

further reduce the information collection burden for small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number.

**DATES:** Written Paperwork Reduction Act (PRA) comments should be submitted on or before February 22, 2010. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

**ADDRESSES:** Direct all PRA comments to Nicholas A. Fraser, Office of Management and Budget, via fax at 202-395-5167 or the Internet at [Nicholas\\_A\\_Fraser@omb.eop.gov](mailto:Nicholas_A_Fraser@omb.eop.gov); and to the Federal Communications Commission's PRA mailbox (e-mail address: [PRA@fcc.gov](mailto:PRA@fcc.gov)). Include in the e-mail the OMB control number of the collection as shown in the **SUPPLEMENTARY INFORMATION** section below, or if there is no OMB control number, the Title as shown in the **SUPPLEMENTARY INFORMATION** section. If you are unable to submit your comments by e-mail, contact the person listed below to make alternate arrangements.

**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](mailto:Judith-B.Herman@fcc.gov).

**SUPPLEMENTARY INFORMATION:** The Commission is seeking emergency processing of this information collection by February 12, 2010.

*OMB Control Number:* 3060-XXXX.

*Title:* Revisions to Rules Authorizing the Operation of Low Power Auxiliary Stations (Wireless Microphones).

*Form No.:* N/A.

*Type of Review:* New collection.

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

*Number of Respondents:* 7,200 respondents; 129,600 responses.

*Estimated Time per Response:* .25 hours (15 minutes)—.50 hours (30 minutes).

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

*Obligation to Respond:* Mandatory. Statutory authority for this information collection is contained in 47 U.S.C. sections 151, 152, 154(i), 154(j), 301,

302a, 303, 304, 307, 308, 309, 316, 332, 336, and 337.

*Total Annual Burden:* 32,925 hours.

*Total Annual Cost:* \$1,625,000.

*Privacy Act Impact Assessment:* N/A.

*Nature and Extent of Confidentiality:*

There is no need for confidentiality.

*Needs and Uses:* The Commission will submit this new information collection (IC) to the OMB under their emergency processing provisions in 5 CFR 1320.13. The Commission is requesting OMB approval by February 12, 2010 so that the information can go into effect as soon as possible.

The Commission is requesting OMB approval for notice, disclosure and labeling requirements to allow the Commission to implement important disclosure requirements in order to clear the 700 MHz band of wireless microphones and provide them a home in the core TV spectrum, where many wireless microphones are already operating.

First, it is essential for the early clearing mechanism to be available as soon as possible so that public safety and commercial licensees in the 700 MHz band can avoid harmful interference from wireless microphone users still operating in that band. The potential for public harm is particularly apparent in the case of public safety licensees such as police and fire departments. Some public safety licensees are already operating in the 700 MHz band, and more are expected to commence operation soon. Interference from wireless microphones could affect the ability of these officials to communicate during an emergency and therefore could create a serious threat to public health and safety.

Second, the point-of-sale disclosure requirement is also essential for a successful transition of wireless microphones out of the 700 MHz band. The Commission anticipates that many wireless microphone users currently operating in the 700 MHz band will have to purchase or lease new equipment capable of operating in the core TV spectrum. The point-of-sale disclosure requirement will help these consumers make an educated decision as they obtain new microphones, and it will help them operate in the core TV spectrum without causing interference to other services in that spectrum.

Third, a label on 700 MHz band wireless microphones bound for export will help to ensure that these wireless microphones do not continue to be made available for use in the United States, in contravention of our efforts to remove them from the band.

The effective date proposed by the Commission provides for these early

clearing and consumer disclosure measures to commence as early as possible. Due to the limited period of time for which two of the requirements (the early clearing mechanism and the point-of-sale disclosure requirements) will be in effect, and the urgent need to ensure that wireless microphone users transition out of the 700 MHz band, we find there is good cause to obtain emergency OMB approval for these requirements, so that the requirements may take effect as soon as practicable thereafter.

**Marlene F. Dortch,**

*Secretary, Federal Communications Commission.*

[FR Doc. 2010-1152 Filed 1-21-10; 8:45 am]

**BILLING CODE 6712-01-P**

## FEDERAL COMMUNICATIONS COMMISSION

[DA 10-35]

### 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. Leonard Douglas LaDuron'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. LaDuron, 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 February 22, 2010. However, an opposition request by the party to be suspended must be received 30 days from the receipt of the suspension letter or February 22, 2010, 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:**

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 Levy 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 10–35, which was mailed to Mr. LaDuron and released on January 12, 2010. 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 e-mail <http://www.bcpweb.com>.

