

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	File No. EB-08-IH-5318
)	File No. EB-09-IH-1703
BNSF Railway Company))
)	NAL Acct. No. 201032080013
Licensee of Various Authorizations in the))
Wireless Radio Services)	FRN No. 0004772877

ORDER

Adopted: December 14, 2009

Released: December 14, 2009

By the Chief, Enforcement Bureau:

1. In this Order, we adopt the attached Consent Decree entered into between the Enforcement Bureau and BNSF Railway Company (“BNSF”). The Consent Decree terminates an investigation by the Bureau of BNSF’s compliance with Section 310(d) of the Communications Act of 1934, as amended,¹ relating to assignments of licenses, and Section 1.17 of the Commission’s Rules,² relating to truthful statements to the Commission.

2. The Bureau and BNSF have negotiated the terms of the Consent Decree that resolve this matter. A copy of the Consent Decree is attached hereto and incorporated by reference.

3. After reviewing the terms of the Consent Decree and evaluating the facts before us, we find that the public interest would be served by adopting the Consent Decree and terminating the investigation.

4. In the absence of material new evidence relating to this matter, we conclude that our investigation raises no substantial or material questions of fact as to whether BNSF possesses the basic qualifications, including those related to character, to hold or obtain any Commission license or authorization.

5. Accordingly, **IT IS ORDERED** that, pursuant to Section 4(i) of the Act,³ and Sections 0.111 and 0.311 of the Commission’s Rules,⁴ the Consent Decree attached to this Order **IS ADOPTED**.

6. **IT IS FURTHER ORDERED** that the above-captioned investigation **IS TERMINATED**.

¹ 47 U.S.C. § 310(d)

² 47 C.F.R. § 1.17

³ 47 U.S.C. § 154(i)

⁴ 47 C.F.R. §§ 0.111, 0.311

7. **IT IS FURTHER ORDERED** that a copy of this Order and Consent Decree shall be sent by First Class United States Mail to Jack Richards, Esq., Keller & Heckman LLP, 1001 G Street, N.W., Suite 500 West, Washington, DC 20001.

FEDERAL COMMUNICATIONS COMMISSION

P. Michele Ellison
Chief, Enforcement Bureau