

information to PSAPs; (5) analyzing and recommending technical options to enable accurate and reliable dynamic E9-1-1 location identification for interconnected VoIP services; (6) recommending ways, including best practices, to improve Emergency Alert System (EAS) operations and testing and to ensure that all Americans, including those living in rural areas, the elderly, people with disabilities, and people who do not speak English, have access to timely EAS alerts and other emergency information; (7) recommending methods to measure reliably and accurately the extent to which key best practices are implemented both now and in the future. (In carrying out this task, the Council shall identify those "key best practices" for each communications industry segment, e.g., media, wireline, and wireless, that are most critical for network and media security, reliability, operability, and interoperability); (8) making recommendations with respect to such additional topics as the FCC may specify. Such topics may include issues arising from the convergence of technologies and how the FCC can best fulfill its responsibilities, particularly with respect to safety of life and property (including law enforcement) and national defense under the Communications Act.

Federal Communications Commission.

**Marlene H. Dortch,**  
Secretary.

[FR Doc. E9-6014 Filed 3-18-09; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

[DA 09-471]

### 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 (the "Bureau") gives notice of Mr. Ruben B. Bohuchot's 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. Bohuchot, 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 to Rebekah Bina, Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, Room 4-C330, 445 12th Street, SW., Washington, DC 20554.

**DATES:** Opposition requests must be received by April 20, 2009. However, an opposition request by the party to be suspended must be received 30 days from the receipt of the suspension letter or April 20, 2009, 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.

**FOR FURTHER INFORMATION CONTACT:**

Rebekah Bina, Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, Room 4-C330, 445 12th Street, SW., Washington, DC 20554. Rebekah Bina may be contacted by phone at (202) 418-7931 or e-mail at [Rebekah.Bina@fcc.gov](mailto:Rebekah.Bina@fcc.gov). If Ms. Bina 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 Bureau has suspension and debarment authority pursuant to 47 CFR 54.8 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, DA 09-471, which was mailed to Mr. Bohuchot and released on February 26, 2009. 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 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>.

**Hillary S. DeNigro,**

Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission.

The suspension letter follows:  
February 26, 2009.

[DA 09-471]

**Via Certified Mail, Return Receipt Requested and Facsimile (510-452-8405)**

Mr. Ruben B. Bohuchot, c/o Richard Alan Anderson, Federal Public Defender—Dallas, 525 Griffin Street, Suite 629, Dallas, TX 75202.

**Re: Notice of Suspension and Initiation of Debarment Proceedings, File No. EB-08-IH-5312**

Dear Mr. Bohuchot:

The Federal Communications Commission ("FCC" or "Commission") has received notice of your conviction of Federal crimes, including conspiracy to commit bribery, conspiracy to launder monetary instruments, multiple counts of bribery concerning programs receiving Federal funds, obstruction of justice and making false statements on tax returns, 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 54.8, 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.<sup>2</sup>

<sup>1</sup> See 18 U.S.C. 371 (conspiracy to bribery involving Federal programs), 666(a)(1)(B) and 2 (bribery concerning programs receiving Federal funds and aiding and abetting), 1512(c) (obstructing and impeding an official proceeding), and 1956(h) (conspiracy to launder monetary instruments) and 26 U.S.C. 7206(1) (false statements on a tax return). Any further reference in this letter to "your conviction" refers to your thirteen count conviction. *United States v. Ruben B. Bohuchot*, Criminal Docket No. 3:07-CR-00167-L-1, Judgment (N.D. Tex. filed Nov. 14, 2008 and entered Nov. 17, 2008; amended Nov. 25, 2008) ("*Ruben Bohuchot Judgment*").

<sup>2</sup> 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*

## 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> On November 12, 2008, the United States District Court in Texas sentenced you to serve eleven years in prison following your conviction of Federal crimes, including conspiracy to commit bribery involving Federal funds, conspiracy to launder monetary instruments, multiple counts of bribery involving Federal funds, and other related offenses in connection with your participation in the E-Rate program.<sup>4</sup> In addition, you and a co-conspirator will have to forfeit approximately \$1 million as a result of your conviction.<sup>5</sup>

As the former Chief Technology Officer of the Dallas Independent School District (“DISD”), you were in charge of procuring technology contracts for DISD. In this position, you participated in a bribery and money laundering scheme involving DISD technology projects, including a contract that involved E-Rate funds for Funding Year 2002 (“E-Rate FY 2002 Contract”).<sup>6</sup> Specifically, you provided assistance to the efforts of your co-defendant, Frankie Logyang Wong (“Mr. Wong”), former co-owner and president of Micro Systems Engineering, Inc. (“MSE”),<sup>7</sup> which enabled MSE to obtain

*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)).

