

**ACTION:** Notice of 25 day comment period regarding an application for final commitment for a long-term loan or financial guarantee in excess of \$100 million.

*Reason for Notice:* This Notice is to inform the public, in accordance with Section 3(c)(10) of the Charter of the Export-Import Bank of the United States ("Ex-Im Bank"), that Ex-Im Bank has received an application for final commitment for a long-term loan or financial guarantee in excess of \$100 million (as calculated in accordance with Section 3(c)(10) of the Charter). Comments received within the comment period specified below will be presented to the Ex-Im Bank Board of Directors prior to final action on this Transaction.

*Reference:* AP086754XX, AP087318XX, and AP087407XX.

*Purpose and Use:*

Brief description of the purpose of the transaction:

To support the export of mining trucks and bulldozers to Ukraine.

Brief non-proprietary description of the anticipated use of the items being exported:

To mine iron ore in Ukraine

To the extent that Ex-Im Bank is reasonably aware, the item(s) being exported are not expected to produce exports or provide services in competition with the exportation of goods or provision of services by a United States industry.

*Parties:*

*Principal Supplier:* Caterpillar Inc.

*Obligors:* OJSC Ferrexpo Poltava Mining, Ukraine; OJSC Ferrexpo Yeristovo Mining, Ukraine; OJSC Ferrexpo Belanovo Mining, Ukraine.

*Guarantor(s):* Ferrexpo AG, Switzerland.

*Description of Items Being Exported:*

Caterpillar mining trucks and bulldozers.

*Information on Decision:* Information on the final decision for this transaction will be available in the "Summary Minutes of Meetings of Board of Directors" on <http://www.exim.gov/articles.cfm/board%20minute>.

*Confidential Information:* Please note that this notice does not include confidential or proprietary business information; information which, if disclosed, would violate the Trade Secrets Act; or information which would jeopardize jobs in the United States by supplying information that competitors could use to compete with companies in the United States.

**DATES:** Comments must be received on or before *December 4, 2012* to be assured of consideration before final

consideration of the transaction by the Board of Directors of Ex-Im Bank.

**ADDRESSES:** Comments may be submitted through [WWW.REGULATIONS.GOV](http://WWW.REGULATIONS.GOV).

**Sharon A. Whitt,**

*Agency Clearance Officer.*

[FR Doc. 2012-27380 Filed 11-8-12; 8:45 am]

**BILLING CODE 6690-01-P**

## EXPORT-IMPORT BANK

### Sunshine Act Meeting

Notice of a Partially Open Meeting of the Board of Directors of the Export-Import Bank of the United States.

**TIME AND PLACE:** Monday, November 19, 2012 at 9:30 a.m. The meeting will be held at Ex-Im Bank in Room 321, 811 Vermont Avenue NW., Washington, DC 20571.

**OPEN AGENDA ITEMS:** Item No. 1: Proposed Economic Impact Procedures and Methodological Guidelines.

Documentation including the proposed Economic Impact Procedures and Methodological Guidelines as well as the public comment can be accessed at the following location:

<http://www.exim.gov/generalbankpolicies/economicimpact/proposed-economic-impact-procedures.cfm>

**PUBLIC PARTICIPATION:** The meeting will be open to public observation for Item No. 1 only.

**FURTHER INFORMATION:** The Bank requests that members of the public who wish to attend the meeting call Joyce Stone, Office of the Secretary, 811 Vermont Avenue NW., Washington, DC 20571 at (202) 565-3336 by close of business Wednesday, November 14, 2012.

**Lisa V. Terry,**

*Assistant General Counsel.*

[FR Doc. 2012-27421 Filed 11-7-12; 8:45 am]

**BILLING CODE 6690-01-P**

## FEDERAL COMMUNICATIONS COMMISSION

[DA 12-1620]

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

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** The Enforcement Bureau (the "Bureau") gives notice of Ms. Denisa Babcock'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 her. Ms. Babcock, or any person who has an existing contract with or intends to contract with her 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 Joy Ragsdale, 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 30 days from the receipt of the suspension letter or December 10, 2012, 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.

