

copies for each additional docket or rulemaking number.

One (1) courtesy copy should also be sent to Sheryl Todd, Wireline Competition Bureau, FCC, Room 5-B540, 445 12th Street, SW., Washington, DC 20554. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail).

The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW., Washington, DC 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

The original petition for reconsideration that CompTel and PCIA jointly filed in 2001 is available for inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th St. SW., Room CY-A257, Washington, DC 20554. The document may also be purchased from Best Copy and Printing, Inc., Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone 1-800-378-3160, or via e-mail <http://www.bcpweb.com>.

This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. See 47 CFR 1.1200 and 1.1206. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one- or two-sentence description of the views and arguments presented is generally required. See 47 CFR 1.1206(b). Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in § 1.1206(b) of the Commission's rules, 47 CFR 1.1206(b).

Federal Communications Commission.

Dated: December 10, 2004.

**Narda M. Jones,**

*Chief, Telecommunications Access Policy Division.*

[FR Doc. 04-27564 Filed 12-15-04; 8:45 am]

**BILLING CODE 6712-01-P**

## FEDERAL COMMUNICATIONS COMMISSION

[DA 04-3828]

### Notice of Debarment; Schools and Libraries Universal Service Support Mechanism

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** The Enforcement Bureau ("Bureau") debars Mr. John Dotson from the schools and libraries universal service support mechanism for a period of three years.

**DATES:** Debarment commences on the date Mr. Dotson receives the debarment letter or whichever date comes first, for a period of three years.

**FOR FURTHER INFORMATION CONTACT:** Diana Lee, Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, Room 4-C330, 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](mailto:diana.lee@fcc.gov).

**SUPPLEMENTARY INFORMATION:** The Bureau has debarred Mr. John Dotson from the schools and libraries universal service support mechanism for a period of three years pursuant to 47 CFR 54.521 and 47 CFR 0.111(a)(14). The Commission previously suspended Mr. John Dotson from the schools and libraries mechanism, pending debarment proceedings. See 69 FR 62047, October 22, 2004. Attached is the debarment letter, *Notice of Debarment; Schools and Libraries Universal Service Support Mechanism*, DA 04-3828, which was mailed to Mr. John Dotson and released on December 6, 2004, in turn attached the suspension letter, *Notice Of Suspension and of Proposed Debarment Proceedings*, DA 04-3209. The complete text of the debarment letter with attachment 1 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 [www.fcc.gov](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](mailto:qualexint@aol.com).

Federal Communications Commission.

**William H. Davenport,**

*Chief, Investigations and Hearings Division, Enforcement Bureau.*

The debarment letter, with attached suspension letter, follows:

*VIA Certified Mail Return Receipt Requested*

John Dotson, 2850 Webb Avenue, Apt. 4H, Bronx, NY 10468.

Re: Notice of Debarment, File No. EB-04-IH-0460.

Dear Mr. Dotson: Pursuant to section 54.521 of the rules of the Federal Communications Commission (the "Commission"), by this Notice of Debarment you are hereby debarred from the schools and libraries universal service support mechanism for a period of three years.<sup>1</sup>

On October 7, 2004, the Enforcement Bureau (the "Bureau") sent you a Notice of Suspension and Proposed Debarment (the "Notice of Suspension").<sup>2</sup> That Notice of Suspension was published in the **Federal Register** on October 22, 2004.<sup>3</sup> The Notice of Suspension suspended you from the schools and libraries universal service support mechanism<sup>4</sup> and described the basis for your proposed debarment,<sup>5</sup> the applicable debarment procedures,<sup>6</sup> and the effect of debarment.<sup>7</sup>

Pursuant to the Commission's rules, any opposition to your suspension or its scope or to your proposed debarment or its scope had to be filed with the Commission no later than thirty (30) calendar days from the earlier date of your receipt of the Notice of Suspension or publication of the Notice of Suspension in the **Federal Register**.<sup>8</sup> The Commission did not receive any such opposition.

