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AVAYA

**Algenia W. Adams
Administrative Assistant**

December 7, 2010

Christopher J. Morse
Senior Campaign Finance Analyst
Reports Analysis Division
Federal Election Commission
Washington, DC 20463

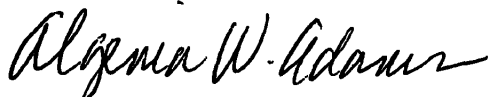
Dear Mr. Morse,

Per our conversation today, attached are the documents that were submitted for re-designation of funds to Menendez for Senate.

As mentioned in your letter dated December 1, 2010, Avaya PAC made disbursements on September 21, 2010 and October 4, 2010 in error. Which exceed contribution limits. On November 2, 2010 these contributions were re-designated, to the 2012 General Election for Meneridez for Senate.

We plan to amended this re-designation on our January 31 Year-End Report.

Thanks,



Attachments

**Government Affairs
1212 New York Avenue, NW
Suite 1212
Washington, DC 20005
202-378-5791 phone
202-378-5798 fax
awadams@avaya.com**

10030515030



607 Fourteenth Street N.W.
Washington, D.C. 20005-2003

PHONE: 202.628.6600

FAX: 202.434.1690

www.perkinscoie.com

Tamil Armah
PHONE: (202) 654-1737
EMAIL: TArmah@perkinscoie.com

October 28, 2010

Avaya Inc. PAC
1212 New York Avenue NW
Suite 1212
Washington, DC 20005

Re: Contribution to Menendez for Senate

Dear Friends:

Thank you for your PAC's recent contributions of \$2,500.00 to Menendez for Senate, check numbers 0600 and 0603.

As both your contributions were designated to the 2010 General Election, this letter is to clarify what election you intended to contribute to as Senator Menendez is not up for re-election until 2012.

This can be accomplished by completing the enclosed form. You may return this to me in the enclosed postage paid envelope, or by fax at 202-434-1690. We must receive a response as soon as possible. If you have any questions, please do not hesitate to contact me at 202-654-1737.

Very truly yours,

Tamil Armah
Compliance Specialist

11/2/2010
MAILED

10030515031

CONTRIBUTOR REDESIGNATION FORM
Menendez for Senate

Avaya Inc. PAC
1212 New York Avenue NW
Suite 1212
Washington, DC 20005

This confirms that I hereby redesignate the PAC's contributions as follows:

X

\$2,500.00 for the 2012 Primary Election – check# 0600.

\$2,500.00 for the 2012 General Election – check# 0603.

OR

_____ Please refund \$ _____ of the contributions

Signature: Algenia Adams

Date: November 2, 2010

Title: Administrative Assistant

10030515032

This is a LEGAL COPY of your check. You can use it the same way you would use the original check.

AVAYA INC.
POLITICAL ACTION COMMITTEE
1212 NEW YORK AVE NW, STE 1212
WASHINGTON, DC 20005
(202) 378-2375

Two Thousand Five Hundred & 00/100 Dollars

Manendez for Senate
316 C Street, SE
Lower Level
Washington, DC 20003

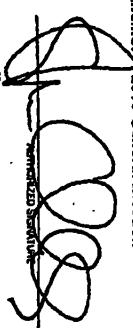
THE NORTHERN TRUST COMPANY
CHICAGO, ILLINOIS

2-15/710

DATE
09/21/2010

AMOUNT
\$2,500.00

Memo: 2010 General Election


AUTHORIZED SIGNATURE

Security features. Details on back.

0600

⑆05150⑆001

This is a LEGAL COPY of your check. You can use it the same way you would use the original check

112

AVAYA INC.
POLITICAL ACTION COMMITTEE
1212 NEW YORK AVE NW, STE. 1212
WASHINGTON, DC 20005
(202) 378-2375

***Two Thousand Five Hundred & 00/100 Dollars

THE NORTHERN TRUST COMPANY
CHICAGO, ILLINOIS

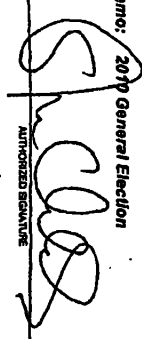
2-15/710

0603™

PAY TO THE ORDER OF
Memorandum for Senate
318 C Street, SE
Lower Level
Washington, DC 20003

DATE
10/04/2010

AMOUNT
***\$2,500.00

Memo: 2010 General Election

AUTHORIZED SIGNATURE

 Security features. Details on back.

