

Communications Commission, Room 1–C804, 445 12th Street, SW., DC 20554 or via the Internet to *Judith-B.Herman@fcc.gov*.

**FOR FURTHER INFORMATION CONTACT:** For additional information or copies of the information collection(s), contact Judith B. Herman at 202–418–0214 or via the Internet at *Judith-B.Herman@fcc.gov*.

**SUPPLEMENTARY INFORMATION:**

*OMB Control No.:* 3060–0056.

*Title:* Part 68—Connection of Terminal Equipment to the Telephone Network.

*Form No:* N/A.

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

*Respondents:* Business or other for-profit.

*Number of Respondents:* 58,520 respondents; 70,450 responses.

*Estimated Time Per Response:* .05–24 hours.

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

*Total Annual Burden:* 32,027 hours.

*Total Annual Cost:* \$1,160,000.

*Privacy Act Impact Assessment:* N/A.

*Needs and Uses:* The purpose of 47 CFR part 68 is to protect the telephone network from certain types of harm and interference to other subscribers. To ensure that consumers, providers of telecommunications, the Administrative Council, telecommunications certification bodies (TCBs), and the Commission are able to trace products to the party responsible for placing terminal equipment on the market, it is essential to require manufacturers and suppliers to provide the information required by part 68. In addition, it is necessary that incumbent local exchange carriers (ILECs) provide the information in part 68 to warn their subscribers of impending disconnection of service when subscriber terminal equipment is causing telephone network harm. The Commission is seeking extension (no change) to this information collection in order to obtain the full three-year clearance from OMB.

*OMB Control No.:* 3060–0262.

*Title:* Section 90.179, Shared Use of Radio Stations.

*Form No:* N/A.

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

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

*Number of Respondents:* 42,000.

*Estimated Time Per Response:* .75 hours.

*Frequency of Response:* Recordkeeping requirement.

*Total Annual Burden:* 31,500 hours.

*Total Annual Cost:* N/A.

*Privacy Act Impact Assessment:* N/A.

*Needs and Uses:* The Commission was directed by the United States Congress, in the Balanced Budget Act of 1997, to dedicate 2.4 MHz of electromagnetic spectrum in the 746–806 MHz band for public safety services. Section 90.179 requires that Part 90 licensees that share use of their private land mobile radio facility on non-profit, cost-shared basis keep a written sharing agreement as part of the station records. Regardless of the method of sharing, an up-to-date list of persons who are sharing the station and the basis of their eligibility under Part 90 must be maintained. The requirement is necessary to identify users of the systems should interference problems develop. This information is used by the Commission to investigate interference complaints and resolve interference and operational complaints that may arise among the users. The Commission is seeking extension (no change) to this information collection in order to obtain the full three-year clearance from OMB.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. 05–1939 Filed 2–1–05; 8:45 am]

**BILLING CODE 6712–01–P**

**FEDERAL COMMUNICATIONS COMMISSION**

[DA 05–112]

**Notice of Suspension and of Proposed Debarment Proceedings; Schools and Libraries Universal Service Support Mechanism**

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** The Enforcement Bureau (Bureau) gives notice of Inter-tel Technologies, Inc.'s (Inter-Tel) suspension from the schools and libraries universal service support mechanism. In addition, the Bureau gives notice that debarment proceedings are commencing against Inter-tel.

**DATES:** Opposition request must be received by February 22, 2005. An opposition request by the party to be suspended must be received 30 days from the receipt of the suspension letter or by February 22, 2005. The Bureau will decide any opposition request for reversal or modification of suspension within 90 days of its receipt of such requests.

**FOR FURTHER INFORMATION CONTACT:**

Romanda Williams, Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, Room 4–C330, 445 12th Street, SW., Washington DC 20554. Romanda Williams may be contacted by phone at (202) 418–1420 or e-mail at *Romanda.Williams@fcc.gov*.

**SUPPLEMENTARY INFORMATION:**

The Bureau has suspension and debarment authority under 47 CFR 54.521 and 47 CFR 0.111(a)(14). Suspension will help 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, *Notice of Suspension and of Proposed Debarment Proceeding*, DA 05–112, which was mailed to Inter-tel and released on January 19, 2005. The letter (1) gives notice of the suspension and proposed debarment; (2) gives the reasons for the proposed debarment; (3) explains the debarment procedure; and (4) describes the potential effect of the debarment. The complete text of the suspension letter 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 contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW., Room CY–B402, 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.

