# KELLEY DRYE \& WARREN LLP 

a Limiteo liagllity yahtinership

WASHINGTON HARBOUR, SUITE 400

```
    NEW YORK.NY
LOS ANGELES.CA
    HOUSTON.TX
    CHICAGO.IL
    PARSIPPANY.NJ
    StamforD, Ct
BRUSSElS. BELGIUM
    affiliate office
    MUMBAI. INDIA
```

3050 K STREET, NW
WASHINGTON, DC 20007
f'acsimile
(202) 342-8451
www.kelleydrye.com
(202) 342.8400

JEFFREY J. HUNTER
DIRECT LINE: (202) 342-8574
EMAIL: Jhunter(6)kelleydrye.com

June 13, 2018
VIA E-MAIL AND U.S. MAIL
Federal Election Commission
Office of Complaints Examination and Legal Administration
Attn: Katherine Ross, Paralegal
1050 First Street, NW
Washington, DC 20463
Re: MUR 7394 - Response by Mediacom Communications Corp.
Dear Ms. Ross:
The Commission should take no action against Mediacom Communications Corp. ("Mediacom") in this matter. The facts documented in this Response warrant dismissing Mediacom from the proceeding altogether. The Complaint's sole allegation against Mediacomproviding "unreimbursed use of corporate facilities or resources"-lacks factual support and substantive merit. ${ }^{1}$ It relies entirely on one sentence in a local news story. ${ }^{2}$ Mediacom confirms that it permitted Mr. O'Donnell's campaign to use a conference room in the corporation's Chester, New York headquarters building for the January 31, 2018 campaign event. However, as demonstrated below, this provision of corporate meeting space complied fully with the FECA and the Commission's rules in two material and independently dispositive ways:

1. Mediacom has provided free meeting space on a regular basis to community groups for non-commercial purposes, without regard to political affiliation, since opening this headquarters facility in $2013 .^{3}$ Providing free meeting space to a federal
[^0]August 23, 2013 Hudson Valley Economic Development Corporation Board Meeting
April 2, 2014 Leadership Orange Meeting on Economic Development

## KELLEY DRYE \& WARREN LLP

Federal Election Commission June 13, 2018<br>Page Two

political committee in this manner would comport with the Commission's exemptions from the definition of "contribution" and "expenditure," respectively, at 11 C.F.R. §§ 100.76 and .136 .
2. From an abundance of caution, Mediacom charged $\$ 100.00$ for the January 31, 2018 use of its facilities. Exhibit B presents a copy of the cancelled $\$ 100.00$ check, drawn against Mr. O'Donnell's personal checking account, to document receipt of this payment.

Please let us know if you have any questions or would like to discuss this matter in greater detail.


David E. Frulla
Counsel to Mediacom Communications Corp.
cc w/Encl.: Thomas J. Larsen, Senior Vice President, Mediacom Communications Corp.

## Exhibit A

## order Name Leader $s h$ porange $4 / 4 / 18$

INVOICE \#925
wednesday, 4/4/2018 Ordered On: 3/13/2018 6/7/2018 11:55:34 AM


Difivendickuphainionda

| Method:Delivery On-Site |
| :---: |
| Event Contactilinda Rossi |
| Contact Phone: $1845-443-2772$ |
| Room Name: 131 |


|  |  |
| :---: | :---: |
|  | Cost Center \| 215 | |
| Payment Type: | Government and Public Relations |
| Approval Email: | tlarsen@mediacomcc.com |
| Policy <br> Acceptanca: | Ir Accept \\| Ir |



|  | Price |  |  |
| :---: | :---: | :---: | :---: |
| Hot Entree - Generic |  |  |  |
| Today's Entree with a Pasta Side, Bread, Salad (choice of Caesar. or Mixed Garden Solad), freshly baked Cookies and Signature Bars, and Full Coild Beverage Service. |  |  |  |
| - Mixed Garden Salad | 50 : | \$16.00 | \$800.00: |
| - - Chicken Stir Fry • Vegetable Stir Fry • Rice - Vagatable Pot Stickers• Park Pot Stickers •Egg Rolls • Salad • Dessert (Possibly Chinese Almond Cookies) • Cold Beverages | $\because$ | $\therefore$ |  |


| BEYEMAES | Price |  | Ext |
| :---: | :---: | :---: | :---: |
| Full Cold Beverage Service - Included | 50 | \$0.00 | \$0.00 |




[^1]

FLiK at Mediacom

INVOICE \#686
Wednesday, 1/4/2017 Ondinesuay, 1/4/2017 od: $6 / 7 / 2018$ 11:07:52 AM (P) P complete


| Method: | Delivery On-Site |
| :---: | :---: |
| Event Contact: | Linda Ross! |
| Contact Phone: | 845-443-2772 |
| Room Name: | 131 |




| BNERAEES S | 9t | Price Ext |  |
| :---: | :---: | :---: | :---: |
| Full Coid Beverage Service - Included | 30 | \$0.00 | \$0.00 |
| Full Cold Beverage Service - Included | 30 | \$0.00 | \$0.00 |


|  | Oty |  | Ext |
| :---: | :---: | :---: | :---: |
| Order Surcharge |  |  |  |
| Additional Labor/Server Rentals Etc. | 1 | \$239,00 | \$239.00 |



Any service/stafing/administrative charges above are chames for the -Any service/stafing/a will not be distrlbuted anction and are nity to the employees who provided wili not be distributed
service to the guests.


