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PAGE 1 / 1

This response pertains to the Reports Analysis Division's ("RAD") Request for Additional Information ("RFAI") dated September 19, 2012, referencing Restore Our Future, Inc.'s ("ROF") 24-hour independent expenditure report filed February 29, 2012. RAD requests that ROF "provide a complete amended 24 Hour Report and provide the state." RAD appears to be

referring to ROF's national cable independent expenditure on February 28, 2012. As we have previously stated in our April 25, 2012 response to RFAs filed by RAD on March 13, 2012, and in subsequent correspondence, this was an expenditure for a national cable media buy on the Fox News network that was not specific to any state. Unlike broadcast media buys, made on a local-affiliate basis, these buys were aired to every Fox News cable subscriber nationwide. A combination of differing pricing models and the fact of national airing makes it impossible to itemize such a buy on a per-state basis.

Having received a notice of corrective action in the form of RAD's September 19, 2012 RFAI, ROF has a material dispute with the basis for the corrective action, and submits that interpreting 11 C.F.R. 104.3(b) to require per-state itemization of a national cable media ad buy in a Presidential primary is an arbitrary interpretation and application of the regulation unsupported by the regulation itself. Pursuant to the Policy Statement in Notice 2011-11, 76 F.R. 45798 (2011), we once again request that the Office of General Counsel ("OGC") issue a determination of corrective action so we may seek full review of the scope of the relevant reporting regulations from the Commission as a whole.
