

the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

**DATES:** Persons wishing to comment on this information collection should submit comments by August 3, 2009. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Direct all PRA comments to Nicholas A. Fraser, Office of Management and Budget (OMB), via fax at 202-395-5167, or via the Internet at [Nicholas.A.Fraser@omb.eop.gov](mailto:Nicholas.A.Fraser@omb.eop.gov) and to [Judith-B.Herman@fcc.gov](mailto:Judith-B.Herman@fcc.gov), Federal Communications Commission (FCC). To submit your comments by e-mail send them to: [PRA@fcc.gov](mailto:PRA@fcc.gov).

To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page <http://www.reginfo.gov/public/do/PRAMain>, (2) look for the section of the Web page called "Currently Under Review", (3) click the downward-pointing arrow in the "Select Agency" box below the "Currently Under Review" heading, (4) select "Federal Communications Commission" from the list of agencies presented in the "Select Agency" box, (5) click the "Submit" button to the right of the "Select Agency" box and (6) when the list of FCC ICRs currently under review appears, look for the title of this ICR (or its OMB Control Number, if there is one) and then click on the ICR Reference Number to view detailed information about this ICR.

**FOR FURTHER INFORMATION CONTACT:** For additional information, send an e-mail to Judith B. Herman at [Judith-B.Herman@fcc.gov](mailto:Judith-B.Herman@fcc.gov) or call her at 202-418-0214.

**SUPPLEMENTARY INFORMATION:**

*OMB Control Number:* 3060-0817.  
*Title:* Computer III Further Remand Proceedings: BOC Provision of Enhanced Services (ONA Requirements), CC Docket No. 95-20.  
*Form No.:* N/A.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Business or other for-profit.

*Number of Respondents:* 4 respondents; 12 responses.

*Estimated Time per Response:* 2-50 hours.

*Frequency of Response:* On occasion and semi-annual reporting requirements and third party disclosure requirement.

*Obligation to Respond:* Mandatory. Statutory authority for these information collections are contained in 47 U.S.C. Sections 151, 152, 154, 161 and 208 of the Communications Act of 1934, as amended.

*Total Annual Burden:* 216 hours.

*Total Annual Cost:* N/A.

*Privacy Act Impact Assessment:* N/A.

*Nature and Extent of Confidentiality:* The Commission is not requesting that the respondents submit confidential information to the FCC. However, applicants may request confidentiality and request confidential treatment for information they believe to be confidential under 47 CFR 0.459 of the Commission's rules.

*Needs and Uses:* The Commission will submit this information collection to the Office of Management and Budget (OMB) after this 60-day comment period in order to obtain the full three-year clearance from them. The Commission is requesting an extension (no change in the reporting and/or third party disclosure requirements) of this information collection. The Commission is reporting a minor adjustment to the estimated number of responses. There is no change to the estimated annual burden hours or the number of respondents. Bell Operating Companies (BOCs) are required to post their Comparably Efficient Interconnection (CEI) plans and amendments on their publicly accessible Internet sites. The requirement extends to all CEI plans for new or modified telemessaging or alarm monitoring services and for new or amended payphone services. If the BOC receives a good faith request for a plan from someone who does not have Internet access, the BOC must notify that person where a paper copy of the plan is available for public inspection.

The CEI plans will be used to ensure that BOCs comply with Commission policies and regulations safeguarding against potential anticompetitive behavior by the BOCs in the provision of information services.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

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**BILLING CODE 6712-01-P**

**FEDERAL COMMUNICATIONS COMMISSION**

[DA 09-1115]

**Notice of Debarment**

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** The Enforcement Bureau (the "Bureau") debar Ms. Cynthia K. Ayer from the schools and libraries universal service support mechanism (or "E-Rate Program") for a period of three years. The Bureau takes this action to protect the E-Rate Program from waste, fraud and abuse.

**DATES:** Debarment commences on the date Ms. Cynthia K. Ayer receives the debarment letter or June 2, 2009, whichever date come first, for a period of three years.

**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 debarred Ms. Cynthia K. Ayer from the schools and libraries universal service support mechanism for a period of three years pursuant to 47 CFR 54.8 and 47 CFR 0.111. Attached is the debarment letter, DA 09-1115, which was mailed to Ms. Cynthia K. Ayer and released on May 21, 2009. 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.

