

**FOR FURTHER INFORMATION CONTACT:**

Judith B. Herman, Office of Managing Director, FCC, at 202-418-0214.

**SUPPLEMENTARY INFORMATION:**

OMB Control Number: 3060-0986.

Title: Competitive Carrier Line Count Report and Self-Certification as a Rural Carrier.

Form No.: N/A.

Type of Review: Revision of a currently approved collection.

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

Number of Respondents: 4,934 respondents; 5,048 responses.

Estimated Time per Response: .50 hours to 80 hours.

Frequency of Response: On occasion, annual and quarterly reporting requirements, 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, 201-206, 214, 218-220, 251, 252, 254, 256, 303(r), 332, 403, 405, and 410.

Total Annual Burden: 163,435 hours.

Total Annual Cost: N/A.

Privacy Act Impact Assessment: N/A.

Nature and Extent of Confidentiality: The Commission is not requesting that respondents submit confidential information to the Commission. We note that the Universal Service Administrative Company (USAC), who administers the Universal Service program, must preserve the confidentiality of all data obtained from respondents and contributors to the universal service support program mechanism; must not use the data except for purposes of administering the universal service support program; and must not disclose data in company-specific form unless directed to do so by the Commission.

Needs and Uses: The Commission will submit this revised information collection to the Office of Management and Budget (OMB) during this 30 day comment period in order to obtain the full three year clearance from them.

In November 2011, the Commission adopted a Report and Order, FCC 11-161, Connect America Fund; A National Broadband Plan for Our Future; Establish Just and Reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support; Developing a Unified Intercarrier Compensation Regime; Federal-State Joint Board on Universal Service; Life-line and Link-Up; and Universal Service Reform—Mobility Fund. This revision addresses several reforms adopted in the Report and Order. The Commission plans to

submit additional revisions or new collections for OMB review and approval to address other reforms adopted in the Order at a later date.

During the review process, it was determined that the reporting requirements under OMB Control Number 3060-0894 should be eliminated. The Order eliminated the rate comparability review and certification, as well as the certification letter accounting for receipt of federal support in OMB Control Number 3060-0894 was duplicative of the certification pursuant to section 254(e) of the Act. Upon OMB approval of this revised information collection, the Commission will voluntarily discontinue OMB Control Number 3060-0894.

The Order also moved the recordkeeping requirement from 47 CFR section 54.202(e) to new 47 CFR section 54.320. The Commission is deleting this recordkeeping requirement from the information collections in OMB Control Numbers 3060-1081 and 3060-0774.

The Order provides:

(1) That existing high-cost support for price cap incumbent local exchange carriers will be frozen at the 2011 levels.

(2) Adopts a rule to reduce, dollar-for-dollar, a carrier's high-cost loop support (for rate of return carriers) or Connect America Fund Phase I frozen high-cost support (for price cap carriers) to the extent that the carrier's local end user rate plus state regulated fees do not meet a specified urban rate floor.

(3) Modifies section 54.307;

(4) Revises the certifications that states (or ETCs that are not subject to state jurisdiction) are required to file annually with the Commission and USAC to ensure that carriers use universal service support "only for the provision, maintenance and upgrading of facilities and services for which the support is intended" consistent with section 254(e) of the Act;

(5) Eliminates the eligibility for Safety Net Additive support for costs incurred after 2009;

(6) Eliminates the distinction between "rural" and "non-rural" carriers.

(7) Moves the recordkeeping requirement from 47 CFR 54.202(e) to new section 47 CFR 54.320.

(8) Extends current federal annual reporting requirements to all ETCs, including those designated by states.

The Commission will use the information requirements to determine whether and to what extent incumbent LECs and competitive ETCs providing the data are eligible to receive universal service support.

Federal Communications Commission.

**Marlene H. Dortch,**

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

[FR Doc. 2012-5360 Filed 3-5-12; 8:45 am]

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**FEDERAL COMMUNICATIONS COMMISSION**

[DA 12-212]

**Notice of Debarment**

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** The Enforcement Bureau (the "Bureau") debars Mr. Jeremy R. Sheets from the schools and libraries universal service support mechanism (or "E-Rate Program") for a period of three years. The Bureau takes this action to protect the E-Rate Program from waste, fraud and abuse.

