



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-3

October 18, 2001

Walter L. Smitherman, Treasurer
Mississippi Power Company Federal PAC
A/K/A/ MS Pwr. Co. Employees' Comm.
For Responsible Federal Government
2992 West Beach Boulevard
Gulfport, MS 39502

Identification Number: C00144147

Reference: April Monthly (3/1/00-3/31/00), July Monthly (6/1/00-6/30/00) and
September Monthly (8/1/00-8/31/00) Reports

Dear Mr. Smitherman:

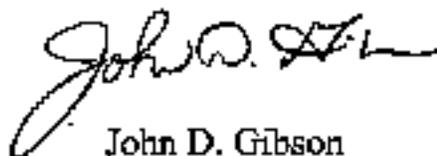
This letter is to inform you that as of October 17, 2001, the Commission has not received your response to our requests for additional information dated September 26, 2001. These notices request information essential to full public disclosure of your federal election campaign finances. To ensure compliance with the provisions of the Federal Election Campaign Act (the Act), please respond to these requests (copies enclosed).

An adequate response must be received at the Commission by November 7, 2001. Adequate responses received on or before this date will be taken into consideration in determining whether audit action will be initiated. **Requests for extensions of time in which to respond will not be considered.** Failure to provide an adequate response by this date may result in an audit of the committee. 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.

If you should have any questions regarding this matter, please contact Thomas Maxwell on our toll-free number (800) 424-9530 (at the prompt press 1, then press 2 to

reach the Reports Analysis Division) or our local number (202) 694-1130.

Sincerely,

A handwritten signature in black ink, appearing to read "John D. Gibson". The signature is fluid and cursive, with a large initial "J" and "G".

John D. Gibson
Assistant Staff Director
Reports Analysis Division

Enclosures



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

Walter L. Smitherman, Treasurer
Mississippi Power Company Federal PAC
A/K/A/ MS Pwr. Co. Employees' Comm.
for Responsible Federal Government
2992 West Beach Boulevard
Gulfport, MS 39502

SEP 26 2001

Identification Number: C00144147

Reference: September Monthly Report (8/1/00-8/31/00)

Dear Mr. Smitherman:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-Schedule B supporting Line 23 of your report discloses a contribution(s) to a candidate(s) for the Primary election; however, the funds were disbursed after the election date(s) (pertinent portion(s) attached). Please note that contributions may not be designated for an election which has already occurred unless the funds are to be used to reduce a candidate committee's debts incurred during that election campaign.

If the contribution(s) in question was incompletely or incorrectly disclosed, you should amend your original report with clarifying information. If you have made an impermissible contribution, you should notify the recipient and request a refund and/or notify the recipient in writing of your redesignation of the contribution. In the best interest of your committee, all refunds and redesignations should be made within sixty days of the treasurer's receipt of the contribution(s).

Please inform the Commission of your corrective action immediately 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)

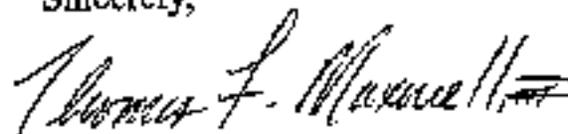
Although the Commission may take further legal action regarding this impermissible activity, your prompt action in obtaining a refund and/or redesignating the contribution(s) will be taken into consideration.

-Schedule A supporting Line 11(a)(i) of your report discloses contributions received through what appears to be a payroll deduction plan. Please amend your report to disclose the amount deducted per pay period. 11 CFR §104.8(b) Please refer to the enclosed sample of properly reported payroll deductions.

-Be advised that you have used an incorrect committee identification number on the Summary Page of your report(s). Please file all future reports and correspondence using your correct identification number, C00144147, to avoid potential errors in entering your reports onto the public record.

A written response or an amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530 (at the prompt press 1, then press 2 to reach the Reports Analysis Division). My local number is (202) 694-1130.

Sincerely,



Thomas F. Maxwell, III
Reports Analyst
Reports Analysis Division

SCHEDULE B

Page 1

FEC ITEMIZED DISBURSEMENTS

Line No. 23

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purpose, other than using the name and address of any political committee to solicit contributions from such committee.

Committee Name : Mississippi Power Company Federal PAC

| Full Name Mailing Address and Zip Code | Purpose Disbursement for | Date | Amount |
|---|-----------------------------|------|--------|
|---|-----------------------------|------|--------|

| | | | |
|---|---|-----------|----------|
| Friends of Bernie Thompson - H P.O. Box 100 Bolton, MS 39041 | Purpose: Contribution MS-002; Democrat For: Primary 2000 | 8/30/2000 | 1,000.00 |
|---|---|-----------|----------|

Primary Date: 3/14/00 JFM

TOTAL This Period : 1,000.00

SUBTOTAL of Disbursements This Page

1,000.00

PAYROLL DEDUCTIONS

Payroll Deductions

Once an individual's deductions aggregate over \$200 in a calendar year, report the total amount deducted from the donor's paychecks during the reporting period on Schedule A. In parentheses indicate the amount that was deducted each pay period. Instead of stating a specific date of receipt, write "payroll deduction" under "Date." The other itemized information, including the year-to-date total, must be completed for each donor. 104.B(b).

