

the Notice must include a domestic contact telephone, a domestic facsimile machine number for the recipient to transmit such a request to the sender, and a cost-free mechanism for a recipient to transmit a request pursuant to such notice to the sender of the unsolicited advertisement. The cost-free mechanism must include one of the following: a toll-free telephone number; a toll-free facsimile number; a Web site address; or email address. A local telephone number may be considered a cost-free mechanism so long as the advertisements are sent to local customers for whom a call to that number would not result in long distance or other separate charges. Finally, the telephone and facsimile numbers and cost-free mechanism must permit an individual or business to make such a request at any time on any day of the week. Recipients of fax advertisements must use one of the opt-out methods identified on the sender's facsimile so as not to impair an entity's ability to account for all requests and process them in a timely manner. Senders must comply with an opt-out request within the shortest reasonable time of such request, not to exceed 30 days.

(2) *Established Business Relationship Recordkeeping.* In addition, the Junk Fax Prevention Act provides that the sender, *e.g.*, a person, business, or a nonprofit/institution, is prohibited from faxing an unsolicited advertisement to a facsimile machine unless the sender has an "established business relationship" with the recipient. The Commission amended its rules to comply with the Junk Fax Prevention Act regarding the express recognition of an EBR exemption. The Commission did not limit the duration of the EBR for fax advertising. There is no ongoing reporting requirement associated with these rules. If, however, a complaint is filed involving the existence of an EBR, the facsimile sender bears the burden of proof as to the validity of an EBR, or the possibility that it was formed prior to July 9, 2005. The rules do not require that any specific records be kept by fax senders. Instead, they may use records kept in the usual course of business showing an EBR, such as purchase agreements, sales slips, applications, and inquiry records.

(3) *Facsimile Number Recordkeeping.* The Junk Fax Prevention Act provides that an EBR alone does not entitle a sender to fax an advertisement to an individual or business. The fax number must also be provided voluntarily by the recipient. The Commission's amended rules provide that if a sender relies on an EBR for permission to fax an

advertisement, the sender must have obtained the number of the telephone facsimile machine through the voluntary communication of such number, within the context of such EBR or through a directory, advertisement, or site on the Internet to which the recipient voluntarily agreed to make available its facsimile number. It would be permissible for the sender to obtain the number directly from the recipient (*e.g.*, through the recipient's letterhead, business cards, application, membership renewal form). It would be permissible for the sender to obtain the number from the recipient's own directory, advertisement, or internet site, unless the recipient has noted on such materials that it does not accept unsolicited advertisements at the facsimile number in question. On the other hand, if the sender obtains the number from sources of information compiled by third parties—*e.g.*, membership directories, internet databases—the sender must take reasonable steps to verify that the recipient consented to have the number listed, such as calling or emailing the recipient. For an EBR in existence prior to July 9, 2005, there is a presumption that if a valid EBR existed prior to July 9, 2005, the sender had the facsimile number prior to that date as well. There is no ongoing reporting requirement associated with these rules. If, however, a complaint is filed involving how the facsimile number was obtained, the sender bears the burden of proof that the number was voluntarily provided by the recipient.

(4) *Express Invitation or Permission Recordkeeping.* In the absence of an EBR, the sender must obtain the prior express invitation or permission from the consumer before sending the facsimile advertisement. When a consumer has made an opt-out request of the sender, the sender must demonstrate that the consumer subsequently gave his express permission to receive faxes. Such express invitation or permission may be provided orally or in writing, including through electronic methods. While there is no ongoing recordkeeping or reporting requirement associated with this rule, if a complaint is filed, the facsimile sender must be prepared to provide clear and convincing evidence of the existence of such permission.

Federal Communications Commission.

**William F. Caton,**

*Deputy Secretary.*

[FR Doc. E6-5889 Filed 4-18-06; 8:45 am]

**BILLING CODE 6712-01-P**

## FEDERAL COMMUNICATIONS COMMISSION

[EB Docket No. 06-53; DA 06-494]

**Complaint Filed by Arkansas Cable Telecommunications Association; Comcast of Arkansas, Inc.; Buford Communications I, L.P. d/b/a Alliance Communications Network; WEHCO Video, Inc.; and TCA Cable Partners d/b/a Cox Communications Against Entergy Arkansas, Inc.**

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission released a document initiating a hearing to determine whether Entergy Arkansas, Inc. (Entergy) unlawfully imposed on Arkansas Cable Telecommunications Association; Comcast of Arkansas, Inc.; Buford Communications I, L.P. d/b/a Alliance Communications Network; WEHCO Video, Inc.; and TCA Cable Partners d/b/a Cox Communications (collectively, Cable Operators) a variety of allegedly unjust, unreasonable, and discriminatory terms and conditions of attachment, and whether Entergy unlawfully denied Comcast of Arkansas, Inc. and Alliance Communications Network access to its poles. To avail themselves of the opportunity to participate in this hearing, the parties were required to file a written Notice of Appearance with the Office of the Commission Secretary, stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in the document.

**DATES:** The document was mailed to the parties on March 2, 2006. The parties were required to file their Notices of Appearance by March 22, 2006.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Room TW-204(B), Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Michael Engel, 202-418-1516.

**SUPPLEMENTARY INFORMATION:** The complete text of this Hearing Designation Order is available for inspection and copying during normal business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. This document may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail at [www.bcpweb.com](http://www.bcpweb.com).

