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August 22, 1990

Late Requestor Comment
AOR 1990-14

Chairman Lee Ann Elliott
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Dear Commissioner Elliott:

The Commission is scheduled to take up Advisory Opinion Request 1990-14 at the Commission's meeting on Thursday, August 23, 1990. We have reviewed the draft opinion prepared by the Commission staff, and we request two changes to the draft.

First, we request that the opinion more clearly answer question 3, which asks whether AT&T complies with the Federal Election Campaign Act if it follows its usual and normal billing and collection procedures at its usual and normal charge (see page 11, lines 21 through 28 of the draft opinion). The staff's draft opinion seems to imply that AT&T would comply with the Act if it follows such procedures except for the hypothetical example (and similar situations) which is described beginning at page 13, line 17. We request that the Commission add a sentence that clarifies this implied conclusion by adding a sentence at line 17 which states: "In most circumstances, AT&T would comply with the Federal Election Campaign Act if it provides its usual and normal services at its usual and normal charges." We also suggest that the next sentence begin with the word "However."

Second, we suggest that the draft include an additional alternative procedure which AT&T may follow to avoid the hypothetical problem discussed beginning at page 13, line 17. In addition to the solutions proposed by the draft beginning at page 14, line 21, we suggest that the Commission add the following: "AT&T also may comply with the Act by monitoring campaigns where it provides services and refusing to remit funds if it determines that an adverse event in the campaign will make it likely that a large number of callers will refuse to pay for their 900 calls."

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But this is implicit in all of this

Chairman Lee Ann Elliott
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We hope that you will consider these suggested additions to the draft Advisory Opinion prepared by the staff.

Respectfully submitted,

Michael Nemeroff
Nancy Temple
Michael A. Nemeroff
Nancy A. Temple

cc: Vice Chairman John Warren McGarry
Commissioner Joan D. Aikens
Commissioner Thomas J. Josefiak
Commissioner Danny Lee McDonald
Commissioner Scott E. Thomas
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