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September 24, 2010

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CLIENT/MATTER NUMBER
999100-0130

VIA HAND DELIVERY
VIA FACSIMILE

Federal Election Commission
Office of General Counsel
999 E Street, NW
Washington, DC 20463

Re: MUR 6346 – Respondent Friends of Kelly Ayotte

To the Office of General Counsel:

The undersigned represents Friends of Kelly Ayotte, the principal authorized committee of Kelly Ayotte, the Republican nominee for the United States Senate in New Hampshire ("the Committee"). The complaint in the above-referenced Matter Under Review 6346 ("the Complaint") is absurd and should be dismissed immediately. It is a waste of time and taxpayer money to spend another minute of consideration by your office.

The complainant in this MUR is the campaign manager for the Bill Binnie for U.S. Senate campaign ("Mr. Binnie"), one of the two unsuccessful candidates for the Republican nomination for the Senate from New Hampshire. The allegation of the Complaint is that a third party organization that aired a television advertisement attacking Mr. Binnie coordinated its expenditure with Kelly Ayotte. The "evidence" of coordination consists of "facts" that the Executive Director of the third party organization and Kelly Ayotte are acquainted with one another, worked together at some point in the past, may have attended the same social events and know one another's contact information. There is not a single fact alleged (nor does one exist!) giving rise to the type of interaction or communication necessary to satisfy the "conduct prong" of the FEC regulations regarding coordinated public communications.

Indeed, the third party organization referenced in the Complaint endorsed the *third* candidate seeking the Republican nomination for Senate from New Hampshire, *not* Kelly Ayotte. A copy of the August 4, 2010 letter from Brooks Kochvar setting forth the facts of this matter is attached hereto as Exhibit A.

There is no factual basis for the Complaint and evidence of coordination between the Committee and the referenced third party organization is non-existent.

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Accordingly, Respondent Friends of Kelly Ayotte respectfully moves that this groundless Complaint be dismissed.

Please contact me at (202) 295-4081 if you have further questions. Thank you.

Sincerely,

A handwritten signature in cursive script that reads 'Cleta Mitchell'.

Cleta Mitchell, Esq.
Counsel, Friends of Kelly Ayotte

Enclosure

cc: The Honorable Kelly Ayotte

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