

the effective date of the *Order* to the then-most recent month. These reports will be due on the 30th day of the month beginning each quarter and include data for the prior three months. Thus, reports will be due as appropriate on January 30 (including responsive data for the prior October to December), April 30 (including responsive data for the prior January to March), July 30 (including responsive data for the prior April to June), and October 30 (including responsive data for the prior July to September). Reports will be required for a 72-month period following the initial due date unless the Bureau extends this deadline. Quarterly reports shall also have responsive data separated by month.

113. Failure to provide the data will result in either the elimination of the selected participant from the Pilot Program, loss or reduction of support, or recovery of prior distributions. In accordance with § 54.619 of the Commission's rules, health care providers and selected participants must also keep supporting documentation for these reports for five years and present that information to the Commission or USAC upon request.

V. Procedural Matters

A. Paperwork Reduction Act Analysis

114. This document contains new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13. It will be submitted to the OMB for review under section 3507(d) of the PRA. OMB, the general public, and other federal agencies are invited to comment on the new information collection requirements contained in this proceeding.

VI. Ordering Clause

115. Pursuant to the authority contained in sections 1, 4(i), 4(j), 10, 201-205, 214, 254, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 10, 201-205, 214, 254, and 403, this Order is adopted. The information collection contained in this Order will become effective following OMB approval. The Commission will publish a document at a later date establishing the effective date.

Federal Communications Commission.

Marlene H. Dortch,
Secretary.

[FR Doc. 08-684 Filed 2-13-08; 8:45am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

[DA 08-49]

Notice of Debarment; Schools and Libraries Universal Service Support Mechanism

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Enforcement Bureau (the "Bureau") debars Mrs. Evelyn Myers Scott from the schools and libraries universal service support mechanism (or "E-Rate Program") for a period of three years based on her conviction of conspiracy to defraud the United States in connection with her participation in the program. The Bureau takes this action to protect the E-Rate Program from waste, fraud and abuse.

DATES: Debarment commences on the date Mrs. Evelyn Myers Scott receives the debarment letter or February 14, 2008, 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) 418-0843 or e-mail at 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.

SUPPLEMENTARY INFORMATION: The Bureau debarred Mrs. Evelyn Myers Scott 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). Attached is the debarment letter, DA 08-49, which was mailed to Mrs. Evelyn Myers Scott and released on January 9, 2008. The complete text of the notice of debarment 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 inspection and copying during regular business hours at the 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 debarment letter, which attached the suspension letter, follows:

January 9, 2008

[DA 08-49]

VIA CERTIFIED MAIL

RETURN RECEIPT REQUESTED FACSIMILE (404-261-2842)

Mrs. Evelyn Myers Scott,
c/o Charles M. Abbott, Esq.,
C. Michael Abbott, P.C.,
3127 Maple Drive, NE.,
Atlanta, GA 30305-2503,
E-Mail: michael@michaelabbottlaw.com

Re: Notice of Debarment, File No. EB-07-IH-7305

Dear Mrs. Scott:

Pursuant to section 54.521 of the rules of the Federal Communications Commission (the "Commission"), by this Notice of Debarment you are debarred from the schools and libraries universal service support mechanism (or "E-Rate program") for a period of three years.¹

On October 18, 2007, the Enforcement Bureau (the "Bureau") sent you a Notice of Suspension and Initiation of Debarment Proceedings (the "Notice of Suspension").² That Notice of Suspension was published in the **Federal Register** on November 5, 2007.³ The Notice of Suspension suspended you from the schools and libraries universal service support mechanism and described the basis for initiation of debarment proceedings against you, the applicable debarment procedures, and the effect of debarment.⁴

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**.⁵ The Commission did not receive any such opposition.

As discussed in the Notice of Suspension, you pled guilty to and were convicted of conspiracy to defraud the United States, in violation of 18 U.S.C. 371, for activities in connection with your participation in the E-Rate program involving the Atlanta Public

¹ See 47 CFR 0.111(a)(14), 54.521.

² Letter from Hillary S. DeNigro, Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, to Mrs. Evelyn Myers Scott, Notice of Suspension and Initiation of Debarment Proceedings, 22 FCC Rcd 18613 (Inv. & Hearings Div., Enf. Bur. 2007) (Attachment 1).

³ 72 Fed. Reg. 62477 (November 5, 2007).

⁴ See Notice of Suspension, 22 FCC Rcd at 18614-15.

⁵ See 47 CFR 54.521(e)(3) and (4). That date occurred no later than December 5, 2007. See *supra* note 3.

