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January 29, 2004

Via Fax (202) 219-3923
Ms. Kim C. Stevenson
Federal Election Commission
999 E Street N.W.
Washington, D.C. 20461

RE: MUR 5401

Dear Ms. Stevenson:

This firm represents and writes on behalf of Texans for Henry Cuellar Congressional Campaign and Rosendo Carranco. The following response is made pursuant to the Federal Election Campaign Act of 1971, as amended ("the Act").

Mr. Medina contends that Texans for Henry Cuellar and Rosendo Carranco ran "robo Calls" without a disclaimer and that the ads do not identify their source nor funding. Finally, Mr. Medina contends that the ads do not contain Mr. Henry Cuellar's voice.

Under the Act NO action should be taken against Texans for Henry Cuellar Congressional Campaign and/or Mr. Rosendo Carranco for the following reasons. On October 10, 2002, the Commission approved final rules to implement provisions of the BCRA regulating television or radio communications that refer to a clearly identified federal candidate and are distributed to the relevant electorate within 60 days prior to the general election or 30 days prior to a primary. Electioneering communications is defined as follows:

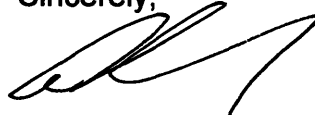
1. An electioneering communication is any broadcast, cable or satellite communication which fulfills each of the following conditions:
 - A. The communication refers to a clearly identified candidate;
 - B. The communication is publicly distributed;
 - C. The communication is distributed during a certain time period before an election; and
 - D. In the case of Congressional candidates only, the communication is

targeted to the relevant electorate.

However, 11 CFR 100.29(c)(1) through (6) exempt certain communications from the definition of "electioneering communication". Specifically, a communication that is disseminated through a means other than a television station, radio station, cable television system or satellite system. This provision of the act applies to the aforementioned ad run by Texans for Henry Cuellar and Rosendo Carranco. Therefore, Mr. Medina's contention that Texans for Henry Cuellar and Rosendo Carranco ran "robo Calls" without a disclaimer and that the ads did not identify their source nor funding are unfounded.

If you should have any questions or comments, please do not hesitate to contact this office.

Sincerely,



ALONZO RAMOS

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