

pending the Bureau's final debarment determination.<sup>23</sup> 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.<sup>24</sup> 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>25</sup> Such requests, however, will not ordinarily be granted.<sup>26</sup> The Bureau may reverse or limit the scope of suspension only upon a finding of extraordinary circumstances.<sup>27</sup> The Bureau will decide any request for reversal or modification of suspension within 90 days of its receipt of such request.<sup>28</sup>

## II. Initiation of Debarment Proceedings

Your guilty plea 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 suspension and debarment defined in section 54.8(c) of the Commission's rules.<sup>29</sup> Therefore, pursuant to section 54.8 of the Commission's rules, your conviction requires the Bureau to commence debarment proceedings against you.<sup>30</sup>

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>31</sup> Absent extraordinary circumstances, the Bureau will debar you.<sup>32</sup> The Bureau will decide any request for reversal or limitation of debarment within 90 days of receipt of such request.<sup>33</sup> If the Bureau decides to debar you, its decision will become effective upon the earlier of your receipt of a debarment

<sup>23</sup> 47 C.F.R. § 54.8(a)(7), (e)(1); see also *Second Report and Order*, 18 FCC Rcd at 9226, ¶ 69.

<sup>24</sup> 47 C.F.R. § 54.8(e)(4).

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> 47 C.F.R. § 54.8(f); see also *Second Report and Order*, 18 FCC Rcd at 9226, ¶ 70.

<sup>28</sup> 47 C.F.R. § 54.8(e)(5), (f); see also *Second Report and Order*, 18 FCC Rcd at 9226, ¶ 70;

<sup>29</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 C.F.R. § 54.8(c). You were convicted on various fraud charges. See *supra* note 4.

<sup>30</sup> See 47 C.F.R. § 54.8(b), (c).

<sup>31</sup> 47 C.F.R. § 54.8(e)(3), (5); see also *Second Report and Order*, 18 FCC Rcd at 9226, ¶ 70.

<sup>32</sup> 47 C.F.R. § 54.8(e)(5); see also *Second Report and Order*, 18 FCC Rcd at 9227, ¶ 74.

<sup>33</sup> 47 C.F.R. § 54.8(e)(5), (f); see also *Second Report and Order*, 18 FCC Rcd at 9226, ¶ 70.

notice or publication of the decision in the Federal Register.<sup>34</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>35</sup> The Bureau may, if necessary to protect the public interest, extend the debarment period.<sup>36</sup>

Please direct any response, if by messenger or hand delivery, to Marlene H. Dortch, Secretary, Federal Communications Commission, 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002, to the attention of Rebekah L. Bina, Attorney Advisor, Investigations and Hearings Division, Enforcement Bureau, Room 4-C330, with a copy to Michele Levy Berlove, Acting 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 L. Bina, Attorney Advisor, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 445 12th Street, SW., Room 4-C327, Washington, DC, 20554, with a copy to Michele Berlove, Acting 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 [Michele.Berlove@fcc.gov](mailto:Michele.Berlove@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. Michele Levy Berlove, Acting Assistant Chief, Investigations and Hearings Division, by telephone at (202) 418-1477 and by e-mail at [Michele.Berlove@fcc.gov](mailto:Michele.Berlove@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)  
[FR Doc. E9-22963 Filed 9-22-09; 8:45 am]

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<sup>34</sup> 47 C.F.R. § 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 C.F.R. 54.8(f).

<sup>35</sup> 47 C.F.R. § 54.8(a)(1), (d), (g); see also *Second Report and Order*, 18 FCC Rcd at 9225, ¶ 67.

<sup>36</sup> 47 C.F.R. § 54.8(g).

## FEDERAL MARITIME COMMISSION

### Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments on the agreements to the Secretary, Federal Maritime Commission, Washington, DC 20573, within ten days of the date this notice appears in the **Federal Register**. Copies of the agreements are available through the Commission's Web site ([www.fmc.gov](http://www.fmc.gov)) or by contacting the Office of Agreements at (202)-523-5793 or [tradeanalysis@fmc.gov](mailto:tradeanalysis@fmc.gov).

*Agreement No.:* 010071-036.

*Title:* Cruise Lines International Association Agreement.

*Parties:* AMA Waterways; American Cruise Lines, Inc.; Azamara Cruises; Carnival Cruise Lines; Celebrity Cruises, Inc.; Costa Cruise Lines; Crystal Cruises; Cunard Line; Disney Cruise Line; Holland America Line; Hurtigruten, Inc.; Majestic America Line; MSC Cruises; NCL Corporation; Oceania Cruises; Orient Lines; Princess Cruises; Regent Seven Seas Cruises; Royal Caribbean International; Seabourn Cruise Line; SeaDream Yacht Club; Silversea Cruises, Ltd.; Uniworld River Cruises, Inc.; and Windstar Cruises.

*Filing Party:* Terry Dale, President; Cruise Lines International Association, Inc.; 910 SE 17th Street, Suite 400; Fort Lauderdale, FL 33316.

*Synopsis:* The amendment would add Avalon Waterways and Paul Gauguin Cruises and delete Majestic America Line and Orient Lines as parties to the agreement.

*Agreement No.:* 012081.

*Title:* MSC/CMA CGM Cross Slot Charter Agreement.

*Parties:* CMA CGM. S.A. and MSC Mediterranean Shipping Company S.A.

*Filing Party:* Draughn B. Arbona, Esq.; CMA CGM (America) LLC; 5701 Lake Wright Drive; Norfolk, VA 23502-1868.

*Synopsis:* The agreement would authorize the parties to exchange slots in the trade between California ports and ports in China.

By Order of the Federal Maritime Commission.

Dated: September 18, 2009.

**Karen V. Gregory,**  
Secretary.

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**BILLING CODE 6730-01-P**