

the Project's costs.<sup>5</sup> You admitted that the co-conspirators further agreed and submitted to the Universal Service Administrative Company "(USAC)" false and misleading documents indicating that the Academy had secured access to funding from an independent foundation and that the co-conspirators also misrepresented the share of the Project's costs that USAC would be paying.<sup>6</sup>

Pursuant to section 54.8(a)(4) of the Commission's rules,<sup>7</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>8</sup> Your suspension becomes effective upon the earlier of your receipt of this letter or publication of notice in the **Federal Register**.<sup>9</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>10</sup> Such requests, however, will not ordinarily be granted.<sup>11</sup> The Bureau may reverse or limit the scope of suspension only upon a finding of extraordinary circumstances.<sup>12</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>13</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 debarment defined in section 54.8(c) of the Commission's rules.<sup>14</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>15</sup> Absent extraordinary circumstances, the Bureau will debar you.<sup>16</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>17</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>18</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>19</sup> The Bureau may, if necessary to protect the public interest, extend the debarment period.<sup>20</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 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 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 e-mail to [diana.lee@fcc.gov](mailto:diana.lee@fcc.gov) and to [vickie.robinson@fcc.gov](mailto: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](mailto: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](mailto:vickie.robinson@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). Michael Wood, Antitrust Division, United States Department of Justice (via mail).

[FR Doc. E8-20145 Filed 8-28-08; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2872]

### Petitions for Reconsideration and Clarification of Action in Rulemaking Proceeding

August 20, 2008.

Petitions for Reconsideration have 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

<sup>5</sup> See *Allan Green Substitute Information* at para. 5.

<sup>6</sup> See *id.*

<sup>7</sup> 47 CFR 54.8(a)(4). See *Second Report and Order*, 18 FCC Rcd at 9225-9227, paras. 67-74.

<sup>8</sup> 47 CFR 54.8(a)(1), (d).

<sup>9</sup> *Second Report and Order*, 18 FCC Rcd at 9226, para. 69; 47 CFR 54.8(e)(1).

<sup>10</sup> 47 CFR 54.8(e)(4).

<sup>11</sup> *Id.*

<sup>12</sup> 47 CFR 54.8(e)(5).

<sup>13</sup> See *Second Report and Order*, 18 FCC Rcd at 9226, para. 70; 47 CFR 54.8(e)(5), 54.8(f).

<sup>14</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>15</sup> See *Second Report and Order*, 18 FCC Rcd at 9226, para. 70; 47 CFR 54.8(e)(3).

<sup>16</sup> *Second Report and Order*, 18 FCC Rcd at 9227, para. 74.

<sup>17</sup> See *id.*, 18 FCC Rcd at 9226, para. 70; 47 CFR 54.8(e)(5).

<sup>18</sup> *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).

<sup>19</sup> *Second Report and Order*, 18 FCC Rcd at 9225, paras. 67; 47 CFR 54.8(d), 54.8(g).

<sup>20</sup> *Id.*

these documents 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 these petitions must be filed by September 15, 2008. See Section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to oppositions must be filed within 10 days after the time for filing oppositions have expired.

**Subject:** In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities (CG Docket No. 03-123).

E911 Requirements for IP-Enabled Service Providers (WC Docket No. 05-196).

*Number of Petitions Filed: 2.*

**Marlene H. Dortch,**  
*Secretary.*

[FR Doc. E8-20126 Filed 8-28-08; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

[DA 08-1913; WT Docket No. 08-165]

### Wireless Telecommunications Bureau Seeks Comment on Petition for Declaratory Ruling by CTIA—The Wireless Association To Clarify Provisions of Section 332(c)(7)(B) To Ensure Timely Siting Review and To Preempt Under Section 253 State and Local Ordinances That Classify All Wireless Siting Proposals as Requiring a Variance

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** In this document, comment is sought on a July 11, 2008 petition for Declaratory Ruling (Petition) filed by CTIA—The Wireless Association (Petitioner). The Petitioner asks the Federal Communications Commission to clarify the provisions of section 332(c)(7)(B)(v) of the Communications Act, as amended, that Petitioner contends are ambiguous and that have been unreasonably interpreted. Petitioner further requests that the Commission preempt local ordinances and state laws that Petitioner believes violate section 253(a) of the Communications Act, as amended.

