

**NHTSA ccmMercury Routing Slip**



Printed:

NHTSA #: ES06-007433  
XREF #:  
Delivery: MESSENGER ENV.

Rec'd Date: 11/24/2006  
Doc Type: CNG  
Address To:

Referred By: NPO-011  
Doc Date: 10/18/2006  
Due Date: 12/5/2006

S10 #: [REDACTED] DOT# [REDACTED] RMP # [REDACTED]  
Subject: LTR FROM [REDACTED] RE HER 2000 BMW 323i, DEFECTIVE ENGINE WIRING  
HARNES AND THROTTLE BODY MALFUNCTION CAUSE COMPUTER FAILURE WITH SUDDEN LOSS  
OF POWER & DECELERATION AT HIGH SPEEDS, REPLY ATTN: MARK STAFFORD/SAN FRANCISCO  
OFC

Ack Date: 11/15/2006

Ack By: DONOHUE FOR  
CLARK/FTC

Signed For:

Sign Office: DIRECTOR FOR  
EXTERNAL AFFAIRS

Signature: HARRINGTON

Cleared Date:

Cleared By:

Cleared For:

File Loc:

XREF File:

Closed Date:

Added By: SHARRIS x62634

Modified By: MICHELLE.RICE

Most Recent Comment:

2006 NOV 27 AM 9:40

Author:

10175355

The Honorable BARBARA BOXER  
UNITED STATES SENATE

WASHINGTON, DC 20510  
Tel: Fax: E-mail:

Assigned To	Task	Asgn Date	Deadline	Returned Date
NVS-200	REPLY	11/24/2006	12/5/2006	
	Return Process	11/27/2006		11/27/2006
ODI	REPLY	11/27/2006	12/4/2006	
NVS-010	INFORMATION	11/24/2006		11/24/2006
NIA-110	INFORMATION	11/24/2006		11/24/2006
I10	INFORMATION	11/24/2006		11/24/2006
I20	INFORMATION	11/24/2006		11/24/2006

M Rice  
11/27/06



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

NOV 18 2000

Office of the Secretary

The Honorable Barbara Boxer  
United States Senate  
1700 Montgomery Street, Suite 240  
San Francisco, CA 94111

Re: FTC Ref. No. 9279880

Dear Senator Boxer:

Thank you for your letter on behalf of your constituent, [REDACTED] Woodcliff  
Lake, concerning safety defects in BMW automobiles.

For your information, the Federal Trade Commission has been directed by Congress to act in the interest of all consumers to prevent deceptive or unfair practices and unfair methods of competition, pursuant to the Federal Trade Commission Act, 15 U.S.C. 41 *et seq.* In determining whether to take enforcement or other action in any particular situation, the Commission may consider a number of factors, including the type of violation alleged; the nature and amount of consumer injury at issue and the number of consumers affected; and the likelihood of preventing future unlawful conduct and securing redress or other relief. I would like to emphasize that letters from consumers like you provide valuable information that is frequently used to develop or support Commission enforcement initiatives.

I appreciate learning of your concerns; however, I should note that the jurisdiction of the Commission under the FTC Act does not extend to the situation described. Therefore, I have taken the liberty of forwarding your letter to the National Highway Traffic Safety Administration for review. Again, thank you for your interest in this matter, and please let me know whenever we can be of service.

Sincerely,

  
Donald S. Clark

Secretary of the Commission

cc: Director, Office of Congressional Affairs  
National Highway Traffic Safety Administration  
400 Seventh Street, S.W.  
Washington, D.C. 20590

BARBARA BOXER  
CALIFORNIA

COMMITTEES:  
COMMERCE, SCIENCE,  
AND TRANSPORTATION  
ENVIRONMENT  
AND PUBLIC WORKS  
FOREIGN RELATIONS

# United States Senate

HART SENATE OFFICE BUILDING  
SUITE 112  
WASHINGTON, DC 20510-0505  
(202) 224-3553  
<http://www.senate.gov/contact>

*Handwritten:* 08867 EB

October 18, 2006

The Honorable Donald S. Clark  
Secretary  
Federal Trade Commission  
600 Pennsylvania Avenue  
Washington, D.C. 20580

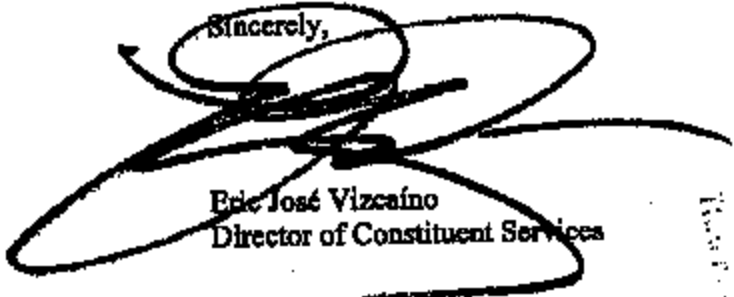
Dear Secretary Clark:

At the request of [REDACTED] am forwarding to you information pertaining to the concerns of her case.

