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January 13, 2005

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RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF FEDERAL  
COUNSEL

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Peter Blumberg  
Federal Elections Commission  
999 E. Street, NW  
Washington, DC 20463

Dear Mr. Blumberg:


In response to the complaint regarding the automated telephone calls, our autodialer records and database both indicate that the message was sent to 379 individuals and news organizations.

Clearly this falls well below the 500 call threshold which, as it has been explained to me, would trigger the inclusion of a disclaimer. While this is not clearly promulgated in the FEC rules, the election code, or the frequently asked questions section of [fec.gov](http://fec.gov), I accept your interpretation that messages distributed to more than 500 persons must include the disclaimer. And in the future I will include such a disclaimer if the list is greater than 500 persons.

Therefore, I respectfully request that you reconsider your previous fine assessment based on these newly discovered facts. I assure you that you will not have such a problem with my campaign committee in the future.

If you have any questions regarding this communication, please feel free to call upon Jeff Butler at 512.917.0599.

Sincerely,

  
Henry Cuellar

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