

all vessels are reasonably available for the South Shore Estuary Reserve in the Counties of Nassau and Suffolk, New York. A 30-day period for public comment has been opened on this matter which may result in a New York State prohibition of any sewage discharges from vessels in for the South Shore Estuary Reserve in the Counties of Nassau and Suffolk, New York.

Dated: June 25, 2009.

**George Pavlou,**

*Acting Regional Administrator, Region 2.*

[FR Doc. E9-15796 Filed 7-2-09; 8:45 am]

BILLING CODE 6560-50-P

## FEDERAL COMMUNICATIONS COMMISSION

### Schedule Change; FCC To Hold Open Commission Meeting Thursday, July 2, 2009

July 1, 2009.

Please note that the time for the Federal Communications Commission Open Meeting is rescheduled from 10 a.m. to 11:30 a.m.

The Meeting will include a presentation on the status of the Commission's process for developing a National Broadband Plan and a presentation on the Digital Television transition.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. E9-15922 Filed 7-1-09; 4:15 pm]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

[DA 09-1345]

### Notice of Suspension and Initiation of Debarment Proceedings; Schools and Libraries Universal Service Support Mechanism

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** The Enforcement Bureau (the "Bureau") gives notice of Mr. Douglas A. Benit's suspension from the schools and libraries universal service support mechanism (or "E-Rate Program"). Additionally, the Bureau gives notice that debarment proceedings are commencing against him. Mr. Benit, or any person who has an existing contract with or intends to contract with him to provide or receive services in matters arising out of activities associated with or related to the schools and libraries

support, may respond by filing an opposition request, supported by documentation to Rebekah Bina, Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, Room 4-C330, 445 12th Street, SW., Washington, DC 20554.

**DATES:** Opposition requests must be received by August 5, 2009. However, an opposition request by the party to be suspended must be received 30 days from the receipt of the suspension letter or August 5, 2009, whichever comes first. The Bureau will decide any opposition request for reversal or modification of suspension or debarment within 90 days of its receipt of such requests.

#### FOR FURTHER INFORMATION CONTACT:

Rebekah Bina, Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, Room 4-C330, 445 12th Street, SW., Washington, DC 20554. Rebekah Bina may be contacted by phone at (202) 418-7931 or e-mail at [Rebekah.Bina@fcc.gov](mailto:Rebekah.Bina@fcc.gov). If Ms. Bina is unavailable, you may contact Ms. Michele 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).

**SUPPLEMENTARY INFORMATION:** The Bureau has suspension and debarment authority pursuant to 47 CFR 54.8 and 47 CFR 0.111(a)(14). Suspension will help to 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, DA 09-1345, which was mailed to Mr. Benit and released on June 17, 2009. The complete text of the notice of suspension and initiation of debarment proceedings 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 inspection and copying during regular business hours at the contractor, Best Copy and Printing, Inc., Portal II, 445 12th Street, SW., Room CY-B420, Washington, DC 20555, telephone (202) 488-5300 or (800) 378-3160, facsimile (202) 488-5563, or via e-mail <http://www.bcpweb.com>.

Federal Communications Commission.

**Hillary S. DeNigro,**

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

The suspension letter follows:

June 17, 2009

DA 09-1345

VIA CERTIFIED MAIL RETURN

RECEIPT REQUESTED

AND E-MAIL ([edwishnow@aol.com](mailto:edwishnow@aol.com))

AND FACSIMILE (248) 258-6007

Mr. Douglas A. Benit, c/o Edward C. Wishnow, 240 Daines, Birmingham, MI 48009

Re: Notice of Suspension and Initiation of Debarment Proceedings, File No. EB-09-IH-0402

Dear Mr. Benit: The Federal Communications Commission ("FCC" or "Commission") has received notice of your conviction of mail fraud, in violation of 18 U.S.C. 2, 1341, and 1346 in connection with your participation in the schools and libraries universal service support mechanism ("E-Rate program").<sup>1</sup> Consequently, pursuant to 47 CFR 54.8, this letter constitutes official notice of your suspension from the E-Rate program. In addition, the Enforcement Bureau ("Bureau") hereby notifies you that we are commencing debarment proceedings against you.<sup>2</sup>

