

Dated: September 16, 2003.

William J. Muszynski,

Deputy Regional Administrator, Region 2.

[FR Doc. 03-25010 Filed 10-1-03; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Approved by Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for the following public information collection pursuant to the Paperwork Reduction Act of 1995, Public Law 104-13.

DATES: Written comments should be submitted on or before November 3, 2003. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts listed below as soon as possible.

ADDRESSES: Kim A. Johnson, Office of Management and Budget, Room 10236 NEOB, Washington, DC 20503, (202) 395-7232 or *Kim.A.Johnson@omb.eop.gov*; or Les Smith, Federal Communications Commission, 445 12th Street, Room 1-A804, Washington DC, 20554, (202) 418-0217 or *Leslie.Smith@fcc.gov*.

Paperwork Reduction Act

OMB Control No.: 3060-1033.

Expiration Date:

Title: Multi-channel Video Program Distributor EEO Program Annual Report, FCC Form 396-C.

Form No.: 396-C.

Respondents: 10 minutes to 2.5 hours.

Number of Respondents: 2,200.

Total Annual Burden: 3188 hours.

Total Annual Cost: None.

Description: FCC Form 396-C collects information on the EEO program of multi-channel video program distributors during the last year prior to filing once every five years, each employment unit is also required to submit as an attachment a copy of the units most recent EEO public file report, and is also required to answer additional questions about its hiring program on a Supplemental Investigation Sheet.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 03-24935 Filed 10-1-03; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

[DA 03-2706]

Notice of Suspension and of Proposed Debarment Proceedings; Schools and Libraries Universal Service Support Mechanism

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Enforcement Bureau ("Bureau") gives notice of Mr. Oscar Alvarez's suspension from the schools and libraries universal service support mechanism. In addition, the Bureau gives notice that debarment proceedings are commencing against him. Mr. Alvarez, or any person who has an existing contract with or intends to contract with him to provide or receive services in matters arising out of activities associated with or related to the schools and libraries support, may respond by filing an opposition request, supported by documentation.

DATES: Opposition requests must be received by November 3, 2003. However, an opposition request by the party to be suspended must be received 30 days from the receipt of the suspension letter or November 3, 2003, whichever comes first. The Bureau will decide any opposition request for reversal or modification of suspension or debarment within 90 days of its receipt of such requests.

FOR FURTHER INFORMATION CONTACT:

Diana Lee, Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, Room 6-C326, 445 12th Street, SW., Washington, DC 20554. Diana Lee may be contacted by phone at (202) 418-1420 or e-mail at *diana.lee@fcc.gov*.

SUPPLEMENTARY INFORMATION: The Bureau has suspension and debarment authority under 47 CFR 54.521 and 47 CFR 0.111(a)(14). Suspension will help to ensure that the party to be suspended cannot continue to benefit from the schools and libraries mechanism pending resolution of the debarment process. Attached is the suspension letter, *Notice of Suspension and of Proposed Debarment Proceedings*, DA 03-2706, which was mailed to Mr. Alvarez and released on August 21, 2003. The letter (1) gives notice of the

suspension and proposed debarment; (2) gives the reasons for the proposed debarment; (3) explains the debarment procedures, and (4) describes the potential effect of debarment. The complete text of the suspension letter is available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. In addition, the complete text of this letter may be retrieved from the FCC's Web site at *http://www.fcc.gov*. The text may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone (202) 863-2893, facsimile (202) 863-2898, or via e-mail *qualexint@aol.com*.

Federal Communications Commission.

Maureen F. Del Duca,

Chief, Investigations and Hearings Division, Enforcement Bureau.

The suspension letter follows:

Federal Communications Commission

Washington, DC 20554

[DA 03-2706]

August 21, 2003.

Via Certified Mail
Return Receipt Requested

Mr. Oscar Alvarez
Connect2 Internet Networks, Inc.
26 Bay Street
Staten Island, NY 10301

Re: Notice of Suspension and of Proposed Debarment, File No. EB-03-IHD-0377.