**DATES:** Debarment commences on the date Mr. Jeremy R. Sheets receives the debarment letter or April 5, 2012, whichever date comes first, for a period of three years.

**FOR FURTHER INFORMATION CONTACT:** Joy M. Ragsdale, Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, Room 4-A236, 445 12th Street SW., Washington, DC 20554. Joy Ragsdale may be contacted by phone at (202) 418-1697 or by email at [Joy.Ragsdale@fcc.gov](mailto:Joy.Ragsdale@fcc.gov). If Ms. Ragsdale is unavailable, you may contact Ms. Terry Cavanaugh, Acting Chief, Investigations and Hearings Division, by telephone at (202) 418-1420 and by email at [Theresa.Cavanaugh@fcc.gov](mailto:Theresa.Cavanaugh@fcc.gov).

**SUPPLEMENTARY INFORMATION:** The Bureau debarred Mr. Jeremy R. Sheets from the schools and libraries universal service support mechanism for a period of three years pursuant to 47 CFR 54.8. Attached is the debarment letter, DA 12-212, which was mailed to Mr. Jeremy R. Sheets and released on February 14, 2012. The complete text of the notice of debarment 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

20554, telephone (202) 488-5300 or (800) 378-3160, facsimile (202) 488-5563, or via email <http://www.bcpweb.com>.

Federal Communications Commission.

**Theresa Z. Cavanaugh,**

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

The debarment letter follows:

February 14, 2012

DA 12-212

**VIA CERTIFIED MAIL RETURN  
RECEIPT REQUESTED AND E-MAIL**

Mr. Jeremy R. Sheets  
c/o Mr. Martin E. Crandall  
Clark Hill PLC  
500 Woodward Ave., Suite 3500  
Detroit, MI 48226-3435

**Re: Notice of Debarment**

**File No. EB-11-IH-1122**

Dear Mr. Sheets:

The Federal Communications Commission (Commission) hereby notifies you that, pursuant to Section 54.8 of its rules, you are prohibited from participating in the schools and libraries universal service support mechanism (E-Rate program) for three years from either the date of your receipt of this Notice of Debarment, or of its publication in the **Federal Register**, whichever is earlier in time (Debarment Date).<sup>1</sup>

On October 18, 2011, the Commission's Enforcement Bureau (Bureau) sent you a Notice of Suspension and Initiation of Debarment Proceeding (Notice of Suspension)<sup>2</sup> that was published in the **Federal Register** on November 7, 2011.<sup>3</sup> The Notice of Suspension suspended you from participating in activities associated with or relating to the E-Rate program and described the basis for initiating debarment proceedings against you, the applicable debarment procedures, and the effect of debarment.

As discussed in the Notice of Suspension, as president and co-owner of CMS Internet LLC (CMS), you devised and participated in a scheme to defraud the E-Rate program, which resulted in a loss to the program of up to \$70,000.<sup>4</sup> Specifically, you made

materially false representations that induced two school districts to steer E-rate contracts to CMS; and you paid the school applicants' share of E-Rate expenses with purported "donations" and "leasing payments."<sup>5</sup> Furthermore, you failed to disclose that you purchased ineligible goods and services with E-Rate funds.<sup>6</sup> Finally, you obstructed a 2007 federal grand jury investigation by instructing a CMS employee to testify falsely about receiving gifts and to destroy computer records.<sup>7</sup> As a result of your conviction for wire fraud, the United States District Court for the Western District of Michigan sentenced you to serve 15 months in federal prison, followed by two years of supervised release for defrauding the E-Rate program.<sup>8</sup> The court also prohibited you from "having any involvement with any government-backed or federally-regulated programs during the course of supervision."<sup>9</sup> The court ordered you to pay a \$12,000 criminal fine in addition to paying Universal Service Administration Company (USAC) \$115,534 in restitution.<sup>10</sup> Pursuant to Section 54.8(c) of the Commission's rules, your conviction of criminal conduct in connection with the E-Rate program serves as a basis for your debarment.<sup>11</sup>

In accordance with the Commission's debarment rules, you were required to file with the Commission any opposition to your suspension or its scope, or to your proposed debarment or its scope, no later than 30 calendar days from either the date of your receipt of the Notice of Suspension or of its publication in the **Federal Register**, whichever date occurred first.<sup>12</sup> The Commission did not receive any such opposition.