**ADDRESSES:** Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, Room 4-C330, 445 12th Street SW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Joy Ragsdale, Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, Room 4-C330, 445 12th Street SW., Washington, DC 20554. Joy Ragsdale may be contacted by phone at (202) 418-1697 or email at [Joy.Ragsdale@fcc.gov](mailto:Joy.Ragsdale@fcc.gov). If Ms. Ragsdale is unavailable, you may contact Ms. Theresa Cavanaugh, Chief, Investigations and Hearings Division, by telephone at (202) 418-1420 and by email at [Terry.Cavanaugh@fcc.gov](mailto:Terry.Cavanaugh@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 12-1620, which was mailed to Ms. Babcock and released on October 10, 2012. 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 20554, telephone (202) 488-5300 or (800) 378-3160, facsimile (202) 488-5563, or via email <http://www.bcpweb.com>.

Federal Communications Commission.

Dated: October 10, 2012.

**Theresa Z. Cavanaugh,**

Chief, Investigations and Hearings Division,  
Enforcement Bureau.

DA 12-1620

SENT VIA CERTIFIED MAIL, RETURN  
RECEIPT REQUESTED AND EMAIL

Ms. Denisa Babcock, c/o Leon Fred  
Spies, Mellon & Spies, 312 E.  
College Street, Suite 216, Iowa City,  
IA 52240

Re: Notice of Suspension and Initiation  
of Debarment Proceedings FCC File  
No. EB-12-IH-1396

Dear Ms. Babcock: The Federal Communications Commission (Commission) has received notice of your conviction, under 18 U.S.C. 666(a)(1)(A) and (b), for theft of, among other amounts, funds associated with the federal 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 the Bureau will commence E-Rate program debarment proceedings against you.<sup>2</sup>

<sup>1</sup> Any further reference in this letter to "your conviction" refers to your guilty plea in *United States v. Babcock*, Criminal Docket No. 3:10-cr-00074-RP-TJS-1, Plea Agreement (S.D. Iowa, May 11, 2011) (*Plea Agreement*).

<sup>2</sup> See 47 CFR 0.111 (delegating to the Bureau authority to resolve universal service suspension and debarment proceedings). The Commission adopted debarment rules for the E-Rate program 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 § 54.521 to suspend and debar parties from the E-Rate program). In 2007, the Commission extended the debarment rules to apply to all 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; Rural Health Care Support Mechanism; Lifeline and Link Up; Changes to the Board of Directors for the National Exchange Carrier Association, Inc.*, Report and Order, 22 FCC Rcd 16372, 16410-12 (2007) (*Program Management Order*) (renumbering § 54.521 of the universal service debarment rules as § 54.8 and amending subsections (a)(1), (a)(5), (c), (d), (e)(2)(i), (e)(3), (e)(4), and (g)).

## 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 [E-Rate program]" from receiving the benefits associated with that program.<sup>3</sup> The Commission's rules are designed to ensure that all E-Rate funds are used for their intended purpose.<sup>4</sup>

On May 11, 2011, you pled guilty to converting more than \$1,000,000 belonging to various school districts for your personal use from November 2005 through December 2009.<sup>5</sup> That amount included approximately \$49,000 in E-Rate checks that had been payable to school districts you represented through your E-Rate consulting company, Camanche Consulting Services (CCS).<sup>6</sup> According to your Plea Agreement, you knowingly deposited E-Rate checks payable to these school districts into your personal bank accounts without the authority to do so.<sup>7</sup> Along with the other funds stolen from the various school districts, you used these stolen E-Rate funds to help pay off your home mortgage, fund retirement plans, and purchase vehicles, real property, a boat, travel, and personal items.<sup>8</sup>

On October 14, 2011, the United States District Court for the Southern District of Iowa sentenced you to serve 64 months in prison followed by a three-year period of supervised release.<sup>9</sup> In addition, the court ordered you to pay \$1,330,215.96 in restitution and a \$100 special assessment.<sup>10</sup>

<sup>3</sup> *Second Report and Order*, 18 FCC Rcd at 9225, para. 66; *Program Management Order*, 22 FCC Rcd at 16387, para. 32. 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> *NEC-Business Network Solutions, Inc.*, Notice of Debarment and Order Denying Waiver Petition, 21 FCC Rcd 7491, 7493, para. 7 (2006).

<sup>5</sup> *Plea Agreement* at 1, 17-18; see also *United States Attorney's Office, Southern District of Iowa, News, Former Clinton Community School District Employee Pleads Guilty to Theft of Federal Funds*, May 11, 2011, at <http://www.justice.gov/usao/ias/news/2011/Babcock%20-%20plea%20-%20media%20release%20-%2010-11.pdf> (*Press Release*).