## 

Set up food in 131 on (2) covered folding tables - accessible from both sldes as this is a large group. Include covered cart for dity dishes. Uinens needed for [132 and 131 tables (belng combined) and 3 round tables which will be set up outside of 132 for additional seating. Total number of guests is 50 .


[^2]
## ॠथ

INVOICE \#465
Wednesday, 1/6/2026
Ordered On: 12/22/2015
Last Modifled: 1/15/2016 2:15:09 PM
To complete

First Name:|Linda

|  |  |
| :---: | :---: |
| Method: | Delivery On-Site |
| Event Contact: | LInda RossI |
| Contact Phonei | 845-443-2772 |
| Room Name: | 131 |


Approval Emailitlarsen@mediacomcc.com
Cost Center \#:215
Department;Goverment and Public
Name: Relations
Policy I Accept / Ir
Acceptance:
Accept j Ir
 ..


|  |  |  |  |
| :---: | :---: | :---: | :---: |
| Full Cold Beverage Service - Included | 60 | \$0.00 | \$0.00 |



## 

Will need addithonal tablecloths to cover both conference room tables, 3 rectangle tables, covered cart, and round table if needed, Please have silverware rolled with soup spoons Included. Please ensure to have condiments, dressings (for sandwiches on the side), satad dressing (oll and vinegar, and packets). Coffee, tea, water and sada will be placed on the credenza in room 131, Baked cookes and signature bars will be placed on the conference room table along wilth the food in conference room 131,




Any service/staffing/administrative charges above are charges for the --
administration of the function and are not purported to be a tip or gratulty and will not be distirlbuted as a tip or gratulty to the employees who provided
service to the guests

Please have extra linen for conference room tables, Please set up food on 3 folding bables in 131 , Beverages should be set up on the credenza in 132 . $\qquad$



## Order Name Leadershp Orange Lunch $4 / 2 / 14$

FLIK at Mediacom
INVOICE \#192
One Mawiacom Way,Medacom Park.NY 10918
Wednesday, 4/2/2014 Ordered On: 3/24/2014 Last Masllied: 3/31/2014 9:32:32 AM
(P) ${ }^{3}$ ) complete


| Method: | Delivery On-Site |
| :---: | :---: |
| Event Contact | Linda Ross |
| Contact Phone: | 845-443-2772 |
| Room Name: | 131 |





|  | Qly |  |  |
| :---: | :---: | :---: | :---: |
| Full Cold Beverage Service m Included | 60 | \$0.00 | \$0.00 |


| 9TMer wex | Ot | Price | Ext |
| :---: | :---: | :---: | :---: |
| Order Surcharge |  |  |  |
| Additlonas Labor: 570.50 MMG ; Chef Paul: 500,00 Rentals Etc. | 1 | \$1,070.50 | \$1,070.50 |






## Exhibit B

Merchant: MEDIACOM COMMUNICATIONS INC
Site: Mediacom
Batch: Corp
Date: 219/2018

Account: 8265148-8265148-MEDIACOM COMMUNICATIONS CORPORATION


Amount: \$229.02


Amount: \$30.92


Amount: $\$ 98.10$


Amount: $\$ 100.00$


[^0]:    I Federal Election Commission, MUR 7394, Complaint at 1 (alleging Mediacom's improper provision of free meeting space to the O'Donnell campaign) and Attachment A (establishing Mediacom's corporate status). Mediacom has no comment.regarding alleged violations by others named in the Complaint.
    ${ }^{2}$ Complaint at 1, citing Chris McKenna, Maloney challenger opens campaign, Times Herald-ReCord, Jan. 31, 2018 (online edition), at http://www.recordonline.com/news/20180131/maloney-challenger-opens-campaign.
    ${ }^{3}$ Exhibit A presents copies of catering contracts to document these community events, listed below for the Commission's convenience:

[^1]:    
    Set up food in 131 on (2) coveredfolding tables - accessible from both sides as this is a large group. Include covered cart for dilty dishes. Unens needed for 131, 132 (tables being combines) and 3 rows of Cafe ltalla tables outside of 132 for an additional 24 seats. Total number of guest has not yet been conirmed.

[^2]:    
    Meeting starts at 4 pm and ends at $5: 30-6: 00 \mathrm{pm}$ (L. Rossl will stay the duration of meating to clean up). Please cover conference room tables (Both will be connected in 132). Provide covered cart, cups and lids, straws, soda, small dessert dishes, napkins, 2 lce buckets.

