

indicate the Agreement is inappropriate, improper, or inadequate. Copies of the Agreement are available from:

Ms. Paula V. Batchelor, U.S. Environmental Protection Agency, Region 4, Superfund Enforcement & Information Management Branch, Waste Management Division, 61 Forsyth Street, SW., Atlanta, Georgia 30303, (404) 562-8887, [Batchelor.Paula@epa.gov](mailto:Batchelor.Paula@epa.gov).

Written comments may be submitted to Ms. Batchelor at the above address within 30 days of the date of this publication.

Dated: March 2, 2005.

**De'Lyntoneus Moore,**

*Acting Chief, Superfund Enforcement & Information Management Branch.*

[FR Doc. 05-5130 Filed 3-15-05; 8:45 am]

**BILLING CODE 6560-50-P**

## FEDERAL COMMUNICATIONS COMMISSION

[DA 05-607]

### Notice of Suspension and of Proposed Debarment File No. EB-03-IH-0684

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** The Enforcement Bureau ("Bureau") gives notice to Mr. John Henry Weaver's suspension from the schools and libraries universal service support mechanism. Additionally, the Bureau gives notice that debarment proceeding are commencing against him.

**DATES:** Opposition requests must be received by April 15, 2005. However, an opposition request by the party to be suspended must be received 30 days from the receipt of suspension letter or April 15, 2005, 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.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554; Federal Communications Commission, 9300 East Hampton Drive, Capitol Heights, Maryland 20743.

**FOR FURTHER INFORMATION CONTACT:** Ms. Diana Lee, Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, Room 4-A265, 445 12th Street, SW., Washington, DC 20554. Diana Lee can be contacted on (202) 418-1420 or by e-mail at [diana.lee@fcc.gov](mailto:diana.lee@fcc.gov).

**SUPPLEMENTARY INFORMATION:** The Bureau has suspension and debarment

authority under 47 CFR 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*. DA05-607, which was mailed to Mr. John Henry Weaver and released on March 8, 2005. 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, BCPI, Portals II, 445 12th Street, SW., Room CY-B400, Washington, DC 20554, telephone (202) 488-5300, facsimile (202) 488-5563, or via e-mail [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com).

Federal Communications Commission.

**William H. Davenport,**

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

The suspension letter follows:

March 8, 2005.  
Via Certified Mail  
Return Receipt Requested  
John Henry Weaver  
146 Weldon Drive  
York, PA 17404

### Re: Notice of Suspension and of Proposed Debarment; File No. EB-03-IH-0684

Dear Mr. Weaver: The Federal Communications Commission ("FCC" or "Commission") has received notice of your March 1, 2005 conviction pursuant to 18 U.S.C. 371 and 666 for conspiracy to engage in bribery in a federally funded program.<sup>1</sup> Consequently, pursuant to 47 CFR 54.521,

<sup>1</sup> Any further reference in this letter to "your conviction" refers to your March 1, 2005 conviction based on your December 8, 2003 guilty plea to this count because you "did knowingly combine, conspire, confederate and agree with persons \* \* \* to corruptly give, offer and agree to give things of value to another person with the intent to influence an agency of the Harrisburg School District." See *United States v. Weaver*, Criminal Docket No. 03-337, Information at 4 (M.D.Pa. filed December 8, 2003) ("Weaver Information"); *United States v. Weaver*, Criminal Docket No. 03-337, Plea Agreement at 1-2 (M.D.Pa. filed December 8, 2003) ("Weaver Plea Agreement"); *United States v. Weaver*, Judgment (M.D.Pa. filed on March 1, 2005 and entered on March 4, 2005) ("Weaver Judgment").

this letter constitutes official notice of your suspension from the schools and libraries universal service support mechanism. In addition, the Enforcement Bureau ("Bureau") hereby notifies you that we are commencing debarment proceedings against you.<sup>2</sup>

### I. Notice of Suspension

Pursuant to section 54.521(a)(4) of the Commission's rules,<sup>3</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>4</sup> Your suspension becomes effective upon the earlier of your receipt of this letter or publication of notice in the **Federal Register**.<sup>5</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>6</sup> Such requests, however, will not ordinarily be granted.<sup>7</sup> The Bureau may reverse or limit the scope of suspension only upon a finding of extraordinary circumstances.<sup>8</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>9</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>10</sup> On March 1, 2005, you were convicted based on a December 8, 2003 plea of guilty to participating in a conspiracy with Ronald R.

<sup>2</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>3</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>4</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>5</sup> Second Report and Order, 18 FCC Rcd at 9226, ¶ 69; 47 CFR 54.521(e)(1).

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

<sup>7</sup> Second Report and Order, 18 FCC Rcd at 9226, ¶ 70.

