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July 31, 2019

**BY EMAIL**

Ms. Lisa J. Stevenson  
 Acting General Counsel  
 Federal Election Commission  
 1050 First Street, NE  
 Washington, DC 20463

Digitally signed  
 by Kathryn Ross

*Kathryn Ross*

Date:  
 2019.08.02  
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**Re: MUR 7619 - Response of Vermont ETV, Inc. d/b/a Vermont PBS**

Dear Ms. Stevenson:

This response is submitted on behalf of Vermont ETV, Inc.,<sup>1</sup> in response to the Commission's letter dated June 26, 2019, notifying Vermont ETV of a complaint filed by Ms. Cris Ericson, designated by the Commission as MUR 7619.<sup>2</sup>

During the 2018 election, Vermont ETV co-produced and aired several live candidate debates, including one for Vermont's only seat in the United States House of Representatives.<sup>3</sup> This debate was compliant with the requirements of the Commission's candidate debate staging regulations at 11 C.F.R. §§ 110.13 and 114.4(f), using pre-established selection criteria that were

<sup>1</sup> Vermont ETV is the licensee of several noncommercial educational television stations operating throughout the state of Vermont.

<sup>2</sup> This response is filed timely pursuant to an extension granted by Commission staff.

<sup>3</sup> Although Ms. Ericson indicates that she was "on the official election ballot in Vermont for [both] Governor and for U.S. Congress," the Commission's candidate debate regulations do not extend to nonfederal elections.



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in no way designed to result in the selection of pre-chosen candidates.<sup>4</sup> In her complaint, Ms. Ericson alleges nothing whatsoever to the contrary.<sup>5</sup>

Accordingly, pursuant to 52 U.S.C. § 30109, this matter should be dismissed.

Respectfully Submitted,

Brad Deutsch  
*Counsel to Vermont ETV, Inc.*

GSB:10403553.1

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<sup>4</sup> Vermont ETV (1) is a nonprofit organization which does not endorse, support, or oppose political candidates or political parties (11 C.F.R. § 110.13(a)(1)) and (2) a broadcaster that is not owned or controlled by a political party, political committee or candidate (11 C.F.R. § 110.13(a)(2)); the debate included at least two candidate and was not structured to promote or advance one candidate over another (11 C.F.R. § 110.13(b)); and pre-established objective criteria were used to determine which candidates participated in the debate (11 C.F.R. § 110.13(c)). See Corporate and Labor Organization Activity; Express Advocacy and Coordination with Candidates, 60 Fed. Reg. 64,260, 64,262 (Dec. 14, 1995).

<sup>5</sup> Needless to say, *donations* made by viewers to Vermont ETV in furtherance of Vermont ETV's mission to "connect neighbors through stories that change lives," are not *contributions* subject to the limits, prohibitions and reporting requirements of the Federal Election Campaign Act. See <https://www.vermontpbs.org/about/>. In any event, Vermont ETV did not accept any funds donated for the purpose of staging this or any candidate debate. Cf. 11 C.F.R. § 114.4(f).