



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

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

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