**William H. Davenport,**

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

The suspension letter follows:

January 19, 2005.

**Via Certified Mail—Return Receipt Requested**

Mr. Steven G. Mihaylo,  
Chief Executive Officer, Intel-Tel  
Technologies, Inc., 1615 S 52nd Street,  
Tempe, AZ 85281–6233.

Re: Notice of Suspension and of Proposed Debarment, File No. EB–05–IH–0012

Dear Mr. Mihaylo: The Federal Communications Commission (“FCC” or “Commission”) has received notice of the January 5, 2005 conviction of Inter-Tel Technologies, Inc. (“Inter-Tel”) for mail fraud and aiding and abetting in violation of 18 U.S.C. 1341 and 2, and for conspiracy to suppress and eliminate competition in violation of the Sherman Antitrust Act, 15

U.S.C. 1.<sup>1</sup> Consequently, pursuant to 47 CFR 54.521, this letter constitutes official notice of Inter-Tel's suspension from the schools and libraries universal service support mechanism ("E-rate program"). In addition, the Enforcement Bureau ("Bureau") hereby notifies Inter-Tel that we are commencing debarment proceedings against it.<sup>2</sup>

### I. Notice of Suspension

Pursuant to section 54.521(a)(4) of the Commission's rules,<sup>3</sup> Inter-Tel's conviction requires the Bureau to suspend it 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>4</sup> Inter-Tel's suspension becomes effective upon the earlier of its receipt of this letter or publication of notice in the **Federal Register**.<sup>5</sup>

Suspension is immediate pending the Bureau's final debarment determination. Inter-Tel may contest this suspension or the scope of this suspension by filing arguments in opposition to the suspension, with any relevant documentation. Inter-Tel's request must be received within 30 days after it receives this letter or after notice is published in the **Federal Register**, whichever comes first.<sup>6</sup> Such requests, however, will not ordinarily be granted.<sup>7</sup> The Bureau may reverse or limit the scope of suspension only upon a finding of extraordinary circumstances.<sup>8</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>9</sup>

### II. Notice of Proposed Debarment

#### A. Reasons for and Cause of Debarment

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>10</sup> Based on the plea agreement upon which Inter-Tel's conviction is based, Inter-Tel pled guilty to mail fraud and other criminal offenses for activities in connection with its participation in the E-rate program with the San Francisco Unified School District ("SFUSD"). In connection with the mail fraud offense charged against Inter-Tel, the company admitted that it: (1) Assisted consultants in falsely describing equipment to be supplied to SFUSD, by hiding equipment not eligible for funding under the E-rate program in order to have the program pay for it; (2) learned that consultants had submitted bills to the Universal Service Administrative Company ("USAC") with inflated prices, and did nothing to inform USAC that the prices had been inflated by approximately \$26 million above the amounts originally bid for the project; and (3) did nothing to disclose to the SFUSD superintendent or school board that the funding requests to USAC had been increased over the original amounts, that there were inflated estimates in the bid documents, or that equipment ineligible for funding had been hidden in documents submitted to USAC. In connection with the antitrust crime charged against Inter-Tel, the company admitted that it: (1) Participated in a conspiracy with one or more vendors of equipment and services related to telecommunications, Internet access and/or internal connections, with a purpose of suppressing and eliminating competition for E-rate projects; and (2) reached an agreement with its co-conspirators to frustrate the competitive process in the E-rate projects by allocating contracts and submitting fraudulent and non-competitive bids; and (3) submitted fraudulent and non-competitive bids in accordance with the conspiratorial agreement.<sup>11</sup> These actions constitute the conduct or transactions upon which this debarment proceeding is based.<sup>12</sup> Moreover, Inter-Tel's conviction on the basis of these acts falls within the categories of causes for debarment defined in section 54.521(c) of the Commission's rules.<sup>13</sup> Therefore, pursuant to section 54.521(a)(4) of the Commission's

rules, Inter-Tel's conviction requires the Bureau to commence debarment proceedings against it.