<sup>6</sup> *Plea Agreement* at 17.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.* at 18.

<sup>9</sup> *United States v. Babcock*, Criminal Docket No. 3:10-cr-00074-RP-TJS-1, Amended Judgment at 2 (S.D. Iowa, entered Jan. 23, 2012) (*Amended Judgment*).

<sup>10</sup> *Amended Judgment* at 4-5. This restitution order includes: \$8,061.77 payable to Bement Community School District Five; \$2,231.28 payable to the Chester Area School District; \$21,789.40 payable to the Lena-Winslow School District; \$17,933.80 payable to North Boone School District 200; \$1,852.03 payable to Oldham Public Library; and \$4,270.64 payable to West Carroll Community

Pursuant to § 54.8(b) of the Commission's rules,<sup>11</sup> upon your conviction for theft of E-Rate funds, the Bureau is required to suspend you 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>12</sup> Your suspension becomes effective upon either your receipt of this letter or its publication in the **Federal Register**, whichever comes first.<sup>13</sup>

In accordance with the Commission's suspension and debarment rules, you may contest this suspension or the scope of this suspension by filing arguments, with any relevant documents, within thirty (30) calendar days of your receipt of this letter or [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER], whichever comes first.<sup>14</sup> Such requests, however, will not ordinarily be granted.<sup>15</sup> The Bureau may reverse or limit the scope of a suspension only upon a finding of extraordinary circumstances.<sup>16</sup> The Bureau will decide any request to reverse or modify a suspension within ninety (90) calendar days of its receipt of such request.<sup>17</sup>

## II. Initiation of Debarment Proceedings

In addition to requiring your immediate suspension from the E-Rate program, your conviction is cause for debarment as defined in § 54.8(c) of the Commission's rules.<sup>18</sup> Therefore,

School District No. 314. *Id.* at 4. In addition, you were ordered to forfeit, among other items, E-Rate checks that FBI agents had seized from your residence. *Plea Agreement* at 6-7.

<sup>11</sup> 47 CFR 54.8(a)(4); see *Second Report and Order*, 18 FCC Rcd at 9225-27, paras. 67-74.

<sup>12</sup> 47 CFR 54.8(a)(1), (d).

<sup>13</sup> *Second Report and Order*, 18 FCC Rcd at 9226, para. 69; 47 CFR 54.8(e)(1).

<sup>14</sup> 47 CFR 54.8(e)(4).

<sup>15</sup> *Id.*

<sup>16</sup> 47 CFR 54.8(f).

<sup>17</sup> *Second Report and Order*, 18 FCC Rcd at 9226, para. 70; 47 CFR 54.8(e)(5), (f).

<sup>18</sup> "Causes for suspension and debarment are 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). Associated 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." *Id.* 54.8(a)(1).

pursuant to § 54.8(b) of the Commission's rules, your conviction requires the Bureau to commence debarment proceedings against you.<sup>19</sup>

As with the suspension process, you may contest the proposed debarment or the scope of the proposed debarment by filing arguments and any relevant documentation within thirty (30) calendar days of receipt of this letter or its publication in the **Federal Register**, whichever comes first.<sup>20</sup> The Bureau, in the absence of extraordinary circumstances, will notify you of its decision to debar within ninety (90) calendar days of receiving any information you may have filed.<sup>21</sup> If the Bureau decides to debar you, its decision will become effective upon either your receipt of a debarment notice or publication of the decision in the **Federal Register**, whichever comes first.<sup>22</sup>

If and when your debarment becomes effective, you will be prohibited from participating in activities associated with or related to the E-Rate program for three years from the date of debarment.<sup>23</sup> The Bureau may set a longer debarment period or extend an existing debarment period if necessary to protect the public interest.<sup>24</sup>

Please direct any response, if sent by messenger or hand delivery, to Marlene H. Dortch, Secretary, Federal Communications Commission, 445 12th Street SW., Room TW-A325, Washington, DC 20554 and to the attention of Joy M. Ragsdale, Attorney Advisor, Investigations and Hearings Division, Enforcement Bureau, Room 4-C330, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554 with a copy to Theresa Z. Cavanaugh, Division Chief, Investigations and Hearings Division, Enforcement Bureau, Room 4-C330, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554. All messenger or hand delivery filings must be submitted without envelopes.<sup>25</sup> If sent by commercial overnight mail (other than U.S. Postal Service (USPS) Express Mail and

Priority Mail), the response must be sent to the Federal Communications Commission, 9300 East Hampton Drive, Capitol Heights, Maryland 20743. If sent by USPS First Class, Express Mail, or Priority Mail, the response should be addressed to Joy Ragsdale, 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 Theresa Z. Cavanaugh, 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 your response via email to Joy M. Ragsdale, [Joy.Ragsdale@fcc.gov](mailto:Joy.Ragsdale@fcc.gov) and to Theresa Z. Cavanaugh, [Terry.Cavanaugh@fcc.gov](mailto:Terry.Cavanaugh@fcc.gov).

If you have any questions, please contact Ms. Ragsdale via U.S. postal mail, email, or by telephone at (202) 418-1697. You may contact me at (202) 418-1553 or at the email address noted above if Ms. Ragsdale is unavailable.

Sincerely yours,  
Theresa Z. Cavanaugh,  
Chief, Investigations and Hearings Division,  
Enforcement Bureau

cc: Johnnay Schrieber, Universal Service Administrative Company (via email); Rashann Duvall, Universal Service Administrative Company (via email); Maureen McGuire, United States Attorney's Office, Southern District of Iowa (via email); Richard Westphal, United States Attorney's Office, Southern District of Iowa (via email)

[FR Doc. 2012-27348 Filed 11-8-12; 8:45 am]

**BILLING CODE 6712-01-P**

## FEDERAL MARITIME COMMISSION

### Notice of Agreement 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 the agreements to the Secretary, Federal Maritime Commission, Washington, DC 20573, within ten days of the date this notice appears in the **Federal Register**. Copies of the agreements are available through the Commission's Web site ([www.fmc.gov](http://www.fmc.gov)) or by contacting the Office of Agreements at (202)-523-5793 or [tradeanalysis@fmc.gov](mailto:tradeanalysis@fmc.gov).

*Agreement No.:* 201157-002.

*Title:* USMX-ILA Master Contract between United States Maritime Alliance, Ltd. and International Longshoremen's Association.

*Parties:* United States Maritime Alliance, Ltd., on behalf of Management, and the International Longshoremen's Association, AFL-CIO.

*Filing Parties:* William M. Spelman, Esq.; The Lambos Firm; 29 Broadway, 9th Floor; New York, NY 10006 and Andre Mazzola, Esq.; Marrinan & Mazzola Mardon, P.C.; 26 Broadway, 17th Floor; New York, NY 10004.

*Synopsis:* The amendment extends the terms and conditions of USMX-ILA Master Contract to December 29, 2012, without any changes by USMX and the ILA.

By Order of the Federal Maritime Commission.

Dated: November 6, 2012.

**Karen V. Gregory,**  
Secretary.

[FR Doc. 2012-27392 Filed 11-8-12; 8:45 am]

**BILLING CODE 6730-01-P**

## FEDERAL RESERVE SYSTEM

### Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than November 27, 2012.

A. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198-0001:

1. *G. Jeffrey Records, Jr.*, Oklahoma City, Oklahoma; as trustee, of the Martha E. Records 2009 GST Exempt Family Trust; the Martha E. Records 2009 Non-Exempt Family Trust; the Kathryn R. Ryan 2007 GST Exempt Family Trust; the Kathryn R. Ryan 2007 Non-Exempt Family Trust; and the George J. and Nancy J. Records 1990 Irrevocable Trust, all in Oklahoma City, Oklahoma, to acquire voting shares of Midland Financial Co., and thereby indirectly acquire voting shares of MidFirst Bank, both in Oklahoma City, Oklahoma.

<sup>19</sup> *Id.* 54.8(b).

<sup>20</sup> *Second Report and Order*, 18 FCC Rcd at 9226, para. 70; 47 CFR § 54.8(e)(3).

<sup>21</sup> *Second Report and Order*, 18 FCC Rcd at 9226, para. 70; 47 CFR § 54.8(e)(5).

<sup>22</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. *Id.* 54.8(f).

<sup>23</sup> *Second Report and Order*, 18 FCC Rcd at 9225, para. 67; 47 CFR 54.8(d), (g).

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

<sup>25</sup> See *FCC Public Notice*, DA 09-2529 for further filing instructions (rel. Dec. 3, 2009).