10030515034



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

December 1, 2010

Stephanie Childs, Treasurer
Avaya Incorporated Political Action Committee
1212 New York Avenue NW
Suite 1212
Washington, DC 20005

Response Due Date:
January 5, 2011

Identification Number: C00363382

Reference: 12 Day Pre-General Report (10/01/10-10/13/10)

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **Failure to adequately respond by the response date noted above could result in an audit or enforcement action.** Additional information is needed for the following item:

- Schedule B of your report (see attached) discloses one or more contributions which appear to exceed the limits set forth in the Act. 2 U.S.C. §441a(a) prohibits a multicandidate committee and its affiliates from making a contribution to a candidate for federal office in excess of \$5,000 per election.

If any apparently excessive contribution in question was incompletely or incorrectly disclosed, you should amend your original report with clarifying information.

If any contribution you made exceeds the limits, you must request a refund of the excessive amount or provide a written authorization for a redesignation of the contribution pursuant to 11 CFR §110.2(b) within 60 days of the treasurer's receipt.

If the foregoing conditions for redesignations were not met within 60 days of the treasurer's receipt, your committee must obtain a refund of the excessive amount.

10030515035

Excessive Contributions to a Federal Candidate

Recipient Name	Date	Amount	Election	Report
Menendez for Senate	9/23/08	\$2,500	*G2008	2008 October Quarterly
Menendez for Senate	9/21/10	\$2,500	**G2010	2010 October Quarterly
Menendez for Senate	10/04/10	\$2,500	**G2010	2010 12 Day Pre-General

*Schedule B of your report discloses this contribution as designated to the 2008 general election; however, this candidate did not participate in a general election in 2008. In addition, the candidate information listed is for a House candidate; however, this candidate is running for the U.S. Senate. Therefore, this contribution has been attributed to the next scheduled Federal election for this candidate, the 2012 general.

**Schedule B of your report discloses this contribution as designated to the 2010 general election; however, this candidate did not participate in a general election in 2010. In addition, the candidate information listed is for a House candidate; however, this candidate is running for the U.S. Senate. Therefore, this contribution has been attributed to the next scheduled Federal election for this candidate, the 2012 general.

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Please inform the Commission of your corrective action promptly in writing and provide a photocopy of the refund or redesignation request sent to the recipient committee(s). In addition, any refunds should be disclosed on Schedule A supporting Line 16 of the report covering the period during which they are received. Any redesignations should be disclosed as memo entries on Schedule B supporting Line 23 of the report covering the period during which the redesignation is made. 11 CFR §110.1(b)

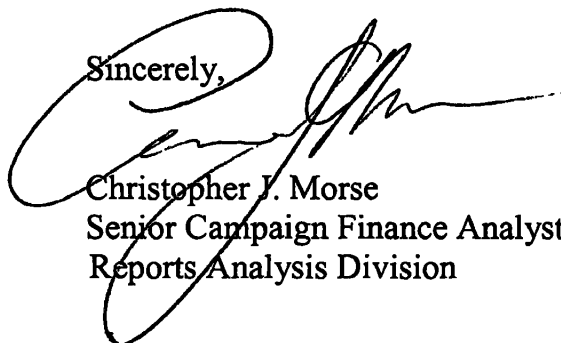
Although the Commission may take further legal action regarding the excessive contribution(s), your prompt action in obtaining a refund and/or redesignating the contribution(s) will be taken into consideration.

- Schedule B supporting Line 23 discloses a contribution to a federal candidate for which an incorrect election designation has been provided. Please note that if no designation is included in your report, the contributions will be attributed to the next upcoming election for the recipient candidate. Thus, for future reporting purposes, it is in your committee's interest to designate the appropriate election in order to avoid the appearance of excessive contributions made to federal candidates by your committee.

Please note, you will not receive an additional notice from the Commission on this matter. Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action. **Requests for extensions of time in which to respond will not be considered.**

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1133.

Sincerely,



Christopher J. Morse
Senior Campaign Finance Analyst
Reports Analysis Division

10030515037

Federal Election Commission
ENVELOPE REPLACEMENT PAGE FOR INCOMING DOCUMENTS
The FEC added this page to the end of this filing to indicate how it was received.

Hand Delivered Date of Receipt

USPS First Class Mail Postmarked

USPS Registered/Certified Postmarked (R/C)

USPS Priority Mail Postmarked
Delivery Confirmation™ or Signature Confirmation™ Label

USPS Express Mail Postmarked

Postmark Illegible

No Postmark

Overnight Delivery Service (Specify): Shipping Date
Next Business Day Delivery

Received from House Records & Registration Office Date of Receipt

Received from Senate Public Records Office Date of Receipt

Received from Electronic Filing Office Date of Receipt

Other (Specify): Date of Receipt or Postmarked

Chris

PREPARER
(3/2005)

12/14/00
DATE PREPARED

10030515038