

## FEDERAL COMMUNICATIONS COMMISSION

[DA 07-2845]

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

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** The Federal Communications Commission (the "Commission") debars Mr. Federowicz from the schools and libraries universal service support mechanism for a period of three years.

**DATES:** Debarment commences on the date Mr. Scott A. Federowicz receives the debarment letter or July 18, 2007, whichever date come 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) 418-0843 or e-mail at [diana.lee@fcc.gov](mailto:diana.lee@fcc.gov). If Ms. Lee is unavailable, you may contact Ms. Vickie Robinson, Assistant Chief, Investigations and Hearings Division, by telephone at (202) 418-1420 and by e-mail at [vickie.robinson@fcc.gov](mailto:vickie.robinson@fcc.gov).

**SUPPLEMENTARY INFORMATION:** The Commission debarred Mr. Federowicz from the schools and libraries universal service support mechanism for a period of three years pursuant to 47 CFR 521 and 47 CFR 0.111(a)(14). Attached is the debarment letter, Notice of Suspension and Initiation of Debarment Proceedings, DA 07-2845, which was mailed to Mr. Federowicz and released on June 27, 2007. The complete text of the notice of suspension and initiation of debarment proceedings, is available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portal II, 445 12th Street, SW., Room CY-A257, Washington, DC. 20554. In addition, the complete text is available on the FCC's Web site at <http://www.fcc.gov>. The text may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portal II, 445 12th Street, SW., Room CY-B420, Washington, DC 20554, telephone (202) 488-5300 or (800) 378-3160, facsimile (202) 488-5563, or via e-mail <http://www.bcpweb.com>.

Federal Communications Commission.

**Trent B. Harkrader,**

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

The suspension letter follows:

June 27, 2007

DA 07-2845

*Via Certified Mail*

Return Receipt Requested and E-Mail

Mr. Scott A. Federowicz, c/o Paul H.D. Stoughton, Conway & Stoughton, LLP, 818 Farmington Ave., West Hartford, CT 06119.

Re: Notice of Suspension and Initiation of Debarment Proceedings, File No. EB-07-IH-5171

Dear Mr. Federowicz:

The Federal Communications Commission ("FCC" or "Commission") has received notice of your conviction for mail fraud in violation of 18 U.S.C. 1341 in connection with your participation in the schools and libraries universal service support mechanism ("E-Rate program").<sup>1</sup> Consequently, pursuant to 47 CFR 54.521, this letter constitutes official notice of your suspension from the E-Rate program. In addition, the Enforcement Bureau ("Bureau") hereby notifies you that we are commencing debarment proceedings against you.<sup>2</sup>

#### I. Notice of Suspension

The Commission has established 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>3</sup> You pled guilty to mail fraud for activities in connection with your participation in the E-Rate program involving telecommunications upgrade projects in four Connecticut school districts.<sup>4</sup> Specifically, you admitted that, as manager of an E-Rate first-tier subcontractor serving these school districts, you approved for payment approximately \$452,203 of fictitious invoices for non-existent E-Rate work purportedly performed to upgrade the school districts' telecommunications capabilities.<sup>5</sup> These fictitious expenses

<sup>1</sup> Any further reference in this letter to "your conviction" refers to your July 28, 2006 guilty plea and subsequent conviction of two counts of mail fraud. *United States v. Scott A. Federowicz*, Criminal Docket No. 3:06-CR-06-222 (RNC), Plea Agreement (D.Conn. filed and entered Jul. 28, 2006); *United States v. Scott A. Federowicz*, 3:06-CR-06-222 (RNC), Judgment (D.Conn. filed and entered May 9, 2007) ("*Federowicz Judgment*").

<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> *Second Report and Order*, 18 FCC Rcd at 9225, ¶ 66. The Commission's debarment rules define a "person" as "[a]ny individual, group of individuals, corporation, partnership, association, unit of government or legal entity, however, organized." 47 CFR 54.521(a)(6).

<sup>4</sup> See *United States v. Scott A. Federowicz*, Criminal Docket No. 3:06-CR-06-222 (RNC), Information, 2-3 (D.Conn. filed and entered Jul. 28, 2006) ("*Information*"); *Federowicz Judgment* at 1.

<sup>5</sup> See *Information* at 3.

ultimately were submitted to the Universal Service Administrative Company for reimbursement from E-Rate funds.<sup>6</sup>

Pursuant to section 54.521(a)(4) of the Commission's rules,<sup>7</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>8</sup> Your suspension becomes effective upon the earlier of your receipt of this letter or publication of notice in the **Federal Register**.<sup>9</sup>

Suspension is immediate pending the Bureau's final debarment determination. In accordance with the Commission's debarment rules, 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>10</sup> Such requests, however, will not ordinarily be granted.<sup>11</sup> The Bureau may reverse or limit the scope of suspension only upon a finding of extraordinary circumstances.<sup>12</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>13</sup>

#### II. Initiation of Debarment Proceedings

Your guilty plea to criminal conduct in connection with the E-Rate program, in addition to serving as a basis for immediate suspension from the program, also serves as a basis for the initiation of debarment proceedings against you. Your conviction 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

<sup>6</sup> See <http://newhaven.fbi.gov/dojpressrel/2006/nh072806a.htm> (Department of Justice Press Release dated July 28, 2006) (last accessed May 15, 2007).

<sup>7</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>8</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>9</sup> *Second Report and Order*, 18 FCC Rcd at 9226, ¶ 69; 47 CFR 54.521(e)(1).

<sup>10</sup> *Second Report and Order*, 18 FCC Rcd at 9226, ¶ 70; 47 CFR 54.521(e)(4).

<sup>11</sup> *Second Report and Order*, 18 FCC Rcd at 9226, ¶ 70.

<sup>12</sup> 47 CFR 54.521(e)(5).

<sup>13</sup> See *Second Report and Order*, 18 FCC Rcd at 9226, ¶ 70; 47 CFR 54.521(e)(5), 54.521(f).

<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

Continued

section 54.521(a)(4) of the Commission's rules, your conviction requires the Bureau to commence debarment proceedings against you.

As with your suspension, 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 the decision in the **Federal Register**.<sup>18</sup>

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 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 response, if by messenger or hand delivery, to Marlene H. Dortch, Secretary, Federal Communications Commission, 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002, to the attention of Diana Lee, Attorney Advisor, Investigations and Hearings Division, Enforcement Bureau, Room 4-C330, with a copy to Vickie Robinson, Assistant Chief, Investigations and Hearings Division, Enforcement Bureau, Room 4-C330, Federal Communications Commission. If sent by commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail), the response should be sent to the Federal Communications Commission, 9300 East Hampton Drive, Capitol Heights, Maryland 20743. If sent by first-class, Express, or Priority mail, the response should be sent to Diana Lee, Attorney Advisor, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 445 12th Street, SW., Room 4-C330, Washington, DC

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).

<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.*

20554, with a copy to Vickie Robinson, Assistant Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 445 12th Street, SW., Room 4-C330, Washington, DC 20554. You shall also transmit a copy of the response via e-mail to [diana.lee@fcc.gov](mailto:diana.lee@fcc.gov) and to [vickie.robinson@fcc.gov](mailto:vickie.robinson@fcc.gov).

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 Ms. Vickie Robinson, Assistant Chief, Investigations and Hearings Division, by telephone at (202) 418-1420 and by e-mail at [vickie.robinson@fcc.gov](mailto:vickie.robinson@fcc.gov).

Sincerely yours,  
Hillary S. DeNigro,  
Chief, Investigations and Hearings Division,  
Enforcement Bureau.

cc: Calvin B. Kurimai, Esq., Assistant United States Attorney, Kristy Carroll, Esq., Universal Service Administrative Company (via e-mail)

[FR Doc. E7-13831 Filed 7-17-07; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL DEPOSIT INSURANCE CORPORATION

[6714-01]

### Agency Information Collection Activities: Submission for OMB Review; Comment Request

**AGENCY:** Federal Deposit Insurance Corporation (FDIC).

**ACTION:** Notice of information collections to be submitted to OMB for review and approval; comment request.

**SUMMARY:** In accordance with requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the FDIC hereby gives notice that it plans to submit to the Office of Management and Budget (OMB) a request for OMB review and approval of the following information collection systems: Certified Statement (3064-0057); (3064-0137); and Insurance Sales Consumer Protections (3064-0140).

**DATES:** Comments must be submitted on or before August 17, 2007.

**ADDRESSES:** Interested parties are invited to submit written comments by any of the following methods. All comments should refer to the name and number of the collection:

- <http://www.FDIC.gov/regulations/laws/federal/propose.html>.
- E-mail: [comments@fdic.gov](mailto:comments@fdic.gov).

Include the name and number of the collection in the subject line of the message.

- Mail: Steve Hanft (202-898-3907), Clearance Officer, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.

- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 550 17th Street Building (located on F Street), on business days between 7 a.m. and 5 p.m.

A copy of the comments may also be submitted to the OMB Desk Officer for the FDIC, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Steve Hanft (address above).

#### SUPPLEMENTARY INFORMATION:

1. *Title:* Certified Statement for Deposit Insurance Assessment.

*OMB Number:* 3064-0057.

*Frequency of Response:* Quarterly.

*Affected Public:* Insured financial institutions.

*Estimated Number of Respondents:* 8,681.

*Estimated Time per Response:* 20 minutes.

*Total Annual Burden:* 11,575 hours.

*General Description of Collection:* The FDIC collects deposit insurance assessments quarterly by means of direct debits through the Automated Clearing House network.

2. *Title:* Student Educational Employment Program.

*OMB Number:* 3064-0147.

*Frequency of Response:* On occasion.

*Affected Public:* Students seeking employment with the FDIC.

*Estimated Number of Responses:* 700.

*Estimated Time per Response:* 0.33 hours.

*Total Annual Burden:* 231 hours.

*General Description of Collection:* The application form used in this collection ensures that students seeking employment with FDIC as participants in either one of the two components of the Student Educational Employment Program (i.e., the Student Temporary Employment Program (STEP) or the Student Career Experience Program (SCEP)) meet the government-wide eligibility criteria established by the Office of Personnel Management as well as the internal eligibility criteria established by the FDIC. The information collected will include information on the applicant's coursework, grade point averages, and relationship to any FDIC employee.

3. *Title:* Complex Structured Finance Transactions.

*OMB Number:* 3064-0148.

*Frequency of Response:* On occasion.

*Affected Public:* State nonmember banks actively involved in complex structured finance transactions.

*Estimated Number of Respondents:* 5.

*Estimated Time per Response:* 25 hours.