Federal Communications Commission.

**Christopher N. Olsen,**

*Deputy Chief, Enforcement Bureau.*

[FR Doc. E6-5580 Filed 4-18-06; 8:45 am]

BILLING CODE 6712-01-P

Dated: April 14, 2006.

**Karen V. Gregory,**

*Assistant Secretary.*

[FR Doc. E6-5862 Filed 4-18-06; 8:45 am]

BILLING CODE 6730-01-P

## 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 an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within ten days of the date this notice appears in the **Federal Register**. Copies of agreements are available through the Commission's Office of Agreements (202-523-5793 or [tradeanalysis@fmc.gov](mailto:tradeanalysis@fmc.gov)).

*Agreement No.:* 011867-003.

*Title:* Norasia/GSL/CSCL Round the World Service Agreement.

*Parties:* China Shipping Container Lines Co., Ltd.; China Shipping Container Lines (Hong Kong) Co., Ltd.; Gold Star Line Ltd.; and Norasia Container Lines Limited, Ltd.

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

*Synopsis:* The amendment deletes the China Shipping companies as parties to the agreement and restates and renames the agreement.

*Agreement No.:* 011939-001.

*Title:* COSCON/Agreement 011745 TransPacific All Water Vessel Sharing Agreement (Cue Service).

*Parties:* COSCO Container Lines Company Ltd.; Evergreen Marine Corporation Ltd.; Italia Marittima S.p.A.; and Hatsu Marine Limited.

*Filing Party:* Paul M. Keane, Esq.; Cichanowicz, Callan, Keane, Vengrow & Textor, LLP; 61 Broadway; Suite 3000; New York, NY 10006-2802.

*Synopsis:* The amendment changes the total number of vessels deployed under the agreement from nine to eight.

*Agreement No.:* 011954.

*Title:* Maersk Line/Westwood Space Charter Agreement.

*Parties:* A.P. Moller-Maersk A/S and Westwood Shipping Lines, Inc.

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

*Synopsis:* The agreement authorizes Maersk to charter space to Westwood between ports in Washington State and ports in Japan and Korea.

By Order of the Federal Maritime Commission.

## FEDERAL MARITIME COMMISSION

### Ocean Transportation Intermediary License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission an application for license as a Non-Vessel-Operating Common Carrier and Ocean Freight Forwarder—Ocean Transportation Intermediary pursuant to section 19 of the Shipping Act of 1984 as amended (46 U.S.C. app. 1718 and 46 CFR part 515).

Persons knowing of any reason why the following applicants should not receive a license are requested to contact the Office of Transportation Intermediaries, Federal Maritime Commission, Washington, DC 20573.

Non-Vessel—Operating Common Carrier Ocean Transportation Intermediary Applicants:

Fordpointer Shipping (N.Y.) Inc., 41-40 Union Street, #7H, Flushing, NY 11355, Officers: Yvonne Kao, Vice President, (Qualifying Individual), Tommy Yu, President.

Trans World Logistics LLC, 9969 SW 118 Ct., Miami, FL 33186, Officer: James Conroy, President, (Qualifying Individual).

LCL Shipping USA, Inc., 1951 W. 153rd Street, Gardena, CA 90249, Officers: Tim Mao, CEO, (Qualifying Individual), Le Thi Thu Ha, Director.

Grand Warehousing and Shipping, Inc., 2315 NW. 107th Avenue, #B17, Doral, FL 33172, Officers: Lorenzo Lorenzo, Vice President, (Qualifying Individual), Nily Cohen, President.

NVS International Inc., 1600 West Blancke Street, Linden, NJ 07036, Officers: Natalya Soltys, President, (Qualifying Individual), Vyacheslav Soltys, Vice President.

Non-Vessel—Operating Common Carrier and Ocean Freight Forwarder Transportation Intermediary Applicants:

BC Global Logistics Inc., 1210 W. Euclid Avenue, Arlington Heights, IL 60005, Officer: Wantanee Jackie Benkler, President, (Qualifying Individual).

Vanguard International, Inc., 30039 Ahern Avenue, Union City, CA 94587, Officers: Elaine Chang, Director, (Qualifying Individual),

Honkai Chang, President, Montebello Management Company, LLC dba Aero Logistics; Aero Logistics of the United States; BFG Global, 345 Swift Avenue, So. San Francisco, CA 94080, Officers: Michael Lee Smith, Vice President, (Qualifying Individual), John Fowler, CEO.

Ocean Freight Forwarder—Ocean Transportation Intermediary Applicants:

EOM Shipping, 1200 Central Avenue, Suite 4, Union City NJ 07087, Officer: Shay Harpaz, President, (Qualifying Individual).

Scanwell Logistics (ATL) Inc., 4799 Aviation Pkwy, Suite H, College Park, GA 30349, Officers: Dennis Choy, President, (Qualifying Individual), Adam Hassan, Chairman.

Global Logistical Connections, 8 Third Place, Long Beach, CA 90802, Officer: Derek Scarbrough, President, (Qualifying Individual).

Dated: April 14, 2006.

**Karen V. Gregory,**

*Assistant Secretary.*

[FR Doc. E6-5863 Filed 4-18-06; 8:45 am]

BILLING CODE 6730-01-P

## FEDERAL RESERVE SYSTEM

### Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise