

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2856]

Petition for Reconsideration of Action in Rulemaking Proceeding

March 26, 2008.

A Petition for Reconsideration has been filed in the Commission's Rulemaking proceeding listed in this Public Notice and published pursuant to 47 CFR section 1.429(e). The full text of this document is available for viewing and copying in Room CY-B402, 445 12th Street, SW., Washington, DC or may be purchased from the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI) (1-800-378-3160). Oppositions to this petition must be filed by April 22, 2008. See section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: In the Matter of Carriage of Digital Television Broadcast Signals: Amendment to Part 76 of the Commission's Rules (CS Docket No. 98-120).

Number of Petitions Filed: 1.

Marlene H. Dortch,
Secretary.

[FR Doc. E8-7221 Filed 4-4-08; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

[DA 08-129]

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

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Enforcement Bureau (Bureau) gives notice of Mr. Keith J. Madeiros suspension from the schools and libraries universal service support mechanism (or E-Rate Program). Additionally, the Bureau gives notice that debarment proceedings are commencing against him. Mr. Madeiros, 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 May 7, 2008. However, an opposition request by the party to be suspended must be received 30 days from the receipt of the suspension letter or May 7, 2008 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, Enforcement Bureau, Investigations and Hearings Division, Room 4-C330, 445 12th Street, SW., Washington, DC 20554.

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 has suspension and debarment authority pursuant to 47 CFR 54.8 and 47 CFR 0.111. 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. Below is the suspension letter, DA 08-129, which was mailed to Mr. Madeiros and released on January 18, 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.bcpiweb.com>.

Federal Communications Commission.

Trent B. Harkrader,
Deputy Chief, Investigations and Hearings Division, Enforcement Bureau.

January 18, 2008

DA 08-129

VIA CERTIFIED MAIL

RETURN RECEIPT REQUESTED AND FACSIMILE (860-522-2490)

Mr. Keith J. Madeiros
c/o Richard R. Brown, Esq.
Brown Painsiris & Scott, LLP
100 Pearl Street, Suite 1100
Hartford, CT 06103
E-Mail: rbrown@bpslawyers.com

Re: Notice of Suspension and Initiation of Debarment Proceedings, File No. EB-07-IH-9550

Dear Mr. Madeiros:

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").¹ Consequently, pursuant to 47 CFR 54.8, 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

¹ Any further reference in this letter to "your conviction" refers to your February 13, 2007 guilty plea and subsequent conviction of mail fraud. *United States v. Keith J. Madeiros*, Criminal Docket No. 3:07-CR-29-RNC-2, Plea Agreement (D. Conn. filed Feb. 13, 2007 and entered Feb. 15, 2007) ("*Madeiros Plea Agreement*"); *United States v. Keith J. Madeiros*, 3:07-CR-29-RNC-2, Judgment (D. Conn. filed and entered Dec. 10, 2007) ("*Madeiros Judgment*").

² 47 CFR 54.8; 47 CFR 0.111 (delegating to the Enforcement Bureau authority to resolve universal service suspension and debarment proceedings). The Commission adopted debarment rules for the schools and libraries universal service support mechanism in 2003. See *Schools and Libraries Universal Service Support Mechanism*, Second Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 9202 (2003) ("*Second Report and Order*") (adopting section 54.521 to suspend and debar parties from the E-rate program). In 2007, the Commission extended the debarment rules to apply to all of the Federal universal service support mechanisms. *Comprehensive Review of the Universal Service Fund Management, Administration, and Oversight; Federal-State Joint Board on Universal Service; Schools and Libraries Universal Service Support Mechanism; Lifeline and Link Up; Changes to the Board of Directors for the National Exchange Carrier Association, Inc.*, Report and Order, 22 FCC Rcd 16372, 16410-12 (2007) (*Program Management Order*) (renumbering section 54.521 of the universal service debarment rules as section 54.8 and amending subsections (a)(1), (5), (c), (d), (e)(2)(i), (3), (e)(4), and (g)).

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 mail fraud for activities in connection with your participation in the E-Rate program involving telecommunications upgrade projects in four Connecticut school districts.⁴ While employed at Southwestern Bell Communications (“SBC”), you and Richard E. Brown, both SBC account managers, recommended subcontractors to perform telecommunications upgrades for the school districts.⁵ In addition, you and Mr. Brown reviewed invoices submitted by subcontractors to SBC for payment, which SBC then submitted to the Universal Service Administrative Company (“USAC”) for reimbursement from the E-Rate fund.⁶ You admitted to participating in a scheme with Brown and Scott A. Federowicz, a manager of a SBC first-tier subcontractor, to defraud USAC.⁷ You and Mr. Brown each created a sham company and submitted fictitious invoices totaling approximately \$452,203 to Mr. Federowicz, who approved those invoices for payment on behalf of the SBC subcontractor.⁸ The SBC subcontractor, unaware that no work had been performed, in turn billed SBC and SBC ultimately sought from USAC

reimbursement for those fictitious expenses from the E-Rate program.⁹

Pursuant to section 54.8(a)(4) of the Commission’s rules,¹⁰ 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.¹¹ Your suspension becomes effective upon the earlier of your receipt of this letter or publication of notice in the **Federal Register**.¹²

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.¹³ Such requests, however, will not ordinarily be granted.¹⁴ The Bureau may reverse or limit the scope of suspension only upon a finding of extraordinary circumstances.¹⁵ Absent extraordinary circumstances, the Bureau will decide any request for reversal or modification of suspension within 90 days of its receipt of such request.¹⁶

II. Initiation of Debarment Proceedings

Your guilty plea to and conviction of 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 54.8(c) of the Commission’s rules.¹⁷

³ See *Second Report and Order*, 18 FCC Rcd at 9225, para. 66; *Program Management Order*, 22 FCC Rcd at 16387, para. 32. 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 54.8(a)(6).

⁴ See *Madeiras Plea Agreement at 1; United States v. Richard E. Brown and Keith J. Madeiros*, Criminal Docket No. 3:07–CR–29–RNC–2, Information, paras. 1–21 (D. Conn. filed Feb. 13, 2007 and entered Feb. 14, 2007) (“*Madeiras/Brown Information*”).

⁵ See *Madeiras/Brown Information* at paras. 8–9; <http://newhaven.fbi.gov/dojpressrel/2007/nh120707.htm> (last accessed Dec. 11, 2007) (“*DOJ December 7 Press Release*”). The Bureau has debarred Richard E. Brown from the E-Rate program. See Letter from Hillary S. DeNigro to Richard E. Brown, Notice of Debarment, DA 07–4732 (Enf. Bur., Investigations & Hearings Div., rel. Nov. 27, 2007).

⁶ See *Madeiras/Brown Information* at para. 9; *DOJ December 7 Press Release* at 1.

⁷ See *Madeiras/Brown Information* at paras. 11–21. The Bureau also has debarred Scott A. Federowicz from the E-Rate program. See Letter from Hillary S. DeNigro to Scott A. Federowicz, Notice of Debarment, 22 FCC Rcd 17258 (Enf. Bur., Investigations & Hearings Div., rel. Sept. 24, 2007).

⁸ See *Madeiras/Brown Information* at paras. 11–21; *DOJ December 7 Press Release* at 1.

⁹ See *DOJ December 7 Press Release* at 1.

¹⁰ 47 CFR 54.8(a)(4). See *Second Report and Order*, 18 FCC Rcd at 9225–9227, paras. 67–74.

¹¹ 47 CFR 54.8(a)(1), (d).

¹² *Second Report and Order*, 18 FCC Rcd at 9226, para. 69; 47 CFR 54.8(e)(1).

¹³ 47 CFR 54.8(e)(4).

¹⁴ *Id.*

¹⁵ 47 CFR 54.8(e)(5).

¹⁶ See *Second Report and Order*, 18 FCC Rcd at 9226, para. 70; 47 CFR 54.8(e)(5), 54.8(f).

¹⁷ “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, the high-cost

Therefore, pursuant to section 54.8(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**.¹⁸ Absent extraordinary circumstances, the Bureau will debar you.¹⁹ 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.²⁰ 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**.²¹

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.²² The Bureau may, if necessary to protect the public interest, extend the debarment period.²³

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

support mechanism, the rural healthcare support mechanism, and the low-income support mechanism.” 47 CFR 54.8(c). Such activities “include the receipt of funds or discounted services through [the Federal universal service] support mechanisms, or consulting with, assisting, or advising applicants or service providers regarding [the Federal universal service] support mechanisms.” 47 CFR 54.8(a)(1).

