

March 3, 2011

Mr. Edward L. Stanton, III, U.S. District Attorney
U.S. Attorney's Office
167 North Main Street
Suite 800
Memphis, TN 38103

Mr. Stanton,

I would like to submit a formal public corruption complaint to your office. If this submission is not the correct format for submitting complaints to your office, would you please have someone from your office contact me so that I may submit this complaint following the correct process/procedure.

From 2005 to 2007 I was a Business Continuity and Disaster Recovery planner with FedEx Services here in Memphis. In 2006 I was documenting what might happen if the Hurricane Creek Tunnel which passes beneath the airport's eastern property and Runway 9/27 collapsed during a New Madrid Fault earthquake. During my investigation I discovered a significant defect with the construction of the tunnel at the location directly beneath Runway 9/27 (Runway 9/27 is the airport's only east/west runway which parallels the FedEx SuperHub facility).

On November 01, 2006, colleagues of mine from the Business Continuity group and I were allowed by the Memphis Shelby County Airport Authority to tour the Hurricane Creek Tunnel. We were also provided with an engineering report by the AFRAM Corporation who were commissioned by the MSCAA to determine if the airport's infrastructure could support a fleet of new A380 Airbuses which FedEx had on order at the time the report was created.

AFRAM's study found that the airport could support FedEx's A380's as long as specific construction requirements were met. Because AFRAM did not possess all of the tunnel's original construction diagrams at the time of their study they were unable to confirm if the required infrastructure was in fact in place (specifically the size and placement of reinforcement bars within the tunnel's walls). When I began documenting the Hurricane Creek Tunnel in the beginning of 2007 I had in my possession construction diagrams from FedEx Facilities which AFRAM did not have access to while writing their report.

Using the AFRAM report as a guide and my FedEx construction diagrams, I was able to determine that the tunnel could not, in fact, support a 1.7 million pound A380. I submitted my findings in a report titled *Enterprise Vulnerability Study 001 – Hurricane Creek – Memphis International Airport & FedEx SuperHub* (EV-Report) to FedEx Safety and to FedEx Information Security. In 2007 I presented this

study to FedEx Express managers at FedEx Express' World Headquarters. I was told after my presentation not to let this information get out into the public and shred all of my documentation and "let legal handle it."

In 2008 FedEx Facilities were again considering what might happen to the FedEx SuperHub in the event of a mid to large scale New Madrid Earthquake. I was contacted by FedEx's Northstar team who were at the time assessing the entire corporation's level of business continuity readiness and if each area had its own Business Continuity Plan. I sent my EV-Report to Randy DiGirolamo with FedEx Express for his review. I also sent him the AFRAM reports the airport had given me back in 2007. It's important to note that at the time I sent my EV-Report to Mr. DiGirolamo, the Memphis Airport Authority was still insistent that Runway 9/27 did not need to be replaced based on the AFRAM studies. Three weeks after Mr. DiGirolamo received my EV-Report and the AFRAM reports, the Memphis Airport Authority announced that the entire runway would be replaced at a cost of \$50 million dollars.

The Memphis Airport Authority quickly secured a \$45 million dollar revolving credit line from Regions Bank. I can find no where in their charter whereby they are allowed to do this. Also, because they insisted that the runway did not need to be replaced, their decision to replacement falls under the False Claims Act.

When I first heard that the runway would be replaced I wrote an email to Randy DiGirolamo asking him if the problem with the tunnel I had documented in my EV-Report was being addressed. After a few weeks he finally responded and stated that no provisions had been made to address the tunnel issue. The issue here, I believe, was that FedEx and the Memphis Airport Authority made an agreement that the runway would be completed by December 1, 2009 (the start of FedEx's highest volume month). Documentation shows significant monetary incentives were in place to complete the runway by December 1st, which it was.

The primary issue today is that neither FedEx nor the Memphis Airport Authority have made an effort to correct the damage to the tunnel walls holding up the runway. The AFRAM studies were commissioned to study the tunnel and runway infrastructure as it existed in 2006. The new runway is almost twice as heavy as the old asphalt runway, and I believe, the reason the walls are now showing even more damage than was previously discovered in 2007. Photos and video of the walls prove this.

To try to block my continuing efforts to have the runway and tunnel inspected, the Memphis Airport Authority commissioned their existing contractor, Kimley-Horn, and paid them \$70,000 to create a report that attempts to explain why one tunnel wall is misaligned. The report never addresses the fact that all five walls are damaged and are located directly beneath Runway 9/27.

Based on the documents I received by way of a Freedom of Information Act request from the FAA, we now know that neither the FAA Whistleblower Protection Program nor the FAA's Hotline Program ever inspected the runway or tunnel for themselves. They simply restated the findings in the Kimley-Horn report and made this statement about Kimley-Horn:

“The MEM-ADO also received and reviewed the K-H report. K-H is a qualified professional engineering consultant. Our review of the report does not question the professional opinion of the consultant.” - Winsome A. Lenfert, FAA Manager, Airports Division, ASO-600 (June 29, 2010).

As of March 2011, the Memphis Airport Authority have not allowed any inspection of the damaged tunnel walls beneath the runway nor the runway itself by any government agency, independent engineering firm, media group or the public. I have published the majority of my documentation at my website address: www.guycobb.com/fedex.htm and would be grateful to be allowed to submit this information to your investigators.

Please initiate an investigation of this issue immediately. I am aware that your previous position as an Attorney employed by FedEx at the same time these issues were taking place may require you to assign this investigation to other investigators within the U.S. District Attorney’s office. For this reason I would ask that you provide as much transparency as possible to the public as you consider this urgent issue. Thank you.

Sincerely,

Guy Cobb