

issuing this notice concerning any required adjustments to the CMPs.

**FOR FURTHER INFORMATION CONTACT:** Rick Pfitzinger, Director Risk Management or Howard Rubin, General Counsel, Farm Credit System Insurance Corporation, 1501 Farm Credit Drive, McLean, Virginia 22102, (703) 883-4380, TTY (703) 883-4390.

**SUPPLEMENTARY INFORMATION:**

**Background**

*A. Statutes Concerning Inflation Adjustment of Civil Money Penalties*

The Federal Civil Penalties Inflation Adjustment Act of 1990 (FCPIA Act),<sup>1</sup> as amended by the Debt Collection Improvement Act of 1996 (DCIA),<sup>2</sup> provides for the regular evaluation of CMPs and requires FCSIC, and every other Federal agency with authority to impose CMPs,<sup>3</sup> to ensure that CMPs continue to maintain their deterrent values. An agency must enact regulations that adjust its CMPs pursuant to the inflation adjustment formula of the FCPIA Act. The amended FCPIA Act specifies that inflation-adjusted CMPs will apply only to violations that occur after the effective date of the adjustment. The inflation adjustment is based on the percentage increase in the Consumer Price Index (CPI) for all consumers (CPI-U).<sup>4</sup> Specifically, the term “cost-of-living adjustment” is defined as “the percentage (if any) for each civil monetary penalty by which (1) the Consumer Price Index for the month of June of the calendar year preceding the adjustment, exceeds (2) the Consumer Price Index for the month of June of the calendar year in which the amount of such civil monetary penalty was last set or adjusted pursuant to law.” Furthermore, any increase to a CMP that is adjusted for inflation must be rounded using a method prescribed by the FCPIA Act. Agencies do not have discretion in choosing whether to adjust a CMP, by how much to adjust a CMP,

<sup>1</sup> Public Law 101-104, 104 Stat. 890 (October 5, 1990), codified at 28 U.S.C. 2461 *note*.

<sup>2</sup> Public Law 104-134, title III, section 31001(s), 110 Stat. 1321-373 (April 26, 1996), codified at 28 U.S.C. 2461 *note*.

<sup>3</sup> Under the amended FCPIA Act, a CMP is defined as any penalty, fine, or other sanction that: (1) Either is for a specific monetary amount as provided by Federal law or has a maximum amount provided for by Federal law; (2) is assessed or enforced by an agency pursuant to Federal law; and (3) is assessed or enforced pursuant to an administrative proceeding or a civil action in the Federal courts. All three requirements must be met for a fine to be defined as a CMP.

<sup>4</sup> The CPI is published by the Department of Labor, Bureau of Labor Statistics, and is available at its Web site: [ftp://ftp.bls.gov/pub/special.requests/cpi/cpia1.txt](http://ftp.bls.gov/pub/special.requests/cpi/cpia1.txt).

or the methods used to determine the adjustment.

*B. CMPs Imposed Pursuant to Section 5.65 of the Farm Credit Act*

First, section 5.65(c) of the Farm Credit Act, as amended (Act) provides that any insured Farm Credit System bank that willfully fails or refuses to file any certified statement or pay any required premium shall be subject to a penalty of not more than \$100 for each day that such violations continue, which penalty the FCSIC may recover for its use.<sup>5</sup> Second, section 5.65(d) of the Act provides that, except with the prior written consent of the Farm Credit Administration, it shall be unlawful for any person convicted of any criminal offense involving dishonesty or a breach of trust to serve as a director, officer, or employee of any System institution.<sup>6</sup> For each willful violation of section 5.65(d) of the Act, the institution involved shall be subject to a penalty of not more than \$100 for each day during which the violation continues, which the FCSIC may recover for its use.

As adjusted for inflation pursuant to the requirements of the DCIA, the current regulation at 12 CFR 1411.1, which was promulgated in 2001, provides that FCSIC can impose a maximum penalty of \$117 per day for a violation under section 5.65(c) and (d) of the Act.

*C. Mathematical Calculation*

1. The adjustment calculation is based on the percentage by which the CPI for June 2012 exceeds the CPI for June 2001. According to the Bureau of Labor Statistics, the CPI for June 2001 was 178, and the CPI for June 2012 was 229.478, resulting in a percentage change of 28.92 percent.

2. Penalty amounts remain the same in 12 CFR 1411.1.

3. The maximum CMP in 12 CFR 1411.1 for a violation of section 5.65(c) or (d) of the Act is currently \$117.

Multiplying \$117 by 28.92 percent results in \$33.84. When that number is rounded as required by the FCPIA Act,<sup>7</sup> the inflation-adjusted maximum remains the same.

Dated: October 18, 2013.

**Dale L. Aultman,**

*Secretary to the Board, Farm Credit System Insurance Corporation.*

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<sup>5</sup> 12 U.S.C. 2277a-14(c).

<sup>6</sup> 12 U.S.C. 2277a-14(d).

<sup>7</sup> Any increase must be rounded to the nearest multiple of \$100 in the case of penalties greater than \$100 but less than or equal to \$1,000. Therefore, \$33.84 is rounded to the nearest multiple of \$100, which is \$0.

