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Federal Election Commission
Office of General Counsel
Office of Complaints Examination
& Legal Administration

Attn: Kathryn Ross, Paralegal
1050 First Street, NE
Washington, DC 20463

5-8-2019

RE: MUR 7594

Dear Ms. Ross,

I am responding in connection to MUR 7594 and your letter to James Francis, Treasurer, Pearce for New Mexico.

The Complaint contends that Pearce For New Mexico accepted a contribution from Enbridge, Inc in violation of the foreign national contribution ban.

The Complaint incorrectly asserts that a foreign company (Enbridge Inc.) has made contributions directly to our political campaign and others like ours.

The Complaint does note that the contributions came from "Enbridge-DCP PAC" but seems to incorrectly attribute these contributions to Enbridge Inc. or presumes there is no distinction between the two.

The contributions were not made by Enbridge Inc. They were made by Enbridge (U.S.) Inc. Political Action Committee. In its most recent Statement of Organization the identity is clear, "Enbridge (U.S.) Inc. Political Action Committee (Enbridge-DCP PAC)" is the connected PAC of Enbridge (U.S.) Inc., it is incorporated in Delaware and has an address of 5400 Westheimer Court, Houston, Texas 77056. The treasurer, custodian of records and designated agent identified in the Statement of Organization are based in Houston and the PAC's bank account is with Comerica Bank in Detroit.

The website of Enbridge (U.S.) Inc. includes a link to a "Political Contributions Policy" that indicates the company's intention to act within the FEC requirements.

In the United States, eligible employees may choose to participate in the political process by voluntarily making contributions to the Enbridge (U.S.) Inc. Political Action Committee (Enbridge-DCP PAC), a political action committee that is not affiliated with any political party, candidate or organization. The PAC was established by Enbridge (U.S.) Inc. and DCP Midstream LLC, a joint venture between Enbridge Inc. and Phillips 66. Enbridge-DCP PAC is directed by a board of employees of both Enbridge (U.S.) Inc. and DCP Midstream, which makes all decision regarding the PAC's political contributions. Enbridge-DCP PAC contributions go directly to support candidates for Congressional office and for state office, where Federal PAC contributions are permitted by state law. Contributions to certain national party organizations are made as appropriate. All PAC contributions are disclosed consistent with Federal and state laws and

regulations, and are available on the website of the Federal Election Commission and on the websites of election boards in the certain states where the PAC makes contributions.

This language is in compliance with the Commission's guidance regarding the source of funding and control of separate segregated funds established by domestic subsidiaries of foreign principals.

The Complainant apparently has no familiarity with the Commission's treatment of separate segregated funds maintained by domestic subsidiaries of foreign principals.

The contributions made to Pearce for New Mexico were valid and the Complaint presents no evidence suggesting any violation of the foreign national prohibition. There is no evidence that could cause any other conclusion.

The Commission should find no reason to conclude a violation of the law occurred and the Complaint should be dismissed.

Please note that the political campaign committee, Pearce for New Mexico, is formally closed. All bank accounts, offices and post office boxes have been cancelled or closed. The original FEC notice stamped April 18, 2019 was forwarded by the post office and not received until May 5, 2019.

Although, I have not retained counsel in this matter to date, there is no presumption that counsel in this matter will not be retained in the future.

Sincerely,



Steve Pearce

Candidate for Governor, State of New Mexico



Treasurer
Pearce for New Mexico