**DATES:** Interested parties may file comments on or before September 15, 2008, and reply comments on or before September 30, 2008.

**ADDRESSES:** You may submit comments, identified by WT Docket No. 08-165, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Federal Communications Commission's Web site:* <http://www.fcc.gov/cgb/ecfs/>. Follow the instructions for submitting comments.

- *Mail:* Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- *People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by e-mail: [FCC504@fcc.gov](mailto:FCC504@fcc.gov) or phone: 202-418-0530 or TTY: 202-418-0432.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

#### FOR FURTHER INFORMATION CONTACT:

Michael Rowan, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau at (202) 418-1883 or [Michael.Rowan@fcc.gov](mailto:Michael.Rowan@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's public notice released on August 14, 2008. The full text of the public notice is available for public inspection and copying during business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. It also may be purchased from the Commission's duplicating contractor at Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554; the contractor's Web site, <http://www.bcpweb.com>; or by calling (800) 378-3160, facsimile (202) 488-5563, or e-mail [FCC@BCPIWEB.com](mailto:FCC@BCPIWEB.com). Copies of the public notice also may be obtained via the Commission's Electronic Comment Filing System (ECFS) by entering the docket number, WT Docket No. 08-165. Additionally, the complete item is available on the Federal Communications Commission's Web site at <http://www.fcc.gov>.

On July 11, 2008, CTIA—The Wireless Association (CTIA) filed a petition requesting that the Federal Communications Commission (Commission) issue a Declaratory Ruling clarifying provisions of the

Communications Act of 1934, as amended (Communications Act) regarding state and local review of wireless facility siting applications.<sup>1</sup> CTIA seeks clarification of provisions in section 332(c)(7) of the Communications Act that it contends are ambiguous and that it claims have been interpreted in a manner that has allowed certain zoning authorities to impose unreasonable impediments to wireless facility siting and the provision of wireless services. CTIA also requests that the Commission preempt local ordinances and state laws that it states subject wireless facility siting applications to unique, burdensome requirements, in violation of section 253(a) of the Communications Act, which bars state and local laws that "prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service."<sup>2</sup>

Specifically, in its petition, CTIA asks the Commission to take four actions relating to the time frames in which zoning authorities must act on siting requests, their power to restrict competitive entry by multiple providers in a given area, and their ability to impose certain procedural requirements on wireless service providers. First, to eliminate an ambiguity that CTIA contends currently exists in section 332(c)(7)(B)(v) of the Communications Act, CTIA asks the Commission to clarify the time period in which a state or local zoning authority will be deemed to have failed to act on a wireless facility siting application. CTIA states that "the Commission should issue a declaratory ruling explaining that (1) a failure to act on a wireless facility siting application only involving collocation occurs if there is no final action within 45 days from submission of the request to the local zoning authority; and (2) a failure to act on any other wireless siting facility application occurs if there is no final action within 75 days from submission of the request to the local zoning authority."<sup>3</sup> Second, citing the requirement in section 332(c)(7)(B)(ii) of the Communications Act that state and local governments act on wireless facility siting applications within a reasonable time, CTIA asks the Commission to implement procedural steps whereby, if a zoning authority fails

<sup>1</sup> In the Matter of Petition for Declaratory Ruling to Clarify Provisions of section 332(c)(7)(B) to Ensure Timely Siting Review and to Preempt under section 253 State and Local Ordinances that Classify All Wireless Siting Proposals as Requiring a Variance, *Petition for Declaratory Ruling*, WT Docket No. 08-165, filed July 11, 2008 (Petition).

<sup>2</sup> 47 U.S.C. 253(a).

<sup>3</sup> Petition at iii.