¹⁸ See *Second Report and Order*, 18 FCC Rcd at 9226, para. 70; 47 CFR 54.8(e)(3).

¹⁹ *Second Report and Order*, 18 FCC Rcd at 9227, para. 74.

²⁰ See *id.*, 18 FCC Rcd at 9226, para. 70; 47 CFR 54.8(e)(5).

²¹ *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 54.8(f).

²² *Second Report and Order*, 18 FCC Rcd at 9225, para. 67; 47 CFR 54.8(d), 54.8(g).

²³ *Id.*

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,

Trent B. Harkrader,
Deputy Chief, Investigations and Hearings Division, Enforcement Bureau.

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

[FR Doc. E8-7060 Filed 4-3-08; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL HOUSING FINANCE BOARD

Sunshine Act Meeting Notice; Announcing a Partially Open Meeting of the Board of Directors

TIME AND DATE: The open meeting of the Board of Directors is scheduled to begin at 10 a.m. on Wednesday, April 9, 2008. The closed portion of the meeting will follow immediately the open portion of the meeting.

PLACE: Board Room, First Floor, Federal Housing Finance Board, 1625 Eye Street, NW., Washington, DC 20006.

STATUS: The first portion of the meeting will be open to the public. The final portion of the meeting will be closed to the public.

MATTER TO BE CONSIDERED AT THE OPEN PORTION: Affordable Housing Program Amendments.

MATTER TO BE CONSIDERED AT THE CLOSED PORTION: Periodic Update of

Examination Program Development and Supervisory Findings.

CONTACT PERSON FOR MORE INFORMATION: Shelia Willis, Paralegal Specialist, Office of General Counsel, at 202-408-2876 or williss@fhfb.gov.

Dated: April 2, 2008.

By the Federal Housing Finance Board.

Neil R. Crowley,

Acting General Counsel.

[FR Doc. 08-1108 Filed 4-3-08 8:45 am]

BILLING CODE 6725-01-P

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 April 22, 2008.

A. Federal Reserve Bank of Kansas City (Todd Offenbacher, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. *Robert I. Guenther*, Newton, Kansas, and *Ivan D. Knudsen*, Wichita, Kansas, as co-trustees of the V. Jerry Blue Master Trust; to acquire control of Republic Financial Corporation, and thereby indirectly acquire control of Southwest National Bank, both in Wichita, Kansas.

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

1. *Laura Lankford*, West, Texas; *George B. Graves, Jr.*, and *Sarah Lou Bracken*, both of Waco, Texas; to acquire voting shares of West Bancshares, Inc., West, Texas, and thereby indirectly acquire voting shares of Pointwest Bank, West, Texas.

Board of Governors of the Federal Reserve System, April 2, 2008.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E8-7184 Filed 4-4-08; 8:45 am]

BILLING CODE 6210-01-S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies; Correction

This notice corrects a notice (FR Doc. E8-6162) published on page 16015 of the issue for Wednesday, March 26, 2008.

Under the Federal Reserve Bank of San Francisco heading, the entry for Wells Fargo & Company, San Francisco, California, is revised to read as follows:

A. Federal Reserve Bank of San Francisco (Tracy Basinger, Director, Regional and Community Bank Group) 101 Market Street, San Francisco, California 94105-1579:

1. *Wells Fargo & Company*, San Francisco, California; to acquire 100 percent of the voting shares of The Jackson State Bank & Trust, Jackson, Wyoming; *Shoshone First Bank*, Cody, Wyoming; *Sheridan State Bank*, Sheridan, Wyoming; and *First State Bank of Pinedale*, Pinedale, Wyoming, and to acquire certain assets and assume certain liabilities of United Bancorporation of Wyoming, Inc., Jackson, Wyoming.

Comments on this application must be received by April 21, 2008.

Board of Governors of the Federal Reserve System, April 2, 2008.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E8-7185 Filed 4-4-08 8:45 am]

BILLING CODE 6210-01-S

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has