As discussed in the Notice of Suspension, on or about May 17, 2004, you were convicted of conspiracy to charge the E-Rate program 100 percent of the cost of E-Rate services provided through Connect2Interne Networks, Inc. ("Connect2") to certain schools participating in the program, rather than requiring the schools to pay their designated ten percent of those costs, by: (1) Falsely representing to the schools that they

<sup>1</sup> See 47 CFR 0.111(a)(14), 54.521.

<sup>2</sup> Letter from William H. Davenport, Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, to John Dotson, Notice of Suspension and Proposed Debarment, 19 FCC Rcd 19662 (2004).

<sup>3</sup> 69 FR 62047 (Oct. 22, 2004).

<sup>4</sup> See Notice of Suspension, 19 FCC Rcd at 19662-63 (imposing suspension pending the Bureau's final debarment determination) (Attachment 1).

<sup>5</sup> See *id.*, 18 FCC Rcd at 19663-64 (describing the basis for your proposed debarment).

<sup>6</sup> See *id.*, 18 FCC Rcd at 19664 (describing procedures to contest proposed debarment).

<sup>7</sup> See *id.* (describing effect of proposed debarment).

<sup>8</sup> See 47 CFR 54.521(e)(3) and (4). That date occurred no later than November 21, 2004. See supra note 3.

could participate in the program at no cost to them, and that their share of the costs would be covered by outside sources donated to Connect2 for that purpose; (2) requesting school officials to write checks payable to Connect2 while agreeing either not to cash them or to return those monies to the schools or their designees; and (3) creating back-dated phony billing documents that give the false appearance that Connect2 had billed the schools for their costs.<sup>9</sup> Such conduct constitutes the basis for your debarment, and your conviction falls within the categories of causes for debarment under section 54.521(c) of the Commission's rules.<sup>10</sup> For the foregoing reasons, you are hereby debarred for a period of three years from the debarment date, *i.e.*, the earlier date of your receipt of this Notice of Debarment or its publication date in the **Federal Register**.<sup>11</sup> Debarment excludes you, for the debarment period, from activities "associated with or related to the schools and libraries support mechanism," including "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 the schools and libraries support mechanism."<sup>12</sup>

Sincerely yours,

William H. Davenport,  
Chief, Investigations and Hearings Division,  
Enforcement Bureau.

cc: Philip L. Weinstein, Federal Defender  
Division Legal Aid Society

Kristy Carroll, USAC (Via Email)

David M. Siegal, Assistant United States  
Attorney, Southern District of New York  
(Via Email)

Attachment 1

VIA Certified Mail Return Receipt Requested

John Dotson, 2850 Webb Avenue, Apt. 4H,  
Bronx, NY 10468.

Re: Notice of Suspension and of Proposed  
Debarment, File No. EB-04-IH-0460.

Dear Mr. Dotson: The Federal Communications Commission ("FCC" or "Commission") has received notice of your conviction on or about May 17, 2004 pursuant to 18 U.S.C. 371 for conspiracy to defraud the United States.<sup>13</sup> Specifically, you were convicted of conspiracy to violate the following laws of the United States: (1) 18 U.S.C. 287 (false, fictitious, and fraudulent claims); (2) 18 U.S.C. 1001 (false statements and entries generally); and (3) 18 U.S.C. 1343

(fraud by wire, radio, or television). Consequently, pursuant to 47 CFR 54.521, this letter constitutes official notice of your suspension from the schools and libraries universal service support mechanism, also known as the E-Rate program. In addition, the Enforcement Bureau ("Bureau") hereby notifies you that we are commencing debarment proceedings against you.<sup>14</sup>

### I. Notice of Suspension

Pursuant to section 54.521(a)(4) of the Commission's rules,<sup>15</sup> 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.<sup>16</sup> Your suspension becomes effective upon the earlier of your receipt of this letter or publication of notice in the **Federal Register**.<sup>17</sup>