**FEDERAL COMMUNICATIONS COMMISSION**

**Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority**

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice; request for comments.

**SUMMARY:** As part of its continuing effort to reduce paperwork burden and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501-3520), the Federal Communications Commission invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s). Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; 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; and ways to further reduce the information burden for small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid OMB control number.

**DATES:** Written Paperwork Reduction Act (PRA) comments should be submitted on or before December 23, 2013. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

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

**FOR FURTHER INFORMATION CONTACT:**

Judith B. Herman, Office of Managing Director, (202) 418-0214.

**SUPPLEMENTARY INFORMATION:**

*OMB Control Number:* 3060-1142.

*Title:* Electronic Tariff filing System (ETFS), WC Docket No. 10-141.

*Form Number:* N/A.

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

*Respondents:* Business or other for-profit entities.

*Number of Respondents:* 1,500 respondents; 1,500 responses.

*Estimated Time per Response:* 1 hour.

*Frequency of Response:* On occasion and annual reporting requirements.

*Obligation to Respond:* Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 151, 152, 154(i), 201-205, and 226(h)(1)(A) of the Communications Act of 1934, as amended.

*Total Annual Burden:* 1,500 hours.

*Total Annual Cost:* \$1,267,500.

*Privacy Impact Assessment:* N/A.

*Nature and Extent of Confidentiality:*

The Commission does not anticipate providing confidentiality of the information submitted by local exchange carriers. Particularly, the tariffs and related documents sent to the Commission will be made public through ETFS. If the respondents submit information they believe to be confidential, they may request confidential treatment of such information under 47 CFR 0.459 of the Commission's rules.

*Needs and Uses:* The Commission will submit this expiring information collection to the Office of Management and Budget (OMB) for approval of an extension request (no change in the reporting requirements). There is no change in the annual hour burden or the annual cost burden.

Incumbent local exchange carriers (LECs) file their tariffs and associated documents electronically, using ETFS. ETFS has improved the usefulness of tariff filings for both filers and the public and made the entire tariff filing process more transparent. The Commission received OMB approval for the NPRM in 2010.

The Commission released a Report and Order, WC Docket No. 10-141, FCC 11-92, adopting the final rules that were unchanged from those proposed in the NPRM. Therefore, there are no changes to the reporting requirements. In particular, to create a more open, transparent and efficient flow of information to the public, we determined that the benefits of using ETFS for incumbent LEC tariff filings

would also be obtained if all tariff filers filed electronically. Such action will benefit the public and carriers by creating a central system providing online access to all carrier tariffs and related documents filed with the Commission. As such, competitive LECs (and other nondominant carriers) must now file tariffs and associated documents electronically.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary, Office of the Secretary, Office of Managing Director.*

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## FEDERAL COMMUNICATIONS COMMISSION

### Information Collection(s) Being Submitted for Review and Approval to the Office of Management and Budget (OMB)

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice; request for comments.

**SUMMARY:** As part of its continuing effort to reduce paperwork burden and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3502-3520), the Federal Communications Commission invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s). Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimates; ways to enhance the quality, utility, and clarity of the information collected; 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; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid OMB control number.

**DATES:** Written Paperwork Reduction Act (PRA) comments should be submitted on or before November 25,

2013. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

**ADDRESSES:** Submit your PRA comments to Nicholas A. Fraser, Office of Management and Budget (OMB), via fax at 202-395-5167 or via Internet at *Nicholas.A.Fraser@omb.eop.gov* and to Judith B. Herman, Federal Communications Commission, via the Internet at *Judith-b.herman@fcc.gov*. To submit your PRA comments by email send them to: *PRA@fcc.gov*.

**FOR FURTHER INFORMATION CONTACT:** Judith B. Herman, Office of Managing Director, FCC, at 202-418-0214.

**SUPPLEMENTARY INFORMATION:**

*OMB Control Number:* 3060-0806.

*Title:* Universal Service—Schools and Libraries Universal Service Program, FCC Forms 470 and 471.

*Form Numbers:* FCC Forms 470 and 471.

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

*Respondents:* Business or other for-profit entities, not-for-profit institutions and state, local or tribal government.

*Number of Respondents:* 82,000 respondents; 82,000 responses.

*Estimated Time per Response:* Three hours to complete FCC Form 470 and four hours to complete FCC Form 471. Additionally, one-half hour (.5 hours) for each form for the five year recordkeeping requirement.

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

*Obligation to Respond:* Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. sections 151-154, 201-205, 218, -220, 254, 303(r), 403 and 405 of the Communications Act of 1934, as amended.

*Total Annual Burden:* 334,000 hours.

*Total Annual Cost:* N/A.

*Privacy Impact Assessment:* N/A.

*Nature and Extent of Confidentiality:* The Commission is not requesting that respondents submit confidential information to the Commission. If the applicant requests confidential treatment of their information, they may request confidential treatment under 47 CFR 0.459 of the Commission's rules.

*Needs and Uses:* The Commission will submit this information collection after this comment period to obtain the full, three year clearance from the Office of Management and Budget (OMB). The Commission is requesting OMB approval for a revision to this information collection.