**Irene Flannery,**

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

The debarment letter, which attached the suspension letter, follows:

May 21, 2009

**Via Certified Mail Return Receipt Requested and Facsimile (803) 252-8290**

Ms. Cynthia K. Ayer, c/o James Edward Holler, Holler Dennis Corbett

Ormond Plante and Garner, P.O.  
Box 11006, Columbia, SC 29211.

**Re: Notice of Debarment, File No. EB-09-IH-0002**

Dear Ms. Ayer: Pursuant to section 54.8 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.<sup>1</sup>

On February 26, 2009, the Enforcement Bureau (the "Bureau") sent you a Notice of Suspension and Initiation of Debarment Proceedings (the "Notice of Suspension").<sup>2</sup> That Notice of Suspension was published in the **Federal Register** on March 19, 2009.<sup>3</sup> 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.<sup>4</sup>

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**.<sup>5</sup> The Commission did not receive any such opposition.

As discussed in the Notice of Suspension, you pled guilty to mail fraud in connection with your participation in the E-Rate program.<sup>6</sup> You admitted to, among other things, submitting applications containing false information to the E-Rate program and subsequently receiving funds to which you were not entitled.<sup>7</sup> Such conduct constitutes the basis for your debarment, and your conviction falls within the categories of causes for debarment under section 54.8(c) of the Commission's rules.<sup>8</sup> 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**.<sup>9</sup> 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."<sup>10</sup>

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

cc: Kristy Carroll, Esq., Universal Service  
Administrative Company (via e-mail).  
Beth Drake, Assistant United States  
Attorney, United States Department of  
Justice (via e-mail).

February 26, 2009

**DA 09-476**

**Via Certified Mail**

**Return Receipt Requested and E-Mail**

Ms. Cynthia K. Ayer, c/o James Edward  
Holler, Holler Dennis Corbett  
Ormond Plante and Garner, P.O.  
Box 11006, Columbia, SC 29211.

**Re: Notice of Suspension and Initiation of Debarment Proceedings, File No. EB-09-IH-0002**

Dear Ms. Ayer: The Federal Communications Commission ("FCC" or "Commission") has received notice of your conviction of mail fraud, in violation of 18 U.S.C. 2 and 1341, in connection with your participation in the schools and libraries universal service support mechanism ("E-Rate program").<sup>11</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>12</sup>

<sup>9</sup> See 47 CFR 54.8(g) See also Notice of Suspension, 24 FCC Rcd at 2471.

<sup>10</sup> See 47 CFR 54.8(a)(1), 54.8(a)(5), 54.8(d); Notice of Suspension, 24 FCC Rcd at 2470.

<sup>11</sup> Any further reference in this letter to "your conviction" refers to your guilty plea and subsequent conviction of one count of mail fraud. *United States v. Cynthia K. Ayer*, Criminal Docket No. 5:06-453 (001 MBS), Plea Agreement (D. S.C. filed and entered Apr. 30, 2008) ("Ayer Plea Agreement"); *United States v. Cynthia K. Ayer*, 5:06-453 (001 MBS), Judgment (D. S.C. filed and entered Dec. 11, 2008) ("Ayer Judgment"). See also *United States v. Cynthia K. Ayer*, Criminal Docket No. 5:06-453 (001 MBS), Indictment (D. S.C. filed Apr. 19, 2006 and entered Apr. 20, 2006) ("Ayer Indictment").

<sup>12</sup> 47 CFR 54.8; 47 CFR 0.111 (delegating to the Enforcement Bureau authority to resolve universal

**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>13</sup> On April 30, 2008, you pled guilty to mail fraud in connection with your participation in the E-Rate program.<sup>14</sup> While employed as a technology director for Bamberg County School District One in Bamberg, South Carolina, you admitted to submitting applications containing false information to the E-Rate program.<sup>15</sup> You subsequently requested funds that you were not entitled to and caused the Universal Service Administrative Company ("USAC") to send you a check in the amount of \$25,243 made payable to your company, Go Between Communications a/k/a Go Between Telecommunications.<sup>16</sup> As a result of your conviction, you have been sentenced to serve two years in prison and ordered to pay \$468,496 in restitution to USAC for using the mail to submit fraudulent applications for E-Rate funding on behalf of Bamberg County School District One.<sup>17</sup>

Pursuant to section 54.8(a)(4) of the Commission's rules,<sup>18</sup> your conviction requires the Bureau to suspend you

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)).