<sup>3</sup> See *Second Report and Order*, 18 FCC Rcd at 9225, ¶ 66; *Program Management Order*, 22 FCC Rcd at 16387, ¶ 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).

<sup>4</sup> See *supra* note 1. See also <http://dallas.fbi.gov/dojpressrel/pressrel08/dl111208.htm> (accessed Dec. 8, 2008) (“DOJ November 12, 2008 Ruben Bohuchot Press Release”); *Ruben Bohuchot Judgment* at 1–2.

<sup>5</sup> See *DOJ November 12, 2008 Ruben Bohuchot Press Release*; *Ruben Bohuchot Judgment* at 2 and 8.

<sup>6</sup> See *United States v. Ruben B. Bohuchot, et al.*, Criminal Docket No. 3:07–CR–167–L–2, Indictment at 1,5–6,15 (N.D.Tex. filed May 22, 2007, and entered May 24, 2007, under seal; unsealed May 29, 2007). (“DISD Indictment”); see also *DOJ November 12, 2008 Ruben Bohuchot Press Release*.

<sup>7</sup> In a separate letter, we also serve notice of suspension and initiation of debarment proceedings to Frankie Logyang Wong for his role in the DISD bribery and money laundering scheme, pursuant to his conviction. See Letter from Hillary S. DeNigro, Chief Investigations and Hearings Division, Enforcement Bureau, to Frankie Logyang Wong, Notice of Suspension and Initiation of Debarment

a contract to provide E-Rate services to DISD.<sup>8</sup> In exchange for your role in helping MSE obtain the E-Rate FY 2002 Contract, you received bribes that included extensive access to and control of large sports-fishing vessels, payment for numerous vacations and various entertainment services, and cash that you attempted to disguise as repayments from another individual for living expenses.<sup>9</sup> MSE received at least \$35 million in aggregate revenue from DISD and the Universal Service Administrative Company as a result of its participation in the DISD E-Rate FY 2002 Contract.<sup>10</sup>

Pursuant to section 54.8(a)(4) of the Commission’s rules,<sup>11</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>12</sup> Your suspension becomes effective upon the earlier of your receipt of this letter or publication of notice in the **Federal Register**.<sup>13</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>14</sup> Such requests, however, will not ordinarily be

Proceedings, DA 09–473 (Inv. & Hearings Div., Enf. Bur. Feb. 26, 2009). MSE operated as a computer reseller firm providing computer products and services to large corporations and school districts. See *DISD Indictment* at 2.

<sup>8</sup> See *DISD Indictment* at 5–6; *DOJ November 12, 2008 Ruben Bohuchot Press Release*. MSE was able to obtain two contracts with DISD worth approximately \$120 million as a result of information that Mr. Wong received from Mr. Bohuchot. *DISD Indictment* at 2–4. In this proceeding, we only address the contract involving E-Rate services.

<sup>9</sup> *DISD Indictment* at 4–5, 7–21; *DOJ November 12, 2008 Ruben Bohuchot Press Release*.

<sup>10</sup> *DISD Indictment* at 6. Based on a winning bid proposal prepared utilizing information that Mr. Wong received from Mr. Bohuchot, MSE received at least \$4 million as a subcontractor under another contract with DISD. See *DISD Indictment* at 4; *DOJ November 12, 2008 Ruben Bohuchot Press Release* at 2.

<sup>11</sup> 47 CFR 54.8(a)(4). See *Second Report and Order*, 18 FCC Rcd at 9225–9227, ¶¶ 67–74.

<sup>12</sup> 47 CFR 54.8(a)(1), (d).

<sup>13</sup> *Second Report and Order*, 18 FCC Rcd at 9226, ¶ 69; 47 CFR 54.8(e)(1).