Dear Mr. Alvarez: The Federal Communications Commission ("FCC" or "Commission") has received notice of your May 20, 2003 conviction pursuant to 18 U.S.C. 1512 for misleading conduct toward another person: (1) to influence, delay, or prevent the testimony of any person in an official proceeding; and (2) with the intent to cause and induce another person to alter, destroy, mutilate and conceal objects with the intent to impair the objects' integrity and availability for use in an official proceeding.¹ Consequently, pursuant to 47 CFR 54.521, this letter constitutes official notice of your suspension from the schools and libraries universal service support mechanism. In addition, the Enforcement Bureau ("Bureau")

¹ Any further reference in this letter to "your conviction" refers to your May 20, 2003 guilty plea and conviction of this count based on your attempt to persuade two school administrators not to reveal evidence to FCC auditors conducting an official investigation into violations by your employer, Connect2 Internet Networks, Inc. ("Connect2") of the FCC rules governing the E-Rate schools and libraries internet funding program ("E-Rate program"). See *United States v. Alvarez*, Criminal Docket No. 1:03cr634, Felony Information at 1-2 (S.D.N.Y. filed May 20, 2003) ("*Alvarez Felony Information*").

hereby notifies you that we are commencing debarment proceedings against you.²

I. Notice of Suspension

Pursuant to section 54.521(a)(4) of the Commission's rules,³ your conviction requires the Bureau to suspend you from participating in any activities associated with or related to the schools and libraries fund mechanism, including the receipt of funds or discounted services through the schools and libraries fund mechanism, or consulting with, assisting, or advising applicants or service providers regarding the schools and libraries support mechanism.⁴ Your suspension becomes effective upon the earlier of your receipt of this letter or publication of notice in the **Federal Register**.⁵

Suspension is immediate pending the Bureau's final debarment determination. You may contest this suspension or the scope of this suspension by filing arguments in opposition to the suspension, with any relevant documentation. Your request must be received within 30 days after you receive this letter or after notice is published in the **Federal Register**, whichever comes first.⁶ Such requests, however, will not ordinarily be granted.⁷ The Bureau may reverse or limit the scope of suspension only upon a finding of extraordinary circumstances.⁸ Absent extraordinary circumstances, the Bureau will decide any request for reversal or modification of suspension within 90 days of its receipt of such request.⁹

II. Notice of Proposed Debarment

A. Reasons for and Cause of Debarment

The Commission's rules establish procedures to prevent persons who have "defrauded the government or engaged in similar acts through activities associated with or related to the schools and libraries support mechanism" from receiving the benefits associated with that program.¹⁰ On May 20, 2003, you pleaded guilty to attempting to persuade two school administrators not to show to FCC auditors a letter signed by your employer that falsely represented that the school could participate in the E-Rate program at "absolutely no cost to the

school."¹¹ These actions constitute the conduct or transactions upon which this debarment proceeding is based.¹² Moreover, your conviction on the basis of these acts falls within the categories of causes for debarment defined in section 54.521(c) of the Commission's rules.¹³ Therefore, pursuant to section 54.521(a)(4) of the Commission's rules, your conviction requires the Bureau to commence debarment proceedings against you.

B. Debarment Procedures

You may contest debarment or the scope of the proposed debarment by filing arguments and any relevant documentation within 30 calendar days of the earlier of the receipt of this letter or of publication in the **Federal Register**.¹⁴ Absent extraordinary circumstances, the Bureau will debar you.¹⁵ Within 90 days of receipt of any opposition to your suspension and proposed debarment, the Bureau, in the absence of extraordinary circumstances, will provide you with notice of its decision to debar.¹⁶ If the Bureau decides to debar you, its decision will become effective upon the earlier of your receipt of a debarment notice or publication of its decision in the **Federal Register**.¹⁷

C. Effect of Debarment

If and when your debarment becomes effective, you will be prohibited from participating in activities associated with or related to the schools and libraries support mechanism for at least three years from the date of debarment.¹⁸ The Bureau may, if

necessary to protect the public interest, extend the debarment period.¹⁹

Please direct any responses to the following address:

Diana Lee,
Federal Communications Commission,
Enforcement Bureau,
Investigations and Hearings Division,
Room 6-C326,
445 12th Street, SW.,
Washington, DC 20554.

If you submit your response via hand-delivery or non-United States Postal Service delivery (e.g., Federal Express, DHL, etc.), please send your response to Ms. Lee at the following address:

Federal Communications Commission,
9300 East Hampton Drive,
Capitol Heights, MD 20743.