<sup>1</sup> Any further reference in this letter to "your conviction" refers to your guilty plea and subsequent conviction of one count of mail fraud. *United States v. Douglas A. Benit*, Criminal Docket No. 2:06CR20285-1, Plea Agreement (D. Mich. filed Nov. 24, 2008 and entered Nov. 25, 2008) ("*Douglas Benit Plea Agreement*"); *United States v. Douglas A. Benit*, Criminal Docket No. 2:06CR20285-1, Judgment (D. Mich. filed Mar. 31, 2009 and entered Apr. 1, 2009) ("*Douglas Benit Judgment*"). See also *United States v. Douglas A. Benit*, Criminal Docket No. 2:06CR20285, Indictment (D. Mich. filed May 24, 2006 and entered May 25, 2006) ("*Benit Indictment*"). You also plead guilty to one count of bank fraud, in violation of 18 U.S.C. 2 and 1344. See *Douglas Benit Plea Agreement*; see also *Douglas Benit Judgment*. This notice of suspension and initiation of debarment proceedings arises from your conviction of mail fraud, and as such, does not discuss your guilty plea and subsequent conviction of bank fraud.

<sup>2</sup> 47 CFR 54.8; 47 CFR 0.111 (delegating to the Enforcement Bureau authority to resolve universal service suspension and debarment proceedings). The Commission adopted debarment rules for the schools and libraries universal service support mechanism in 2003. See *Schools and Libraries Universal Service Support Mechanism*, Second Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 9202 (2003) ("*Second Report and Order*") (adopting section 54.521 to suspend and debar parties from the E-rate program). In 2007, the Commission extended the debarment rules to apply to all of the Federal universal service support mechanisms. *Comprehensive Review of the Universal Service Fund Management, Administration, and Oversight; Federal-State Joint Board on Universal Service; Schools and Libraries Universal Service Support Mechanism; Lifeline and Link Up; Changes to the Board of Directors for the National Exchange Carrier Association, Inc.*, Report

Continued

## I. Notice of Suspension

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>3</sup> On November 24, 2008, you, Douglas A. Benit,<sup>4</sup> plead guilty to mail fraud in connection with your participation in the E-Rate program.<sup>5</sup> Specifically, you were employed as a school official in the Ecorse Public Schools District (“EPS” or “District”) from 1997 to 2003, serving first as the Director of Facility Development and subsequently as the Assistant Superintendent.<sup>6</sup> While employed at EPS, you were also an owner, employee, agent or subcontractor of Coral Technology, Inc. (“Coral”).<sup>7</sup> During your tenure at EPS, you were responsible for approving the construction of new facilities in the District using funds from several sources, including the E-Rate program.<sup>8</sup> You admitted that while employed at EPS and while concealing your associations with Coral from EPS, you and others devised a scheme to defraud the District and the E-Rate program by steering contracts for EPS to various companies that directly or indirectly benefited you and your companies, primarily Coral.<sup>9</sup> In furtherance of the scheme, you submitted to the Universal Service Administrative Company (“USAC”) documents supporting Coral’s application for federal E-Rate funding, while employed at EPS and within the scope of your official responsibilities.<sup>10</sup> As a result of these contracts, which were paid in part from the E-Rate program, you and your company

and Order, 22 FCC Rcd 16372, 16410–12 (2007) (Program Management Order) (renumbering section 54.521 of the universal service debarment rules as section 54.8 and amending subsections (a)(1), (5), (c), (d), (e)(2)(i), (3), (e)(4), and (g)).

<sup>3</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 54.8(a)(6).

<sup>4</sup> Also known as J.D. Howen, D.J. Howen, and Jack Howen. See *Douglas Benit Indictment*.

<sup>5</sup> See *supra* note 1. See *Douglas Benit Plea Agreement*. See also Department of Justice Press Release (Mar. 26, 2009), available at [http://www.usdoj.gov/criminal/nptf/pr/press\\_releases/2009/mar/03-26-09benit-sentenced.pdf](http://www.usdoj.gov/criminal/nptf/pr/press_releases/2009/mar/03-26-09benit-sentenced.pdf) (DOJ March 2009 Press Release). See also *Benit Indictment* at 18 (Court 4).

