



Federal Communications Commission
Washington, D.C. 20554

January 17, 2012

Robert Turney
Alaska Railroad Corporation
P.O. Box 107500
Anchorage, AK 99510-7500

Dear Mr. Turney:

The Wireless Telecommunications Bureau (WTB) has provided us with information suggesting that you have violated the Commission's *ex parte* rules. See 47 C.F.R. §§ 1.1200-1.1216. Specifically, WTB has provided us with documents showing that you sent an email and attachments to Richard Arsenault, a WTB official, on November 29, 2011, regarding Alaska Railroad Corporation's use of 220 MHz spectrum. Mr. Arsenault determined that your e-mail and attachments addressed the merits of WT Docket No. 11-79, which is classified as a permit-but-disclose proceeding. Mr. Arsenault informed you that you must file your email and attachments in WT Docket No. 11-79, because under 47 C.F.R. § 1.1206(b), persons making presentations to Commission decision-makers concerning the merits of permit-but-disclose proceedings must file copies of written presentations in the record of the proceeding. According to WTB, despite being informed of these rules, you failed to make the required filing.

On their face, these facts establish an apparent violation of the *ex parte* rules. Violations of the *ex parte* rules can result in sanctions, including monetary forfeitures and license revocations. See 47 C.F.R. § 1.1216. Please be advised that we are referring this matter to the Commission's Enforcement Bureau for possible action against you and/or Alaska Railroad Corporation.

Sincerely yours,

A handwritten signature in black ink that reads "Joel Kaufman".

Joel Kaufman
Associate General Counsel and
Chief, Administrative Law Division
Office of General Counsel

cc:
Wireless Telecommunications Bureau
Enforcement Bureau