Federal Communications Commission.

**Hillary S. DeNegro,**

Chief, Investigations and Hearings Division, Enforcement Bureau.

The suspension letter follows:

January 12, 2010.

DA 10–35

Via Certified Mail Return Receipt Requested and e-mail ([jmorris@bowse-law.com](mailto:jmorris@bowse-law.com)) and facsimile (913) 649–9399

Mr. Leonard Douglas LaDuron, c/o Jeffrey D. Morris, Berkowitz Oliver Williams Shaw & Eisenbrandt, LLP, 4200 Somerset, Suite #150, Prairie Village, KS 66208–5213.

**Re: Notice of Suspension and Initiation of Debarment Proceedings, File No. EB–10–IH–0108**

Dear Mr. LaDuron: The Federal Communications Commission (“FCC” or “Commission”) has received notice of your guilty plea for conspiracy to commit mail fraud, wire fraud and making false statements in violation of 18 U.S.C. 2, 371, 1341, 1343 and 1001 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>

**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 June 29, 2009, you,

<sup>1</sup> Any further reference in this letter to “your conviction” refers to your guilty plea and subsequent conviction of counts one and three for conspiracy to commit mail fraud, wire fraud and making false statements. *United States v. Leonard Douglas LaDuron*, Criminal Docket No. 2:08CR20055–001–KHV, Petition to Enter Plea (D. Kan. filed June 29, 2009 and entered June 30, 2009) (“*Leonard LaDuron Plea*”); *United States v. Leonard Douglas LaDuron*, Criminal Docket No. 2:08CR20055–001–KHV, Judgment (D. Kan. filed and entered Dec. 23, 2009) (“*Leonard LaDuron Judgment*”). See also *United States v. Leonard Douglas LaDuron*, Criminal Docket No. 2:08CR20055–001–KHV, Indictment, 1–10, 11–14 (D. Kan. filed Apr. 24, 2009 and entered Apr. 25, 2009) (Counts 1 and 3) (“*LaDuron Indictment*”).

<sup>2</sup> 47 CFR § 54.8. See also 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 of the Commission’s rules 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 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,

Leonard Douglas LaDuron,<sup>4</sup> pleaded guilty to conspiracy to commit mail fraud, wire fraud, and making false statements in connection with your participation in the E-Rate program.<sup>5</sup> Specifically, between 1999 and 2003, you held yourself out as an E-Rate consultant and salesperson for the purpose of defrauding the E-Rate Program.<sup>6</sup> You admitted that you and others devised a scheme to defraud school districts and the E-Rate program by steering contracts to various companies that directly benefited you, your conspirators, and your companies, primarily Elephantine Corporation, Serious ISP, Inc., and Myco Technologies, Inc.<sup>7</sup> In furtherance of the scheme, you submitted fraudulent and false documents to the Universal Service Administrative Company (“USAC”) claiming schools were paid or would pay their co-pay, submitted other materially false and fraudulent documents, and concealed your true identities, ownerships, and relationships from the school districts to induce schools to select your companies as service providers in violation of E-Rate Program rules.<sup>8</sup> Ultimately, your scheme induced at least ten schools, in seven different states, to award contracts to your companies.<sup>9</sup>

On December 23, 2009, you were sentenced to serve fifty-seven months in federal prison, to be followed by thirty-six months of supervised release for your role in the scheme to defraud the E-Rate program. You were also ordered to pay \$238,609 in restitution for your role in the scheme.<sup>10</sup>

Pursuant to section 54.8 of the Commission’s rules, your conviction requires the Bureau to suspend you from participating in any activities associated with or related to the schools and libraries support mechanism.<sup>11</sup>

corporation, partnership, association, unit of government or legal entity, however, organized.” 47 CFR 54.8(a)(6).

<sup>4</sup> Also known as Doug LaDuron. See *Leonard LaDuron Indictment*.

<sup>5</sup> See *supra* note 1. See *Leonard LaDuron Plea*. See also Department of Justice Press Release (Dec. 16, 2009), available at <http://kansascity.fbi.gov/dojpressrel/pressrel09/kc121609a.htm> (DOJ December 2009 Press Release).