Senator Boxer is respectfully submitting the attached for your review and consideration. Please inform our office of any developments in [REDACTED] case.

Thank you for your assistance with this matter. Please respond to Senator Boxer's San Francisco office, Attention: Mark Stafford.

Sincerely,



Eric José Vizcaino  
Director of Constituent Services

EJV/ms

*Vertical stamp:* 2006 NOV 24 A 9 32

MINUTES SECTION  
05 NOV - 1 AM 11:06

1700 MONTGOMERY STREET  
SUITE 240  
SAN FRANCISCO, CA 94111  
(415) 403-0100

515 NORTH SPRING STREET  
SUITE 1740  
LOS ANGELES, CA 90012  
(213) 894-8000

501 7 STREET  
SUITE 7-600  
SACRAMENTO, CA 95814  
(916) 448-2787

300 7 STREET  
SUITE 2450  
FRESNO, CA 93721  
(559) 437-8109

600 N STREET  
SUITE 2240  
SAN DIEGO, CA 92101  
(619) 289-3884

801 NORTH F STREET  
SUITE 210  
SAN BERNARDINO, CA 92401  
(909) 888-8525

PRINTED ON RECYCLED PAPER

ES06-007433

September 2, 2006

Senator Barbara Boxer  
331 Hart Senate Office Building  
Washington, D.C. 20510

Senator Dianne Feinstein  
112 Hart Senate Office Building  
Washington, D.C. 20510

RE: BMW AUTOMOBILE SAFETY DEFECT

Dear Senators Boxer and Feinstein:

The purpose of this letter is to urge you to contact NHTSA and the FTC about dangerous and potentially fatal safety defects in BMW automobiles. BMW of North America is aware of this problem, yet refuses to take responsibility for defects in its vehicles. It has not voluntarily recalled these vehicles, nor has it extended the warranty to cover required repairs, leaving owners with repair bills in the thousands of dollars.

A defective engine wiring harness and throttle body malfunction cause computer failure with sudden loss of power and deceleration without warning at high speeds. When this happens on the freeway, the driver is left without ANY ability to accelerate and this presents a situation that could lead to serious injury and possibly a fatality.


This is exactly what happened to me on the morning of July 14, 2006 on my way to work at 6:30AM. I was driving my 2000 BMW 323i (with approximately 47,000 miles) on the Newport Beach Freeway when the computer failed and I suddenly lost power and began to coast to a stop in the middle lane. This happened shortly after the RML, Check Engine Soon and DSC lights came on. I was traveling at 60-65 miles per hour and was barely able to get over to the right shoulder. I was fortunate to avoid impact with other cars going full freeway speeds and who had no way of knowing that I suddenly lost power and had no acceleration. My car was towed to Sterling BMW in Newport Beach for repair.

The problem was diagnosed as a defective engine wiring harness and throttle body malfunction. The repair took almost two weeks and cost approximately \$2500. We learned from the Service Manager that this is not an uncommon problem and that BMW is well-aware of it. We were shocked to learn that there was no voluntary recall or extended warranty for this potentially catastrophic engine failure and we were responsible for the full repair cost.

A quick survey of any number of Internet BMW message boards and the complaints filed with the Center for Auto Safety will show that a number of BMW owners have long complained of this problem to BMW, yet BMW has refused to extend the warranty or voluntarily recall the vehicles for repair. For this reason, I respectfully urge you to contact the appropriate federal agencies in the hope that BMW will be required to take responsibility for this safety defect and recall the vehicles for the necessary repairs and reimburse those owners who have paid for the required repairs.

Thank you for your time in reviewing my concerns.

Respectfully,

  
cc: Tom Purves, CEO  
BMW of North America  
300 Chestnut Ridge Road  
Woodcliff Lake, NJ 07675

102 VIA ORVIETO  
NEWPORT BEACH, CA 92663  
949/566-9425 H OR 949/788-8033 W

2006 SEP 21 10 43 32