letters in:

MUR 5104
MUR 5110

MUR 5120

MUR 5148
MUR 5162

2/1/01
Date


Lois G. Lerner
Acting General Counsel

21.04.403.4827

MUR 5110
KBHK

David Blake alleged that KBHK Television aired a program that disseminated negative information about Al Gore. The program was paid for by the Christian Broadcasting Network ("CBN").

The Christian Broadcasting Network responded that the allegations set forth in the complainant were clearly disagreements with the content of the CBN News story, which was broadcast on KBHK in California, Channel 45. CBN asserted that the Commission did not have jurisdiction over the matter. Specifically, CBN stated that the FECA contained an explicit exemption regarding the news media, which was triggered in this case.

Television station KBHK, Channel 44, responded that the program in question was not "a paid political advertisement" but rather "The 700 Club," a television program of CBN that airs weekdays in the Virginia Beach area. A statement was made before the show aired, that indicated: "The views expressed in the [following][preceding] program are not necessarily those of UPN44/Digital45."

There is no indication of any serious intent to violate the FECA.

23.04.403.4823