



**BNSF
RailPAC**

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October 8, 2010

Ms. Ashley Carter
Senior Campaign Finance Analyst
Federal Election Commission
999 E Street, N.W.
Washington D.C. 20463

Re: Request for Additional Information Regarding the Amended November
Monthly Report, filed 6/30/10
Burlington Northern Santa Fe Corporation RAILPAC (BNSF RAILPAC),
FEC ID# C00235739

Dear Ms. Carter:

This letter responds to the Commission's Request for Additional Information ("RFAI"), dated September 24, 2009 over Corbin Jones' signature, regarding contributions made by Mark Schulze to the Burlington Northern Santa Fe Corporation RAILPAC ("BNSF RAILPAC") in 2009.

As you know, our Amended Report was filed specifically to disclose an error in recordkeeping which occurred in October 2009 and resulted in the deposit of a contribution from Mr. Schulze in excess of the annual limit from individual contributors of \$5,000. Upon discovery of the error, our vendor immediately prepared an amended report to disclose the corrected name of this contributor, and we provided a refund to the contributor. A copy of this refund check is attached to the hardcopy of this letter for your review (though it will not appear on the FEC website for the public along with the electronic version of this letter to be filed). This refund was also reported on the 2010 July Monthly Report along with the following information:

"This report is amended to correct the aggregate year-to-date contribution for Mark A. Schulze. During a voluntary audit of the PAC's 2009 receipts, we became aware that we attributed a January 2009 contribution to Mark A. Schultz in Missouri which was actually collected from Mark A. Schulze in Texas. Thus when Mr. Schulze contributed again in October 2009, he exceeded the annual individual contribution limit. RAILPAC immediately issued a refund check to

10030433412

FEC ID C00235739

817.352.2326

Fort Worth, Texas 76161-0039

PO Box 961039

Page Two
Ashley Carter
October 6, 2010

Mr. Schulze upon the discovery of the inadvertent excessive contribution. This refund will be reported on the July Monthly Report due on July 20, 2010. Also, today we amended the 2009 February Monthly Report to disclose the correct name and address for Mr. Schulze's January contribution. We have reviewed our audit steps for accepting contributions to help prevent this oversight in the future. Please update your records accordingly."

According to your conversation with our vendor, no further action is needed. We appreciate your attention to this matter to record the adequate response to the Commission's request. While this oversight resulted from human error and not from an effort to circumvent the contribution limits set for the PAC, we have reviewed our procedures and do not expect such a situation to occur again in the future.

I trust that this response satisfies your request for additional information. Please contact me if you have any additional questions.

Sincerely,



Patricia Murphy
RailPAC Treasurer
202-347-8662

cc: Jose Cajayon, Public Affairs Support Services

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BNSF RAILPAC
FEC ID# C00235739
Post Office Box 961039
Fort Worth, TX 76161-0039
A Multicandidate Committee

COMERICA BANK
DETROIT, MICHIGAN
9-9/720

11495

06/15/2010

PAY TO THE
ORDER OF

Mark A. Schulze

\$ 5,000.00

*****FIVE THOUSAND AND 00/100*****

DOLLARS  

Mark A. Schulze
8150 Steeplechase Circle
Argyle, TX 76226

Not Applicable-2010 - Mark Schulze (NNE-TX)

Asphy Casanova

MEMO

BNSF RAILPAC

11495

Mark A. Schulze
8150 Steeplechase Circle
Argyle, TX 76226

06/15/2010

\$5,000.00

Not Applicable-2010 - Mark Schulze (NNE-TX)

BNSF RAILPAC

11495

Mark A. Schulze
8150 Steeplechase Circle
Argyle, TX 76226

06/15/2010

\$5,000.00

Not Applicable-2010 - Mark Schulze (NNE-TX)

9-2005 INTUIT, INC. # 571 1-800-433-8810

10030433414



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

September 24, 2010

Patricia Murphy, Treasurer
BNSF Railway Company RAILPAC
(BNSF RAILPAC)
P.O. Box 961039
Fort Worth, TX 76161

Response Due Date:
October 29, 2010

Identification Number: C00235739

Reference: Amended November Monthly Report (10/1/09-10/31/09), received
6/30/10

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 A of your report (see attached) discloses a contribution(s) which appears to exceed the limits set forth in the Act. The Act prohibits a committee from receiving contributions from another political committee or a person in excess of \$5,000 per calendar year. 2 U.S.C. §441a(f)

The Commission notes your refund of the excessive contribution(s) disclosed on your 2010 July Monthly Report (6/1/10-6/30/10). The Commission also notes your MEMO text which states, "During a voluntary audit of the PAC's 2009 receipts, we became aware that we attributed a January 2009 contribution to Mark A. Schultz in Missouri which was actually collected from Mark A. Schulze in Texas. Thus when Mr. Schulze contributed again in October 2009, he exceeded the annual individual contribution limit. RAILPAC immediately issued a refund check to Mr. Schulze upon the discovery of the inadvertent excessive contribution. This refund will be reported on the July Monthly Report due on July 20, 2010." Although the Commission may take further legal action concerning the acceptance of an excessive contribution(s), your prompt action in refunding or transferring-out the contribution(s) will be taken into consideration.

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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) 694-1177.

Sincerely,



Corbin T. Jones
Senior Campaign Finance Analyst
Reports Analysis Division

222

(202) 694-1173

T/C w/ ASHLEY CARTER 9/29

10030433416

BNSF RAILWAY COMPANY RAILPAC (BNSF RAILPAC)

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Contribution After Election Date:

Contributor Name	Date	Amount	Report
SCHULZE, MARK A	1/21/09	\$5,000.00	2009 February Monthly
SCHULZE, MARK A	10/7/09	\$5,000.00	2009 November Monthly

10030433417

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.

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 Next Business Day Delivery

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Other (Specify): Date of Receipt or Postmarked

Ames *10/8/10*
 PREPARER DATE PREPARED

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