<sup>6</sup> *Benit Indictment* at 1–4; see also *Douglas Benit Plea Agreement* at 2–3.

<sup>7</sup> See *Benit Indictment* at 3.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.* at 1–15, 18; see also *Douglas Benit Plea Agreement* at 2–3.

<sup>10</sup> *Benit Indictment* at 10–14.

personally benefited from the fraudulent scheme by at least \$2.276 million.<sup>11</sup>

On March 31, 2009, you were sentenced to serve forty-six months in federal prison, to be followed by thirty-six months of supervised release for your role in the scheme to defraud EPS and the E-Rate program. You were also ordered to pay \$1.34 million in restitution for your role in the scheme.<sup>12</sup>

Pursuant to section 54.8(a)(4) of the Commission’s rules,<sup>13</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>14</sup> Your suspension becomes effective upon the earlier of your receipt of this letter or publication of notice in the **Federal Register**.<sup>15</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>16</sup> Such requests, however, will not ordinarily be granted.<sup>17</sup> The Bureau may reverse or limit the scope of suspension only upon a finding of extraordinary circumstances.<sup>18</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>19</sup>

## II. Initiation of Debarment Proceedings

Your guilty plea to 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

<sup>11</sup> See *Douglas Benit Plea Agreement* at 3.

<sup>12</sup> See *Douglas Benit Judgment* at 1, 5 (ordering \$1.34 million for your role in the schemes; \$489,702 in restitution to the Ecorse Public Schools and \$853,000 to USAC); see also DOJ March 2009 Press Release at 1.

<sup>13</sup> 47 CFR 54.8(a)(4). See *Second Report and Order*, 18 FCC Rcd at 9225–27, ¶¶ 67–74.

<sup>14</sup> 47 CFR 54.8(a)(1)(d).

<sup>15</sup> *Second Report and Order*, 18 FCC Rcd at 9226, ¶ 69; 47 CFR 54.8(e)(1).

<sup>16</sup> 47 CFR 54.8(e)(4).

<sup>17</sup> *Id.*

<sup>18</sup> 47 CFR 54.8(e)(5).

<sup>19</sup> See *Second Report and Order*, 18 FCC Rcd at 9226, ¶ 70; 47 CFR 54.8(e)(5), (f).

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>20</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>21</sup> Absent extraordinary circumstances, the Bureau will debar you.<sup>22</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>23</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>24</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>25</sup> The Bureau may, if necessary to protect the public interest, extend the debarment period.<sup>26</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

<sup>20</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 54.8(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 mechanism.” 47 CFR 54.8(a)(1).

<sup>21</sup> See *Second Report and Order*, 18 FCC Rcd at 9226, ¶ 70; 47 CFR 54.8(e)(3).

<sup>22</sup> *Second Report and Order*, 18 FCC Rcd at 9227, ¶ 74.

<sup>23</sup> See *id.*, 18 FCC Rcd at 9226, ¶ 70; 47 CFR 54.8(e)(5).

<sup>24</sup> 47 CFR 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 CFR 54.8(f).

<sup>25</sup> *Second Report and Order*, 18 FCC Rcd at 9225, ¶ 67; 47 CFR 54.8(d), (g).

<sup>26</sup> 47 CFR 54.8(g).

of Rebekah Bina, Attorney Advisor, Investigations and Hearings Division, Enforcement Bureau, Room 4-C330, with a copy to Michele 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 Bina, 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 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 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: Taurus N. Ziedas, United States  
Attorney's Office, Department of Justice  
(via e-mail); Kristy Carroll, Esq.,  
Universal Service Administrative  
Company (via e-mail)

[FR Doc. E9-15823 Filed 7-2-09; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL HOUSING FINANCE AGENCY

[No. 2009-N-08]

