FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Time Warner
c/o CT Corporation System
111 Eighth Avenue
New York, NY 10011

MAR 2 2 2019

RE: MUR 7356

Dear Sir/Madam:

On April 4, 2018, the Federal Election Commission ("Commission") notified Time Warner of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). On March 14, 2019, based upon the information contained in the complaint and information provided by respondents, the Commission decided to dismiss allegations that Time Warner violated provisions of the Act. The Commission then closed its file in this matter. A copy of the General Counsel's Report, which more fully explains the basis for the Commission's decision, is enclosed.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66132 (Dec. 14, 2009). If you have any questions, please contact Kristina Portner, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

Lisa J. Stevenson
Acting General Counsel

BY: Jeff S. Jordan
Assistant General Counsel

Enclosure:
General Counsel's Report

BEFORE THE FEDERAL ELECTION COMMISSION

ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT

MUR: 7356

Respondents: Time Warner,
Manhattan Neighborhood
Network,
City of New York

Complaint Receipt Date: March 28, 2018
Response Date: June 8, 2018[1]
EPS Rating:

Alleged Statutory
Regulatory Violations:

52 U.S.C. § 30101(9)(B)(i)
11 C.F.R. § 100.73

The Complaint alleges that Time Warner, Manhattan Neighborhood Network, and the City

of New York provided a prohibited contribution by broadcasting a 12-hour get-out-the-vote

marathon on November 8, 2016, which supported Hillary Clinton for President.[2] Manhattan

Neighborhood Network responds that its actions are shielded by the media exemption, as it is not

owned or controlled by a candidate, political committee, or political party and it operates the public

access channels in Manhattan.[3]

Based on its experience and expertise, the Commission has established an Enforcement

Priority System using formal, pre-determined scoring criteria to allocate agency resources and

assess whether particular matters warrant further administrative enforcement proceedings. These

criteria include (1) the gravity of the alleged violation, taking into account both the type of activity

and the amount in violation; (2) the apparent impact the alleged violation may have had on the

electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in

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[1]   No response was received from Time Warner or the City of New York.

[2]   The Complaint also contains a number of allegations outside of the Commission's jurisdiction, which are not
addressed here.

[3]   Manhattan Neighborhood Network also asserts that the news program did not contain an appeal to vote for or
against a specific candidate, and that the only mention of any candidate was a prediction that Clinton won.

potential violations and other developments in the law. This matter is rated as low priority for

Commission action after application of these pre-established criteria. Given that low rating and the

fact that the media exemption appears to cover Respondents' activity, we recommend that the

Commission dismiss the Complaint consistent with the Commission's prosecutorial discretion to

determine the proper ordering of its priorities and use of agency resources. *Heckler v. Chaney*, 470

U.S. 821, 831-32 (1985). We also recommend that the Commission close the file as to all

Respondents and send the appropriate letters.

Lisa J. Stevenson
Acting General Counsel

2.27.19   BY:
Date   Stephen Gura
                                               Deputy Associate General Counsel

                                               Jeff S. Jordan
                                               Assistant General Counsel

                                               Kristina M. Portner
                                               Attorney