Schools ("APS").⁶ You conspired with others, including your husband Arthur R. Scott, to enter into an E-Rate contract on behalf of APS in return for personal payoffs.⁷ 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.⁸ 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**.⁹ 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."¹⁰ Sincerely,
Hillary S. DeNigro,
Chief, Investigations and Hearings Division,
Enforcement Bureau.

cc: Kristy Carroll, Esq., Universal Service
Administrative Company (via e-mail)
Aaron M. Danzig, Esq., Assistant United
States Attorney.

October 18, 2007

[DA 07-4335]

VIA CERTIFIED MAIL

RETURN RECEIPT REQUESTED AND
FACSIMILE (404-261-2842)

Mrs. Evelyn Myers Scott
c/o Charles M. Abbott, Esq.
C. Michael Abbott, P.C.
3127 Maple Drive, NE.
Atlanta, GA 30305-2503
E-Mail: michael@michaelabbottlaw.com

**Re: Notice of Suspension and Initiation of
Debarment Proceedings, File No. EB-07-IH-
7305**

Dear Mrs. Scott:

The Federal Communications Commission ("FCC" or "Commission") has received notice of your conviction for conspiracy to defraud the United States in violation of 18 U.S.C. 371 in connection with your participation in the schools and libraries universal service support mechanism ("E-Rate program").

¹ 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.²

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.³ You pled guilty to engaging in a conspiracy to defraud the United States in connection with your participation in the E-Rate program.⁴ You admitted that while employed by the Atlanta Public Schools ("APS") Information Services Department, you conspired with others, including your husband Arthur R. Scott ("Scott"), to enter into an E-Rate contract with a vendor on behalf of APS. In return for entering into the E-Rate contract, the vendor agreed to pay money to the consulting firm owned by you and Scott.⁵ The loss and the restitution that you owed to the E-Rate program resulting from the criminal offense was \$300,176.10.⁶

Pursuant to section 54.521(a)(4) of the Commission's rules,⁷ 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.⁸ Your suspension becomes effective upon the earlier of your receipt of this letter or

Scott, Criminal Docket No. 1:07-CR-139-CC-02, Plea Agreement (N.D.Ga. filed May 2, 2007 and entered May 7, 2007) ("Myers Scott Plea Agreement"); United States v. Evelyn Myers Scott, 1:07-CR-139-CC-02, Judgment (N.D.Ga. filed and entered Oct. 2, 2007) ("Myers Scott Judgment").

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 See *Schools and Libraries Universal Service Support Mechanism*, Second Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 9202, 9225, ¶ 66 (2003) ("Second Report and Order"). 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).

⁴ See generally *United States v. Arthur R. Scott and Evelyn Myers Scott a/k/a Evelyn M. Myers*, Criminal Docket No. 1:07-CR-139, Information (N.D.Ga. filed Apr. 30, 2007 and entered May 3, 2007) ("Scott and Myers Scott Information"); *Myers Scott Plea Agreement* at 1.

⁵ Scott and Myers Scott Information at 1-9. See also Letter from Hillary S. DeNigro, Chief, Investigations and Hearings Division, Enforcement Bureau, to Arthur R. Scott, DA 07-4336, dated October 18, 2007.

⁶ See *Myers Scott Judgment* at 5; see also *Myers Scott Plea Agreement* at 4.

⁷ 47 CFR 54.521(a)(4). See *Second Report and Order*, 18 FCC Rcd at 9225-9227, ¶¶ 67-74 (2003).

⁸ *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).

publication of notice in the **Federal Register**.⁹

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.¹⁰ Such requests, however, will not ordinarily be granted.¹¹ The Bureau may reverse or limit the scope of suspension only upon a finding of extraordinary circumstances.¹² Absent extraordinary circumstances, the Bureau will decide any request for reversal or modification of suspension within 90 days of its receipt of such request.¹³

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.¹⁴ Therefore, pursuant to 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**.¹⁵ Absent extraordinary circumstances, the Bureau will debar you.¹⁶ 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

⁹ *Second Report and Order*, 18 FCC Rcd at 9226, ¶ 69; 47 CFR 54.521(e)(1).

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

¹¹ *Second Report and Order*, 18 FCC Rcd at 9226, ¶ 70.

¹² 47 CFR 54.521(e)(5).

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

¹⁴ "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).

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

¹⁶ *Second Report and Order*, 18 FCC Rcd at 9227, ¶ 74.

⁶ See Notice of Suspension, 22 FCC Rcd at 18614-15.