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.<sup>18</sup> Such requests, however, will not ordinarily be granted.<sup>19</sup> The Bureau may reverse or limit the scope of suspension only upon a finding of extraordinary circumstances.<sup>20</sup> Absent extraordinary circumstances, the Bureau will decide any request for reversal or modification of suspension within 90 days of its receipt of such request.<sup>21</sup>

### II. Notice of Proposed Debarment

#### A. Reasons for and Cause of Debarment

Commission 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.<sup>22</sup> Based on

<sup>14</sup> 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).

<sup>15</sup> 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").

<sup>16</sup> *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).

<sup>17</sup> *Second Report and Order*, 18 FCC Rcd at 9226, ¶ 69; 47 CFR 54.521(e)(1).

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

<sup>19</sup> *Second Report and Order*, 18 FCC Rcd at 9226, ¶ 70.

<sup>20</sup> 47 CFR 54.521(f).

<sup>21</sup> See *Second Report and Order*, 18 FCC Rcd at 9226, ¶ 70; 47 CFR 54.521(e)(5), 54.521(f).

<sup>22</sup> *Second Report and Order*, 18 FCC Rcd at 9225, ¶ 66.

your February 13, 2004 guilty plea, you were convicted on or about May 17, 2004 of conspiracy to defraud the Government by selling E-Rate services through Connect2Internet Networks, Inc. ("Connect2") to certain schools participating in the E-Rate program but charging 100 percent of the costs to the program rather than requiring the schools to pay ten percent of the costs as required by the program rules.<sup>23</sup> In particular, you admitted to combining, conspiring and carrying out, with other co-conspirators, the following acts: (1) falsely representing to certain schools that they could participate in the E-Rate program at no cost to them, and that their share of the costs would be covered by outside sources donated to Connect2 for that purpose; (2) requesting certain school officials to write checks payable to Connect2 while agreeing either not to cash them or to return those monies to the schools or their designees; and (3) creating back-dated phony billing documents that give the false appearance that Connect2 had billed the schools for their costs.<sup>24</sup> These actions constitute the conduct or transactions upon which this debarment proceeding is based.<sup>25</sup> 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.<sup>26</sup> 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**.<sup>27</sup> Absent extraordinary circumstances, the Bureau will debar you.<sup>28</sup> 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.<sup>29</sup> If the Bureau

<sup>23</sup> See *Dotson Indictment* at 2, 3; *Dotson Judgment*.

<sup>24</sup> *Dotson Indictment* at 4-5.

<sup>25</sup> *Second Report and Order*, 18 FCC Rcd at 9226, ¶ 70; 47 CFR 54.521(e)(2)(i).

<sup>26</sup> "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).

<sup>27</sup> See *Second Report and Order*, 18 FCC Rcd at 9226, ¶ 70; 47 CFR 54.521(e)(2)(i), 54.521(e)(3).

<sup>28</sup> *Second Report and Order*, 18 FCC Rcd at 9227, ¶ 74.

<sup>29</sup> See *id.*, 18 FCC Rcd at 9226, ¶ 70; 47 CFR 54.521(e)(5).

<sup>9</sup> Notice of Suspension, 19 FCC Rcd at 19663-64.

<sup>10</sup> Notice of Suspension, 19 FCC Rcd at 19664; 47 CFR 54.521(c).

<sup>11</sup> See Notice of Suspension, 19 FCC Rcd at 19664.

<sup>12</sup> See 47 CFR 54.521(a)(1), 54.521(a)(5), 54.521(d); Notice of Suspension, 19 FCC Rcd at 19664.