For the foregoing reasons, you are debarred from participating in the E-Rate program for three years from the Debarment Date.<sup>13</sup> During this debarment period, you are excluded from participating in any activities associated with or related to the E-Rate program, including the receipt of funds or discounted services through the E-

Rate program, or consulting with, assisting, or advising applicants or service providers regarding the E-Rate program.<sup>14</sup>

Sincerely,

Theresa Z. Cavanaugh,  
*Acting Chief, Investigations and Hearings Division, Enforcement Bureau.*

cc: Johnnay Schrieber, Universal Service Administrative Company (via email)  
Rashann Duvall, Universal Service Administrative Company (via email)  
Jason C. Turner, Antitrust Division, United States Department of Justice (via email)  
Jennifer M. Dixon, Antitrust Division, United States Department of Justice (via email)  
Meagan D. Johnson, Antitrust Division, United States Department of Justice (via email)

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**FEDERAL COMMUNICATIONS  
COMMISSION**

**[CG Docket No. 12-39; DA 12-220]**

**Termination of Dormant Proceedings**

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** In this document, the Commission, via the Consumer and Governmental Affairs Bureau (CGB), seeks comment on whether certain docketed Commission proceedings should be terminated as dormant. The Commission's procedural rules, which were revised to streamline and improve the agency's docket management practices, delegate authority to the Chief, CGB to periodically review all open dockets and, in consultation with the responsible Bureaus or Offices, to identify those dockets that appear to be candidates for termination.

**DATES:** Comments are due on or before April 5, 2012, and reply comments are due on or before April 20, 2012.

**ADDRESSES:** Interested parties may submit comments, identified by [CG Docket No. 12-39], by any of the following methods:

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the Commission's Electronic Comment Filing System (ECFS) at <http://fjallfoss.fcc.gov/ecfs2/>. Filers should follow the instructions provided on the Web site for submitting comments. In completing the transmittal screen, ECFS filers should include their full name, U.S. Postal Service mailing

<sup>14</sup> 47 CFR § 54.8(a)(1), (5), (d).

<sup>1</sup> 47 CFR 54.8(g) (2010). See also 47 CFR 0.111 (delegating authority to the Enforcement Bureau to resolve universal service suspension and debarment proceedings).

<sup>2</sup> Letter from Theresa Z. Cavanaugh, Acting Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, to Jeremy R. Sheets, Notice of Suspension and Initiation of Debarment Proceeding, DA 11-1733, 26 FCC Rcd 14408 (Inv. & Hearings Div., Enf. Bur. 2011) (Attachment 1).

<sup>3</sup> 76 Fed. Reg. 68760 (Nov. 7, 2011).

<sup>4</sup> Notice of Suspension, 26 FCC Rcd at 14409.

<sup>5</sup> Id.

<sup>6</sup> Id.

<sup>7</sup> Id.

<sup>8</sup> See *United States v. Jeremy R. Sheets*, Criminal Case No. 1:10-cr-380, Judgment (W.D. Mi. 2011).

<sup>9</sup> Id. A condition of your supervised release includes forfeiting all monetary claims pending under contract with other E-Rate school applicants. Telephone Conversation with Jason Turner, Lead Counsel, Dep't of Justice, Antitrust Division (Aug. 10, 2011).

<sup>10</sup> *Supra* note 5.

<sup>11</sup> 47 CFR 54.8(c).

<sup>12</sup> Id. § 54.8(e)(3), (4). Any opposition had to be filed no later than November 17, 2011.

<sup>13</sup> Id. § 54.8(e)(5), (g).