### Privacy Act of 1974; System of Records

**AGENCY:** Federal Housing Finance  
Agency.

**ACTION:** Notice of new systems of  
records with request for comments.

**SUMMARY:** In accordance with the  
Privacy Act of 1974 (Privacy Act), the  
Federal Housing Finance Agency  
(FHFA) is issuing public notice of its

intent to establish and maintain three new Privacy Act systems of records covering the Federal Home Loan Bank System Directory, the Financial Management System, and the Correspondence Tracking System. The first system is titled "FHFA—1 Federal Home Loan Bank System Directory." The proposed system of records is necessary, as it will contain contact information for current Federal Home Loan Bank (Bank) presidents, chairs, vice chairs, directors, and senior staff; members of the Bank's Affordable Housing Advisory Councils (AHAC); and senior staff at the Banks, Office of Finance, and FHFA. The system will facilitate effective communications between the FHFA, Banks, and Office of Finance. The second system is titled "FHFA—2 Financial Management System." The proposed system of records is necessary, as it will contain financial and procurement records for prospective, present and former employees, contractors, and vendors of FHFA. The records may include names, social security numbers, credit card numbers, accounts, reimbursements, pay records, transactions, payment agreements, and certificates. The FHFA will use the system to ensure the orderly processing of administrative actions within the agency. The third new system is titled "FHFA—3 Correspondence Tracking System." The proposed system of records is necessary, as it will contain correspondence and records of communications between FHFA and individuals or entities submitting requests or inquiries to the agency. These records are collected and maintained to facilitate the orderly processing of correspondence by the agency and may include names, supporting documents, and contact information supplied by individuals or entities.

**DATES:** The addition of these three new systems of records will become effective on August 17, 2009 without further notice unless comments necessitate otherwise.

**ADDRESSES:** Submit comments to FHFA only once, identified by "2009-N-08", using any one of the following methods:

- *Mail/Hand Delivery:* Alfred M. Pollard, General Counsel, Attention: Comments/2009-N-08, Federal Housing Finance Agency, 1700 G Street, NW., Fourth Floor, Washington, DC 20552. Hand delivered packages should be logged at the Guard Desk, First Floor, on business days between 9 a.m. and 5 p.m.

- *E-mail:* [RegComments@fhfa.gov](mailto:RegComments@fhfa.gov). Comments may be sent by e-mail to Alfred M. Pollard, General Counsel.

Please include "Comments/2009-N-08" in the subject line of the message.

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments. If you submit your comment to the *Federal eRulemaking Portal*, please also send it by e-mail to the FHFA at [RegComments@fhfa.gov](mailto:RegComments@fhfa.gov) to ensure timely receipt by the agency. Include the following information in the subject line of your submission: Comments/2009-N-08. See **SUPPLEMENTARY INFORMATION** for additional information on submission and posting of comments.

**FOR FURTHER INFORMATION CONTACT:** John Major, Privacy Act Officer, [john.major@fhfa.gov](mailto:john.major@fhfa.gov) or 202-408-2849, or David A. Lee, Senior Agency Official for Privacy, [david.lee@fhfa.gov](mailto:david.lee@fhfa.gov) or 202-408-2514 (not toll free numbers), Federal Housing Finance Agency, 1700 G Street, NW., Fourth Floor, Washington DC 20552. The telephone number for the Telecommunications Device for the Deaf is 800-877-8339.

#### SUPPLEMENTARY INFORMATION:

##### I. Comments

*Instructions:* FHFA seeks public comments on the three proposed new systems and will take all comments into consideration before issuing the final notice. See 5 U.S.C. 552a(e)(4) and (11). Comments should include "2009-N-08" and reference any or all titles your comment addresses: "FHFA—1 Federal Home Loan Bank System Directory"; "FHFA—2 Financial Management System."; or "FHFA—3 Correspondence Tracking System."

*Posting and Public Availability of Comments:* All comments received will be posted without change on the FHFA Web site at <http://www.fhfa.gov>, and will include any personal information provided. In addition, copies of all comments received will be available for examination by the public on business days between the hours of 10 a.m. and 3 p.m., at the Federal Housing Finance Agency, Fourth Floor, 1700 G Street, NW., Washington DC 20552. To make an appointment to inspect comments, please call the Office of General Counsel at 202-414-6924.

*Introduction:* This notice informs the public of FHFA's proposal to establish and maintain three new systems of records. This notice satisfies the Privacy Act requirement that an agency publish a system of records notice in the **Federal Register** when there is an addition to the agency's system of records. It has been recognized by Congress that application of all requirements of the Privacy Act to certain categories of