<sup>14</sup> 47 CFR 54.8(e)(4).

granted.<sup>15</sup> The Bureau may reverse or limit the scope of suspension only upon a finding of extraordinary circumstances.<sup>16</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>17</sup>

## II. Initiation of Debarment Proceedings

Your 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.<sup>18</sup> 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**.<sup>19</sup> Absent extraordinary circumstances, the Bureau will debar you.<sup>20</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>21</sup> If the Bureau decides to debar you, its decision will become effective upon the earlier of your receipt

<sup>15</sup> *Id.*

<sup>16</sup> 47 CFR 54.8(e)(5).

<sup>17</sup> See *Second Report and Order*, 18 FCC Rcd at 9226, ¶ 70; 47 CFR 54.8(e)(5), 54.8(f).

<sup>18</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, the high-cost 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).

<sup>19</sup> See *Second Report and Order*, 18 FCC Rcd at 9226, ¶ 70; 47 CFR 54.8(e)(3).

<sup>20</sup> *Second Report and Order*, 18 FCC Rcd at 9227, ¶ 74.

<sup>21</sup> See *id.*, 18 FCC Rcd at 9226, ¶ 70; 47 CFR 54.8(e)(5).

of a debarment notice or publication of the decision in the **Federal Register**.<sup>22</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 at least three years from the date of debarment.<sup>23</sup> The Bureau may, if necessary to protect the public interest, extend the debarment period.<sup>24</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 Rebekah Bina, 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 Rebekah Bina, 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 e-mail to [Rebekah.Bina@fcc.gov](mailto:Rebekah.Bina@fcc.gov) and to [Vickie.Robinson@fcc.gov](mailto:Vickie.Robinson@fcc.gov).

If you have any questions, please contact Ms. Bina via mail, by telephone at (202) 418-7931 or by e-mail at [Rebekah.Bina@fcc.gov](mailto:Rebekah.Bina@fcc.gov). If Ms. Bina 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.

<sup>22</sup> 47 CFR 54.8(e)(5). 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).

<sup>23</sup> *Second Report and Order*, 18 FCC Rcd at 9225, ¶ 67; 47 CFR 54.8(d), 54.8(g).

<sup>24</sup> 47 CFR 54.8(g).

cc: Kristy Carroll, Esq., Universal Service Administrative Company (via e-mail),  
Dayle A. Elieson, U.S. Attorney's Office, United States Department of Justice (via mail).

[FR Doc. E9-6016 Filed 3-18-09; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

[DA 09-477]

### 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 (the "Bureau") gives notice of Mr. R. Clay Harris's 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. Harris, 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 to Rebekah Bina, Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, Room 4-C330, 445 12th Street, SW., Washington, DC 20554.

**DATES:** Opposition requests must be received by April 20, 2009. However, an opposition request by the party to be suspended must be received 30 days from the receipt of the suspension letter or April 20, 2009, 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.

**FOR FURTHER INFORMATION CONTACT:** Rebekah Bina, Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, Room 4-C330, 445 12th Street, SW., Washington, DC 20554. Rebekah Bina may be contacted by phone at (202) 418-7931 or e-mail at [Rebekah.Bina@fcc.gov](mailto:Rebekah.Bina@fcc.gov). If Ms. Bina 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 Bureau has suspension and debarment authority pursuant to 47 CFR 54.8 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, DA 09-477, which was mailed to Mr. Harris and released on February 26, 2009. The complete text of the notice of suspension and 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 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>.

**Hillary S. DeNigro**,  
Chief, Investigations and Hearings Division,  
Enforcement Bureau, Federal  
Communications Commission.

The suspension letter follows:  
February 26, 2009.

**DA 09-477**

**VIA CERTIFIED MAIL**

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

Mr. R. Clay Harris  
c/o Allison Cobham Dawson  
Federal Defender Program, Inc.  
Suite 1700, The Equitable Building  
100 Peachtree Street, NW  
Atlanta, GA 30303.  
E-Mail: [allison\\_dawson@fd.org](mailto:allison_dawson@fd.org)

Re: Notice of Suspension and Initiation of Debarment Proceedings, File No. EB-09-IH-0003

Dear Mr. Harris:

The Federal Communications Commission ("FCC" or "Commission") has received notice of your conviction of conspiracy to defraud the United States and bribery, in violation of 18 U.S.C. 371 and 666(a)(2), in connection with your participation in the schools and libraries universal service support mechanism ("E-Rate program").<sup>1</sup>

<sup>1</sup> Any further reference in this letter to "your conviction" refers to your conviction by a federal