#### B. Debarment Procedures

Inter-Tel 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>14</sup> Absent extraordinary circumstances, the Bureau will debar Inter-Tel.<sup>15</sup> Within 90 days of receipt of any opposition to Inter-Tel's suspension and proposed debarment, the Bureau, in the absence of extraordinary circumstances, will provide Inter-Tel with notice of its decision to debar.<sup>16</sup> If the Bureau decides to debar Inter-Tel, its decision will become effective upon the earlier of Inter-Tel's receipt of a debarment notice or publication of the decision in the **Federal Register**.<sup>17</sup>

#### C. Effect of Debarment

If and when Inter-Tel's debarment becomes effective, it 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>18</sup> The Bureau may, if necessary to protect the public interest, extend the debarment period.<sup>19</sup>

Please direct any responses to the following address: Romanda Williams, Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, Room 4-C443, 445 12th Street, SW., Washington, DC 20554.

If Inter-Tel submits its response via hand-delivery or non-United States Postal Service delivery (e.g., Federal Express, DHL, etc.), please send the response to Ms. Williams at the following address: Federal Communications Commission, 9300 East Hampton Drive, Capitol Heights, MD 20743.

If Inter-Tel has any questions, please contact Ms. Williams via mail, by telephone at (202) 418-1420 or by e-mail at [romanda.williams@fcc.gov](mailto:romanda.williams@fcc.gov). If Ms. Williams is unavailable, you may contact Eric Bash by telephone at (202) 418-1188 and by e-mail at [eric.bash@fcc.gov](mailto:eric.bash@fcc.gov).

Sincerely yours,

William H. Davenport,  
Chief, Investigations and Hearings Division,  
Enforcement Bureau.

cc: Leo P. Cunningham, Esq., Wilson Sonsini Goodrich & Rosati; Michael F. Wood, Esq., United States Department of Justice, Antitrust Division; Kristy Carroll,

<sup>1</sup> *United States v. Inter-Tel Technologies, Inc.*, No. CR-04-399-CRB, Plea Agreement (N.D. Cal. filed Dec. 8, 2004) ("*Inter-Tel Plea Agreement*"). The Order accepting this plea agreement was signed by the Court on January 5, 2005, and entered on January 10, 2005.

<sup>2</sup> 47 CFR 54.521; 47 CFR 0.111(a)(14) (delegating to the Enforcement Bureau authority to resolve universal service suspension and debarment proceedings pursuant to 47 CFR 54.521).

<sup>3</sup> 47 CFR 54.521(a)(4). See *Schools and Libraries Universal Service Support Mechanism*, Second Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 9202, 9225-9227, ¶¶ 67-74 (2003) ("*Second Report and Order*").

<sup>4</sup> *Second Report and Order*, 18 FCC Rcd at 9225, ¶ 67; 47 U.S.C. 254; 47 CFR 54.502-54.503; 47 CFR 54.521(a)(4).

<sup>5</sup> *Second Report and Order*, 18 FCC Rcd at 9226, ¶ 69; 47 CFR 54.521(e)(1).

<sup>6</sup> *Second Report and Order*, 18 FCC Rcd at 9226, ¶ 70; 47 CFR 54.521(e)(4).

<sup>7</sup> *Second Report and Order*, 18 FCC Rcd at 9226, ¶ 70.

<sup>8</sup> 47 CFR 54.521(e)(5).

<sup>9</sup> See *Second Report and Order*, 18 FCC Rcd at 9226, ¶ 70; 47 CFR 54.521(e)(5), 54.521(f).

<sup>10</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 54.521(a)(6).

<sup>11</sup> See *Inter-Tel Plea Agreement* at 5-7.

<sup>12</sup> *Second Report and Order*, 18 FCC Rcd at 9226, ¶ 70; 47 CFR 54.521(e)(2)(i).

<sup>13</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 54.521(c). Such activities "include 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 schools and libraries support mechanism described in this section (47 CFR 54.500 *et seq.*)." 47 CFR 54.521(a)(1).

<sup>14</sup> See *Second Report and Order*, 18 FCC Rcd at 9226, ¶ 70; 47 CFR 54.521(e)(2)(i), 54.521(e)(3).

<sup>15</sup> *Second Report and Order*, 18 FCC Rcd at 9227, ¶ 74.

<sup>16</sup> See *id.*, 18 FCC Rcd at 9226, ¶ 70; 47 CFR 54.521(e)(5).

<sup>17</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 54.521(f).

<sup>18</sup> *Second Report and Order*, 18 FCC Rcd at 9225, ¶ 67; 47 CFR 54.521(d), 54.521(g).

<sup>19</sup> *Id.*

Esq., USAC.

[FR Doc. 05-1860 Filed 2-1-05; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2687]

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

January 19, 2005.

Petitions for Reconsideration and Clarification have been filed in the Commission's Rulemaking proceeding listed in this Public Notice and published pursuant to 47 CFR 1.429(e). The full text of this document 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 February 17, 2005. See Section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions have expired.

Subject: In the Matter of Improving Public Safety Communications in the 800 MHz Band (WT Docket No. 02-55).

Consolidating the 800 and 900 MHz Industrial/Land Transportation and Business Pool Channels to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, including Third Generation Wireless Services (ET Docket No. 00-258).

Petition for Rulemaking of the Wireless Information Networks Forum Concerning the Unlicensed Personal Communications Service (RM-9498).

Petition for Rulemaking of UT Starcom, Inc. Concerning the Unlicensed Personal Communications Service (RM-10024).

Amendment of Section 2.106 of the Commission's Rules to Allocate Spectrum at 2 GHz for Use by the Mobile Satellite Service (ET Docket No. 95-18).

Number of Petitions Filed: 15.

**Marlene H. Dortch,**

Secretary.

[FR Doc. 05-1942 Filed 2-1-05; 8:45 am]

BILLING CODE 6712-01-M

## 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 obtain copies of agreements by contacting the Commission's Office of Agreements at 202-523-5793 or via e-mail at [tradeanalysis@fmc.gov](mailto:tradeanalysis@fmc.gov). Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days of the date this notice appears in the **Federal Register**.

*Agreement No.:* 011453-005.

*Title:* Southern Africa/Oceania Agreement.

*Parties:* A.P. Moller-Maersk A/S; Mediterranean Shipping Co., S.A.; and Safmarine Container Lines N.V.

*Filing Party:* Wayne R. Rohde, Esq., Sher & Blackwell, 1850 M Street, NW., Suite 900, Washington, DC 20036.

*Synopsis:* The agreement deletes Australia, New Zealand and other islands of Oceania from the geographic scope of the agreement.

*Agreement No.:* 011689-009.

*Title:* Zim/CSCL Space Charter Agreement.

*Parties:* China Shipping Container Lines Co., Ltd. and China Shipping Container Lines (Hong Kong) Co., Ltd. ("CSCL"); and Zim Integrated Shipping Service, Ltd. ("Zim").

*Filing Party:* Wayne R. Rohde, Esq., Sher & Blackwell, LLP, 1850 M Street, NW., Suite 900, Washington, DC 20036.

*Synopsis:* The amendment extends the duration of the agreement, adds a slot swap between one leg of Zim's AMP service and CSCL's ANW service, revises provisions dealing with equipment sizes, and deletes provisions relating to certain defaults, dry docking, and omission of ports.

*Agreement No.:* 011898.

*Title:* APS Joint Service Agreement.

*Parties:* BBC Chartering & Logistic GmbH & Co. KG ("BBC"), Clipper Elite Carriers Ltd. ("Clipper") and Asia Project Services Ltd. ("APS").

*Filing Party:* C. Jonathan Benner, Esq. and Matthew Thomas, Esq., Troutman Sanders LLP, 401 9th Street, NW., Suite 1000, Washington, DC 20004-2134.

*Synopsis:* The subject agreement would permit BBC and Clipper to establish a joint service, APS, in the trade between United States' ports and ports in Asia, Australia, and New Zealand.

By Order of the Federal Maritime Commission.

Dated: January 28, 2005.

**Bryant L. VanBrakle,**

Secretary.

[FR Doc. 05-1959 Filed 2-1-05; 8:45 am]

BILLING CODE 6730-01-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of the Secretary

[Document Identifier: OS-4040-0001]

### Notice of Proposed Requirement To Establish Government-wide Standard Data Elements for Use by All Federal Grant Making Agencies

**AGENCY:** Office of the Secretary, Grants.gov Program Management Office.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden. Emergency Clearance for the data set was published in the **Federal Register** on September 3, 2004 [Vol. 69, No. 171]. Public comments from the Emergency Clearance were incorporated into the proposed information collection.

*#1 Type of Information Collection*

*Request:* Regular, Extension of a currently approved collection;

*Title of Information Collection:* SF-424 Research & Related (R&R);

*Form/OMB No.:* OS-4040-0001.

*Use:* The SF-424 (R&R) will become the government-wide data set for research grant applications. Federal agencies and grant applicants will use the standard data set and definitions for paper and electronic research grants applications. The standard data set will become the common Federal data set for research grant applications, replacing numerous agency data sets and reducing the administrative burden placed on the research grants community. The data set provides information to assist Federal