<sup>8</sup> 47 CFR 54.521(f).

<sup>9</sup> Second Report and Order, 18 FCC Rcd at 9226, ¶ 70; 47 CFR 54.521(e)(5), 54.521(f).

<sup>10</sup> Second Report and Order, 18 FCC Rcd at 9225, ¶ 66.

Morrett, Jr. ("Morrett") of EMO Communications, Inc. ("EMO").<sup>11</sup> You admitted to the following acts: (1) Receiving \$1.9 million in kickback payments from Morrett while you were responsible for certifying Morrett and EMO had performed work specified in a contract that is 80% funded by the federal E-rate program; and (2) concealing those payments by causing some of the payments to be funneled through various bank accounts belonging to third parties.<sup>12</sup> These actions constitute the conduct or transactions upon which this debarment proceeding is based.<sup>13</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>14</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>15</sup> Absent extraordinary circumstances, the Bureau will debar you.<sup>16</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>17</sup> 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**.<sup>18</sup>

#### C. Effect of Debarment

If and when your debarment becomes effective, you will be prohibited from

<sup>11</sup> Weaver Judgment at 1; Weaver Plea Agreement at 1-2.

<sup>12</sup> Weaver Information 2-3, 6-7; Weaver Plea Agreement at 1-2.

<sup>13</sup> Second Report and Order, 18 FCC Rcd at 9226, ¶ 70; 47 CFR 54.521(e)(2)(i).

<sup>14</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>15</sup> See Second Report and Order, 18 FCC Rcd at 9226, ¶ 70; 47 CFR 54.521(e)(2)(i), 54.521(e)(3).

<sup>16</sup> Second Report and Order, 18 FCC Rcd at 9227, ¶ 74.

<sup>17</sup> See *id.*, 18 FCC Rcd at 9226, ¶ 70; 47 CFR 54.521(e)(5).

<sup>18</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).

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>19</sup> The Bureau may, if necessary to protect the public interest, extend the debarment period.<sup>20</sup>

Please direct any responses to the following address: Diana Lee, Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, Room 4-C443, 445 12th Street, SW., Washington DC 20554.

If you submit your response via hand-delivery or non-United States Postal Service delivery (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 Hillary DeNigro by telephone at (202) 418-1420 and by e-mail at [hillary.denigro@fcc.gov](mailto:hillary.denigro@fcc.gov).

Sincerely yours,

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

cc: Gerald Lord, Miller, Poole & Lord, LLP  
Kristy Carroll, USAC (E-mail)  
Marty Carlson, United States Attorney,  
Middle District of Pennsylvania (E-mail)

[FR Doc. 05-5168 Filed 3-15-05; 8:45 am]

BILLING CODE 6712-01-P

### FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 98-67 and CG Docket No. 03-123; DA 05-509]

#### Comments Requested on Petition for Declaratory Ruling Filed Concerning Video Relay Service (VRS) Interoperability

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** This document seeks public comment on a petition for declaratory ruling filed by the California Coalition of Agencies Serving the Deaf and Hard of Hearing (CCASDHH) on February 15, 2005, requesting that the Federal Communication Commission (Commission) prohibit any Video Relay Service (VRS) provider that receives compensation from the Interstate Telecommunications Relay Service (TRS) Fund from purposely restricting its deaf and hard-of-hearing customers to a single VRS provider via the software or hardware of their VRS equipment or through exclusivity agreements with those customers.

<sup>19</sup> Second Report and Order, 18 FCC Rcd at 9225, ¶ 67; 47 CFR 54.521(d), 54.521(g).

<sup>20</sup> *Id.*

**DATES:** Comments are due April 15, 2005, and reply comments are due May 2, 2005.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554. See

**SUPPLEMENTARY INFORMATION** For Further Filing Instructions.

#### FOR FURTHER INFORMATION CONTACT:

Dana Jackson, Consumer & Governmental Affairs Bureau, Disability Rights Office at (202) 418-2247 (voice), (202) 418-7898 (TTY), or e-mail at [Dana.Jackson@fcc.gov](mailto:Dana.Jackson@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Public Notice DA 05-509, released March 1, 2005. The full text of the Public Notice and copies of any subsequently filed documents in this matter will be 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. When filing comments, please reference CC Docket No. 98-67 and CG Docket No. 03-123. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121, May 1, 1998. Comments filed through the ECFS can be sent as an electronic file via the Internet to [http://www.fcc.gov/e-file/ecfs.html](mailto:<http://www.fcc.gov/e-file/ecfs.html>). Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comment to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit electronic comments by Internet e-mail. To get filing instructions, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply. Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by electronic media, by commercial overnight courier, or by first-class or overnight U.S. Postal Services mail (although we continue to