<sup>13</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 54.8(a)(6).

<sup>14</sup> See *Ayer Plea Agreement*. See also Department of Justice Press Release (Dec. 11, 2008), available at [http://www.usdoj.gov/atr/public/press\\_releases/2008/240283.pdf](http://www.usdoj.gov/atr/public/press_releases/2008/240283.pdf) (DOJ Press Release).

<sup>15</sup> DOJ Press Release at 1.

<sup>16</sup> See *Ayer Indictment* at 13-15; DOJ Press Release at 1.

<sup>17</sup> *Ayer Judgment* at 2-4; DOJ Press Release at 1.

<sup>18</sup> 47 CFR 54.8(a)(4). See *Second Report and Order*, 18 FCC Rcd at 9225-27, ¶¶ 67-74.

<sup>1</sup> See 47 CFR 0.111(a), 54.8.

<sup>2</sup> Letter from Hillary S. DeNigro, Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, to Ms. Cynthia K. Ayer, Notice of Suspension and Initiation of Debarment Proceedings, 24 FCC Rcd 2470 (Inv. & Hearings Div., Enf. Bur. 2009) (Attachment 1).

<sup>3</sup> 74 Fed. Reg. 11726-01 (Mar. 19, 2009).

<sup>4</sup> See Notice of Suspension, 24 FCC Rcd at 2470-71.

<sup>5</sup> See 47 CFR 54.8(e)(3) and (4). That date

occurred no later than April 20, 2009. See *supra* note 3.

<sup>6</sup> See Notice of Suspension, 24 FCC Rcd at 2470.

<sup>7</sup> See *id.*

<sup>8</sup> 47 CFR 54.8(c).

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>19</sup> Your suspension becomes effective upon the earlier of your receipt of this letter or publication of notice in the **Federal Register**.<sup>20</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>21</sup> Such requests, however, will not ordinarily be granted.<sup>22</sup> The Bureau may reverse or limit the scope of suspension only upon a finding of extraordinary circumstances.<sup>23</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>24</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 54.8(c) of the Commission's rules.<sup>25</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>26</sup> Absent extraordinary circumstances, the Bureau will debar you.<sup>27</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>28</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>29</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>30</sup> The Bureau may, if necessary to protect the public interest, extend the debarment period.<sup>31</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.

cc: Beth Drake, Assistant United States  
Attorney (via e-mail).

Kristy Carroll, Esq., Universal Service  
Administrative Company (via e-mail).

[FR Doc. E9-12820 Filed 6-1-09; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Agency Information Collection Activities: Submission for OMB Review; Comment Request (3064-0151)

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

**ACTION:** Notice of information collection to be submitted to OMB for review and approval under the Paperwork Reduction Act.

**SUMMARY:** The FDIC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35). On March 27, 2009, the FDIC solicited public comment for a 60-day period on renewal of the following existing collection of information: Notice Regarding Assessment Credits, OMB Control No. 3064-0151. No comments were received. Therefore, the FDIC hereby gives notice of its submission of the information collection to OMB for review.

**DATES:** Comments must be submitted on or before July 2, 2009.

<sup>19</sup> 47 CFR 54.8(a)(1)(d).

<sup>20</sup> *Second Report and Order*, 18 FCC Rcd at 9226, ¶ 69; 47 CFR 54.8(e)(1).

<sup>21</sup> 47 CFR 54.8(e)(4).

<sup>22</sup> *Id.*

<sup>23</sup> 47 CFR 54.8(e)(5).

<sup>24</sup> See *Second Report and Order*, 18 FCC Rcd at 9226, ¶ 70; 47 CFR 54.8(e)(5), (f).

<sup>25</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 54.8(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 mechanism." 47 CFR 54.8(a)(1).

<sup>26</sup> See *Second Report and Order*, 18 FCC Rcd at 9226, ¶ 70; 47 CFR 54.8(e)(3).

<sup>27</sup> *Second Report and Order*, 18 FCC Rcd at 9227, ¶ 74.

<sup>28</sup> See *id.*, 18 FCC Rcd at 9226, ¶ 70; 47 CFR 54.8(e)(5).

<sup>29</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>30</sup> *Second Report and Order*, 18 FCC Rcd at 9225, ¶ 67; 47 CFR 54.8(d), (g).

<sup>31</sup> 47 CFR 54.8(g).