If you have any questions, please contact Ms. Lee via mail, by telephone at (202) 418-1420 or by e-mail at diana.lee@fcc.gov. If Ms. Lee is unavailable, you may contact William Davenport by telephone at (202) 418-1420 and by e-mail at william.davenport@fcc.gov.

Sincerely yours,

Maureen F. Del Duca,
Chief, Investigations and Hearings Division,
Enforcement Bureau.

cc: Joel M. Cohen, Greenberg Traurig, LLP
Kristy Carroll, USAC

[FR Doc. 03-24938 Filed 10-1-03; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

[DA 03-2707]

Notice of Suspension and of Proposed Debarment Proceedings; Schools and Libraries Universal Service Support Mechanism

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Enforcement Bureau ("Bureau") gives notice of Mr. John Angelides' suspension from the schools and libraries universal service support mechanism. In addition, the Bureau gives notice that debarment proceedings are commencing against him. Mr. Angelides, or any person who has an existing contract with or intends to contract with him to provide or receive services in matters arising out of activities associated with or related to the schools and libraries support, may respond by filing an opposition request, supported by documentation.

DATES: Opposition requests must be received by November 3, 2003. However, an opposition request by the party to be suspended must be received 30 days from the receipt of the

¹⁹ *Id.*

² 47 CFR 54.521; 47 CFR 0.111(a)(14) (delegating to the Enforcement Bureau authority to resolve universal service suspension and debarment proceedings pursuant to 47 CFR 54.521).

³ 47 CFR 54.521(a)(4). See *Schools and Libraries Universal Service Support Mechanism*, Second Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 9202, 9225-9227, ¶¶ 67-74 (2003) ("Second Report and Order").

⁴ *Second Report and Order*, 18 FCC Rcd at 9225, ¶ 67; 47 U.S.C. 254; 47 CFR 54.502-54.503; 47 CFR 54.521(a)(4).

⁵ *Second Report and Order*, 18 FCC Rcd at 9226, ¶ 69; 47 CFR 54.521(e)(1).

⁶ *Second Report and Order*, 18 FCC Rcd at 9226, ¶ 70; 47 CFR 54.521(e)(4).

⁷ *Second Report and Order*, 18 FCC Rcd at 9226, ¶ 70.

⁸ 47 CFR 54.521(f).

⁹ See *Second Report and Order*, 18 FCC Rcd at 9226, ¶ 70; 47 CFR 54.521(e)(5), 54.521(f).

¹⁰ *Second Report and Order*, 18 FCC Rcd at 9225, ¶ 66.

¹¹ See *United States v. John Angelides, John Dotson, Oscar Alvarez, and Gary Blum*, U.S. District Court, Southern District of New York, Complaint at 29 (S.D.N.Y. filed Dec. 17, 2003). The incriminating letter was signed by John Angelides, owner and CEO of Connect2. *Id.* Further, the conduct for which you were convicted served to conceal and further a fraudulent scheme unlawfully to obtain E-Rate program funds. See generally *id.*

¹² *Second Report and Order*, 18 FCC Rcd at 9226, ¶ 70; 47 CFR 54.521(e)(2)(i).

¹³ "Causes for suspension and debarment are the conviction of or civil judgment for attempt or commission of criminal fraud, theft, embezzlement, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, obstruction of justice and other fraud or criminal offense arising out of activities associated with or related to the schools and libraries support mechanism." 47 CFR 54.521(c). Such activities "include the receipt of funds or discounted services through the schools and libraries support mechanism, or consulting with, assisting, or advising applicants or service providers regarding schools and libraries support mechanism described in this section (47 CFR 54.500 *et seq.*)." 47 CFR 54.521(a)(1).

¹⁴ See *Second Report and Order*, 18 FCC Rcd at 9226, ¶ 70; 47 CFR 54.521(e)(2)(i), 54.521(e)(3).

¹⁵ *Second Report and Order*, 18 FCC Rcd at 9227, ¶ 74.

¹⁶ See *Second Report and Order*, 18 FCC Rcd at 9226, ¶ 70; 47 CFR 54.521(e)(5).

¹⁷ *Id.* The Commission may reverse a debarment, or may limit the scope or period of debarment upon a finding of extraordinary circumstances, following the filing of a petition by you or an interested party or upon motion by the Commission. 47 CFR 54.521(f).

¹⁸ *Second Report and Order*, 18 FCC Rcd at 9225, ¶ 67; 47 CFR 54.521(d), 54.521(g).