⁷ See *id.* The Bureau also debars Mr. Arthur R. Scott from the E-Rate program. See Letter from Hillary S. DeNigro, Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, to Mr. Arthur R. Scott, Notice of Debarment, DA 08-50 (Inv. & Hearings Div., Enf. Bur. rel. Jan. 9, 2008).

⁸ *Id.* at 18615; 47 CFR 54.521(c).

⁹ See Notice of Suspension, 22 FCC Rcd at 18615.

¹⁰ See 47 CFR 54.521(a)(1), 54.521(a)(5), 54.521(d); Notice of Suspension, 22 FCC Rcd at 18615.

¹¹ Any further reference in this letter to "your conviction" refers to your May 2, 2007 guilty plea and subsequent conviction of conspiracy to defraud the United States. *United States v. Evelyn Myers*

debar.¹⁷ 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**.¹⁸

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

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 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 email to diana.lee@fcc.gov and to 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. 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.

Sincerely yours,
Hillary S. DeNigro

Chief, Investigations and Hearings Division
Enforcement Bureau.

cc: Kristy Carroll, Esq., Universal Service
Administrative Company (via e-mail)
Aaron M. Danzig, Esq., Assistant United
States Attorney.

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

¹⁸ *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).

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

²⁰ *Id.*

FEDERAL COMMUNICATIONS COMMISSION

[DA 08-50]

Notice of Debarment; Schools and Libraries Universal Service Support Mechanism

AGENCY: Federal Communications
Commission.

ACTION: Notice.

SUMMARY: The Enforcement Bureau (the "Bureau") debars Mr. Arthur R. Scott from the schools and libraries universal service support mechanism (or "E-Rate Program") for a period of three years based on his conviction of conspiracy to defraud the United States and bribery in connection with his participation in the program. The Bureau takes this action to protect the E-Rate Program from waste, fraud and abuse.

DATES: Debarment commences on the date Mr. Arthur R. Scott receives the debarment letter or February 14, 2008, 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. 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.

SUPPLEMENTARY INFORMATION: The Bureau debarred Mr. Arthur R. Scott 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). Attached is the debarment letter, DA 08-50, which was mailed to Mrs./Mr. Arthur R. Scott and released on January 9, 2008. The complete text of the notice of debarment 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 inspection and copying during regular business hours at the 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 debarment letter, which attached the suspension letter, follows:

January 9, 2008

DA 08-50

VIA CERTIFIED MAIL

RETURN RECEIPT REQUESTED AND
FACSIMILE (404-872-1622)

Mr. Arthur R. Scott,
c/o Seth D. Kirschenbaum, Esq.,
Davis Zipperman Kirschenbaum & Lotito,
918 Ponce de Leon Avenue, NE.,
Atlanta, GA 30306-4212,
E-Mail: skirschenbaum@dzkl.com.

Re: Notice of Debarment, File No. EB-07-IH-7304

Dear Mr. Scott:

Pursuant to section 54.521 of the rules of the Federal Communications Commission (the "Commission"), by this Notice of Debarment you are debarred from the schools and libraries universal service support mechanism (or "E-Rate program") for a period of three years.¹

On October 18, 2007, the Enforcement Bureau (the "Bureau") sent you a Notice of Suspension and Initiation of Debarment Proceedings (the "Notice of Suspension").² That Notice of Suspension was published in the **Federal Register** on November 6, 2007.³ The Notice of Suspension suspended you from the schools and libraries universal service support mechanism and described the basis for initiation of debarment proceedings against you, the applicable debarment procedures, and the effect of debarment.⁴

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**.⁵ The Commission did not receive any such opposition.

As discussed in the Notice of Suspension, you pled guilty to and were convicted of conspiracy to defraud the United States and bribery, in violation of 18 U.S.C. 371 and 666(a)(1)(B), for activities in connection with your participation in the E-Rate program involving the Atlanta Public Schools ("APS").⁶ You conspired with others,

¹ See 47 CFR 0.111(a)(14), 54.521.

² Letter from Hillary S. DeNigro, Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, to Mr. Arthur R. Scott, Notice of Suspension and Initiation of Debarment Proceedings, 22 FCC Rcd 18617 (Inv. & Hearings Div., Enf. Bur. 2007) (Attachment 1).

³ 72 FR 62647 (November 6, 2007).

⁴ See Notice of Suspension, 22 FCC Rcd at 18618-19.

⁵ See 47 CFR 54.521(e)(3) and (4). That date occurred no later than December 6, 2007. See *supra* note 3.

⁶ See Notice of Suspension, 22 FCC Rcd at 18618.