<sup>6</sup> *LaDuron Indictment* at 4–5.

<sup>7</sup> *LaDuron Indictment* at 4; *Leonard LaDuron Plea* at 1–2.

<sup>8</sup> *LaDuron Indictment* at 4–10, 11–12; *Leonard LaDuron Plea* at 1–3.

<sup>9</sup> *LaDuron Indictment* at 8. See also DOJ December 2009 Press Release at 1.

<sup>10</sup> See *Leonard LaDuron Judgment* at 1–3, 5 (ordering \$238,609 for your role in the schemes; \$217,771 in restitution to USAC and \$20,838). See also DOJ December 2009 Press Release at 1.

<sup>11</sup> 47 CFR 54.8(b)–(e); see also 47 CFR 54.8(a)(4). See also *Second Report and Order*, 18 FCC Rcd at 9225–27, ¶¶ 67–74.

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 the schools and libraries support mechanism.<sup>12</sup>

Your suspension becomes effective upon the earlier of your receipt of this letter or publication of notice in the **Federal Register**, pending the Bureau's final debarment determination.<sup>13</sup> 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.<sup>14</sup> 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>15</sup> Such requests, however, will not ordinarily be granted.<sup>16</sup> The Bureau may reverse or limit the scope of suspension only upon a finding of extraordinary circumstances.<sup>17</sup> The Bureau will decide any request for reversal or modification of suspension within 90 days of its receipt of such request.<sup>18</sup>

## II. Initiation of Debarment Proceedings

Your guilty plea and conviction of 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 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>19</sup> Therefore, pursuant to section 54.8 of the Commission's rules, your conviction requires the Bureau to commence debarment proceedings against you.<sup>20</sup>

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> The Bureau will decide any request for reversal or limitation of debarment within 90 days of receipt of such request.<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, 445 12th Street, SW., Room TW-A325, Washington, DC 20554, to the attention of Rebekah Bina, Attorney Advisor, Investigations and Hearings Division, Enforcement Bureau, Room 4-C330, with a copy to Michele Levy 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, S.W., Room 4-C330, Washington, DC 20554, with a copy to Michele Levy 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 Levy 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,  
Hillary S. DeNigro,  
Chief, Investigations & Hearings Division,  
Enforcement Bureau.

[FR Doc. 2010-1219 Filed 1-21-10; 8:45 am]

BILLING CODE 6712-01-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of the Secretary

#### 2009 HHS Poverty Guidelines Extended Until March 1, 2010

**AGENCY:** Department of Health and Human Services.

**ACTION:** Notice.

**SUMMARY:** This notice advises that, pursuant to section 1012 of the Department of Defense Appropriations Act, 2010, the 2009 Department of Health and Human Services (HHS) poverty guidelines will remain in effect until updated 2010 poverty guidelines are published, which shall not take place before March 1, 2010.

**DATES:** *Effective Date:* Date of publication.

**ADDRESSES:** Office of the Assistant Secretary for Planning and Evaluation, Room 404E, Humphrey Building, Department of Health and Human Services, Washington, DC 20201.

**FOR FURTHER INFORMATION CONTACT:** For information about how the guidelines are used or how income is defined in a particular program, contact the Federal, State, or local office that is responsible for that program. For information about poverty figures for immigration forms, the Hill-Burton Uncompensated Services Program, and the number of people in poverty, use the specific telephone numbers and addresses given below.

For general questions about the poverty guidelines themselves, contact

<sup>12</sup> 47 CFR 54.8(a)(1); see also 47 CFR 54.8(a)(3).

<sup>13</sup> 47 CFR 54.8(a)(7), (e)(1); see also *Second Report and Order*, 18 FCC Rcd at 9226, ¶ 69.

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

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

<sup>16</sup> *Id.*

<sup>17</sup> 47 CFR 54.8(e)(5).

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

<sup>19</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>20</sup> See 47 CFR 54.8(b), (c).

<sup>21</sup> See 47 CFR 54.8(e)(3), (e)(5); see also *Second Report and Order*, 18 FCC Rcd at 9226, ¶ 70.

<sup>22</sup> 47 CFR 54.8(e)(5); see also *Second Report and Order*, 18 FCC Rcd at 9227, ¶ 74.

<sup>23</sup> See 47 CFR 54.8(e)(5), (f); see also *Second Report and Order*, 18 FCC Rcd at 9226, ¶ 70.

<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).