EXAMPLE: During an election year, a corporate manager authorizes her employer to deduct \$15 per pay period (each pay period is two weeks) for the company's SSF. The SSF, which files FEC reports on a quarterly schedule, includes the manager's first-quarter contributions (\$90 for six pay periods) as "unitemized contributions" on Line 11(a)(ii) in the April quarterly report.

By June 30 (the closing date for the July quarterly report), 13 pay periods have passed, and the manager's aggregate contributions are \$195—still below the \$200 itemization threshold. The manager's second-quarter contributions again are included in "unitemized contributions" in the July report.

By September 30 (the closing date for the October quarterly report), 18 pay periods have passed, and the manager's contributions reach \$285. Now the committee itemizes the total contributions received from the manager during the third quarter (\$90), providing the year-to-date total in the appropriate space. (See item A in the illustration above.)

In-Kind Contributions

When determining whether to itemize an *in-kind* contribution, follow the same guidelines listed above under "When to Itemize Receipts." See page 8 for information on how to determine the dollar value of an in-kind contribution.

In addition, add the value of the in-kind contribution to the *operating expenditures* total on Line 21(b) (in order to avoid inflating the cash-on-hand amount). 104.13(a)(2).

If the in-kind contribution must be itemized on Schedule A, then it must also be itemized on a Schedule B for operating expenditures. See the illustration at left.

| SCHEDULE A | | ITEMIZED RECEIPTS | | Use separate spreadsheets for each category of the Detailed Summary Page | PAGE OF |
|--|--|-----------------------------|--|--|-----------------------------------|
| Contributions from Individuals | | | | | FOR LINE NUMBER |
| Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee. | | | | | |
| NAME OF COMMITTEE (in Full) | | | | | |
| National Organization PAC 000000001 | | | | | |
| A. Full Name, mailing address and ZIP Code | | Name of Employer | | Date (month, day, year) | Amount of Each Receipt (in Pence) |
| Anne Sullivan 21 18th Street City, State ZIP | | National Organization, Inc. | | payroll deduction | \$90.00 |
| Receipt for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify): | | Occupation | | | |
| | | Branch Manager | | | (\$15 biweekly) |
| | | Aggregate Year-to-Date > | | \$90.00 | |
| B. Full Name, mailing address and ZIP Code | | Name of Employer | | Date (month, day, year) | Amount of Each Receipt (in Pence) |
| Rodney Jones 881 Hainsbury Road City, State ZIP | | National Organization, Inc. | | payroll deduction | \$180.00 |
| Receipt for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify): | | Occupation | | | |
| | | Vice President | | | (\$30 biweekly) |
| | | Aggregate Year-to-Date > | | \$180.00 | |

Itemize payroll deductions only after they have exceeded \$200 per calendar year from an individual.

IN-KIND CONTRIBUTIONS

| SCHEDULE A | | ITEMIZED RECEIPTS | | Use separate spreadsheets for each category of the Detailed Summary Page | PAGE OF |
|--|--|-----------------------------|--|--|-----------------------------------|
| Contributions from Individuals | | | | | FOR LINE NUMBER |
| Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee. | | | | | |
| NAME OF COMMITTEE (in Full) | | | | | |
| National Organization PAC 000000001 | | | | | |
| A. Full Name, mailing address and ZIP Code | | Name of Employer | | Date (month, day, year) | Amount of Each Receipt (in Pence) |
| Martin L. Kress 4 River Road City, State ZIP | | National Organization, Inc. | | 8/19/84 | \$3,889.00 |
| Receipt for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify): | | Occupation | | | |
| | | Chairman | | | (IN-KIND CONTRIBUTION) |
| | | Aggregate Year-to-Date > | | 3,889.00 | |

| SCHEDULE B | | ITEMIZED EXPENDITURES | | Use separate spreadsheets for each category of the Detailed Summary Page | PAGE OF |
|--|--|---|--|--|--|
| Operating Expenditures/Other Federal | | | | | FOR LINE NUMBER |
| Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee. | | | | | |
| NAME OF COMMITTEE (in Full) | | | | | |
| National Organization PAC 000000001 | | | | | |
| A. Full Name, mailing address and ZIP Code | | Purpose of Disbursement | | Date (month, day, year) | Amount of Each Disbursement (in Pence) |
| Martin L. Kress 4 River Road City, State ZIP | | raffle prize | | 8/19/84 | \$3,889.00 |
| Receipt for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify): | | Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify): | | | |
| | | | | | (CONTRIBUTION) |

Itemize in-kind contributions on both Schedules A and B so as not to inflate the cash-on-hand amount.

