

RECEIVED
FEDERAL ELECTION
COMMISSION
ATTORNEYS AT LAW
OFFICE OF GENERAL
COUNSEL
MCGAHN & ASSOCIATES PLLC

509 7TH STREET, NW
WASHINGTON, DC 20004
2006 AUG 21 P 5:08

(202) 654-7036
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August 21, 2006

Jeff S. Jordan, Esquire
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Re: MUR 5775

Dear Mr. Jordan:

This responds to the complaint filed by the Ohio Democratic Party against Pryce for Congress. Enclosed please find an executed Designation of Counsel form.

The complaint¹ takes issue with one television advertisement produced by the Pryce campaign, claiming the ad lacked one aspect of the so-called "stand by your ad" requirements. Specifically, the complaint claims that the ad did not include the candidate, Deborah Pryce, identifying herself and stating that she approves the message.²

The advertisement as produced by the campaign included all the necessary "stand by your ad" requirements and all related disclaimers. Enclosed is a DVD that contains a true and correct copy of the ad as produced and shipped by the campaign.

¹ As is typical, the Democratic Party's complaint was accompanied by a fanfare of media attention, including a typo-riddled press release. Such action demonstrates that this is not a serious complaint, but instead is designed to simply grab a quick headline

² Remarkably, the Democratic Party's complaint, issued on its general letterhead and released to the general public, utilized the incorrect disclaimer

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Apparently, due to the fault of the cable system upon which this ad ran, the cable system's master control tape operator upcut the beginning of the ad, and caused the first few seconds of the ad to be omitted -- precisely the portion of the ad where Congresswoman Pryce appears and states that she approved the message. Enclosed is a contemporaneous letter from the cable system's Vice President of National Sales, addressed to the campaign's media buyer, which confirms the cable system's technical error.

Because the campaign's ad met all the "stand by your ad" requirements, the complaint is without merit and ought to be dismissed. Additionally, the Commission has historically exercised its prosecutorial discretion and dismissed matters such as this -- technical issues such as disclaimers where there has been at least substantial compliance.

Thank you for your attention to this matter.

Respectfully,



Donald F. McGahn II
Counsel for Respondent
Pryce for Congress,
Robert J. Peck, Treasurer

Enc.



TIME WARNER CABLE
Media Sales

July 25, 2006

To: Dave Neal, Strategic Media Services, Washington, D.C.
Re: Deborah Pryce commercial, TWC Columbus, OH.

Dave,

I have confirmed with our technical staff in Columbus that there was an error during the process of recording the Deborah Pryce commercial from satellite delivery to video tape. Our master control tape operator inadvertently upcut the beginning of the spot that contained Congresswoman Pryce's audio & video sponsor ID, *"I'm Deborah Pryce and I approved this message."*

We regret this unfortunate error and will have the original/correct commercial airing shortly after 6pm today. TWC Columbus will provide complete verification for any spot that ran incorrectly and will work with your firm on suitable replacement makegoods.

Please relay our sincere apology to Congresswoman Pryce, her campaign staff and of course to you and Strategic Media Services.

Sincerely,

Rich

Rich Ambrose
Rich Ambrose
Vice President National Sales
Time Warner Cable Media Sales
Washington, D.C.

5454 Wisconsin Ave. Suite 625
Chevy Chase, MD 20815

301.941.1644 - Direct Phone
312.497.3750 - Mobile
301.951.2650 - Fax

28044183589



FEDERAL ELECTION COMMISSION
Office of General Counsel
999 E Street, NW
Washington, DC 20463

STATEMENT OF DESIGNATION OF COUNSEL
Please use one form for each Respondent/Witness
FAX (202) 219-3823

MUR: 5775

COUNSEL: DON MCGANN

FIRM: MCGANN & ASSOCIATES

ADDRESS: 509 7th Street, NW, WASHINGTON, DC 20004

TELEPHONE - OFFICE: (202) 744 3997

FAX: ()

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

8-11-06
Date

[Signature]
Signature

Treasurer
Title

RESPONDENT/WITNESS NAME (PRINT): PRYKE FOR CONGRESS, ROBERT J. PRYKE
US TREASURER

MAILING ADDRESS: 145 E. RICH STREET

CHAMBERS, OH 43215

TELEPHONE - HOME: ()

OFFICE: ()

Information is being sought as part of an investigation being conducted by the Federal Election Commission and the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) apply. This section prohibits making public any investigation conducted by the Federal Election Commission without the express written consent of the person under investigation