<sup>13</sup> Any further reference in this letter to "your conviction" refers to your conviction on or about May 17, 2004 of this count based on your participation in a fraudulent scheme to obtain schools and libraries E-Rate program funds. See *United States v. Dotson*, Docket No. 1:03cr01113BSJ, Indictment (S.D.N.Y. filed September 17, 2003) ("Dotson Indictment"); *United States v. Dotson*, Docket No. 1:03cr01113BSJ, Judgment (S.D.N.Y. May 17, 2004) ("Dotson Judgment").

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**.<sup>30</sup>

#### 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.<sup>31</sup> The Bureau may, if necessary to protect the public interest, extend the debarment period.<sup>32</sup>

Please direct any responses to the following address:

Diana Lee, Esq., Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, Room 4-A265, 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](mailto:diana.lee@fcc.gov). If Ms. Lee is unavailable, you may contact Eric Bash by telephone at (202) 418-1420 and by e-mail at [eric.bash@fcc.gov](mailto:eric.bash@fcc.gov).

Sincerely yours,

William H. Davenport,  
Chief, Investigations and Hearings Division,  
Enforcement Bureau.

cc: Philip L. Weinstein, Federal Defender

Division Legal Aid Society

Kristy Carroll, USAC (Via E-mail)

David M. Siegal, Assistant United States  
Attorney, Southern District of New York  
(Via E-mail)

[FR Doc. 04-27587 Filed 12-15-04; 8:45 am]

BILLING CODE 6712-01-U

## FEDERAL RESERVE SYSTEM

### Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

<sup>30</sup> *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).

<sup>31</sup> *Second Report and Order*, 18 FCC Rcd at 9225, ¶ 67; 47 CFR 54.521(d), 54.521(g).

<sup>32</sup> *Id.*

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than December 30, 2004.

**A. Federal Reserve Bank of Atlanta**  
(Sue Costello, Vice President) 1000  
Peachtree Street, N.E., Atlanta, Georgia  
30303:

1. *Gerald L. Pennington Trust, Gerald Lee Pennington as trustee, Margaret A. Pennington Trust, and Margaret Angela Pennington as trustee*, all of Osprey, Florida; to acquire additional voting shares of LandMark Financial Holding Company, and thereby indirectly acquire voting shares of LandMark Bank of Florida, both of Sarasota, Florida.

Board of Governors of the Federal Reserve System, December 10, 2004.

**Robert deV. Frierson,**

*Deputy Secretary of the Board.*

[FR Doc. 04-27481 Filed 12-15-04; 8:45 am]

BILLING CODE 6210-01-S

## FEDERAL RESERVE SYSTEM

### Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than January 3, 2005.

**A. Federal Reserve Bank of St. Louis**  
(Randall C. Sumner, Vice President) 411  
Locust Street, St. Louis, Missouri  
63166-2034:

1. *Martin B. Rowe*, Harrisburg, Illinois, individually and as a member of the Rowe Family Control Group, which consists of Martin B. Rowe, the Burt H. Rowe, Jr. Marital Trust and the Anne Rowe Family Trust, all of Harrisburg, Illinois; Marianna R. Deal,

Rachelle L. Rowe, and Caroline C. Rowe, all of St. Louis, Missouri; and Anne Rowe, Destin, Florida; to acquire control of First Eldorado Bancshares, Inc., Eldorado, Illinois, and thereby indirectly acquire control of Dana Bancorp, Inc., Dana, Indiana, The First National Bank of Dana, Dana Indiana, and First State Bank of Eldorado, Eldorado, Illinois.

Board of Governors of the Federal Reserve System, December 13, 2004.

**Robert deV. Frierson,**

*Deputy Secretary of the Board.*

[FR Doc. 04-27578 Filed 12-15-04; 8:45 am]

BILLING CODE 6210-01-S

## FEDERAL RESERVE SYSTEM

### Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center Web site at [www.ffiec.gov/nic/](http://www.ffiec.gov/nic/).

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than January 10, 2005.

**A. Federal Reserve Bank of Dallas**  
(W. Arthur Tribble, Vice President) 2200  
North Pearl Street, Dallas, Texas 75201-  
2272: