




FEDERAL ELECTION COMMISSION
Washington, DC 20463

MEMORANDUM

TO: The Commission
Staff Director
General Counsel
Press Office
Public Disclosure

FROM: Commission Secretary 

DATE: June 6, 2012

SUBJECT: Comments on Draft AO 2012-17
(Red Blue T LLC, Armour Media, Inc.,
and m-Qube, Inc.)

Transmitted herewith is a late submitted comment from Susan Hampel, Executive Vice President, on behalf of Xtreme Payment Processing, Inc.

Draft Advisory Opinion 2012-17 is on the June 7, 2012 open meeting agenda.

Attachment

**XTREME PAYMENT PROCESSING™**

June 6, 2012

Via Facsimile

The Honorable Shawn Woodhead Werth
Secretary and Clerk of the Commission
Federal Election Commission
999 E Street, N.W.
Washington D.C. 20463

Re: Advisory Opinion Request 2012-17 - Red Blue T LLC, ArmourMedia, Inc., and m-Qube, Inc.

Dear Madame Secretary:

There is an additional issue to be raised for your consideration regarding **Advisory Opinion Request 2012-17**. Anonymous text donations can be done by a donor through a prepaid cell phone. A prepaid cell phone can be purchased and activated without signing a contract, undergoing a credit check or showing identification.

Senator Charles Schumer (D-NY) sponsored a bill to institute an identification requirement for the purchase of pre-paid mobile devices. That bill, S.3427 (111th): Pre-Paid Mobile Device Identification Act, was introduced on May 26, 2010 but was not enacted. There is currently no legislation pending that would mandate identification for the purchase of prepaid cell phones.

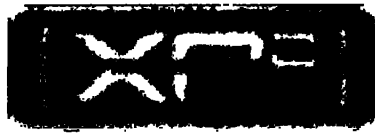
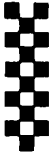
Our calls with representatives from Verizon, AT&T, Sprint (through Virgin Mobile) and TracFone Wireless (America's #1 prepaid wireless provider) have all verified that their prepaid cell phones can be used for text-to-donate purposes. Given that prepaid cell phones can currently be used for text-to-donate purposes as long as there is enough money in the prepaid cell phone account to cover the cost of the donation, we raise as an issue the lack of compliance provisions from prepaid cell phones as an objection to **Advisory Opinion Request 2012-17**. **Advisory Opinion Request 2012-17** does not address the controls and reporting required for prepaid cell phones that ensures compliance with Federal Election Commission rules and regulations.

We respectfully request that the Commission consider adding the issue of prepaid cell phone contributions to the list of other objections raised regarding **Advisory Opinion Request 2012-17**. We believe that approval of this Advisory Opinion will create multiple reporting and enforcement vulnerabilities that can arise in campaign fundraising from anonymous text donations.

Sincerely yours,

Susan Hampel
Executive Vice President
Xtreme Payment Processing, Inc.

cc: Office of the General Counsel
Mr. Theodore M. Lutz



XTREME PAYMENT PROCESSING™

FAX

2 Total Pages (including cover sheet)

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June 6, 2012

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Secretary and Clerk of the Commission
Federal Election Commission**

**FROM: Susan Hampel
Executive Vice President
Xtreme Payment Processing, Inc.**

RE: Advisory Opinion Request 2012-17 – Red Blue T, LLC, ArmourMedia, Inc. and m-Qube, Inc.