

repeatedly made misrepresentations to and lacked candor with the Commission in its submission of fifty applications in connection with various Wireless Radio Service authorizations.

**DATES:** Each party to the proceeding (except for the Chief, Enforcement Bureau), in person or by counsel, shall file with the Commission, by January 30, 2017, a written appearance stating that the party will appear on the date fixed for hearing and present evidence on the issues specified herein.

**ADDRESSES:** Federal Communications Commission, 445 12th Street SW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Pamela Kane, Special Counsel, Enforcement Bureau, (202) 418-2393.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Order to Show Cause, Hearing Designation Order and Notice of Opportunity for Hearing (Order) in WT Docket No. 17-17, DA 17-33, adopted on January 9, 2017, and released on January 10, 2017. The full text of the Order is available for inspection and copying during regular business hours in the FCC Reference Center, 445 12th Street SW., Room CY-A257, Portals II, Washington, DC 20554. This document is available in alternative formats (computer diskette, large print, audio record, and Braille). Persons with disabilities who need documents in these formats may contact the FCC by email: [FCC504@fcc.gov](mailto:FCC504@fcc.gov) or phone: 202-418-0530 or TTY: 202-418-0432.

### Synopsis

1. In this Order, the Commission commences a hearing proceeding before a Commission Administrative Law Judge to determine whether the pending applications of Acumen Communications should be granted, and whether Acumen's licenses should be revoked. Acumen represented to the Commission in fifty (50) license applications that no party directly or indirectly controlling Acumen has ever been convicted of a felony by any state or federal court. The information before us indicates that Hector Manuel Mosquera, a party directly or indirectly controlling Acumen, was convicted of a felony by a state court in California. The evidence further indicates that Mr. Mosquera signed Acumen's applications in which Acumen answered "N" to the felony question.

2. Accordingly, *it is ordered*, pursuant to sections 309(e), 312(a)(1), 312(a)(2), 312(a)(4), and 312(c) of the Act, 47 U.S.C. 309(e), 312(a)(1), 312(a)(2), 312(a)(4), and 312(c), that Acumen Communications shall show cause why

the authorizations for which it is the licensee set forth in Attachment A should not be revoked, and that the above-captioned applications filed by Acumen Communications are designated for hearing in a consolidated proceeding before an FCC

Administrative Law Judge, at a time and place to be specified in a subsequent Order, upon the following issues:

(a) To determine whether Hector Manuel Mosquera directly or indirectly controls Acumen.

(b) To determine whether Acumen engaged in misrepresentation and/or lack of candor in its applications with the Commission.

(c) To determine whether Acumen failed to amend its pending applications, in willful and/or repeated violation of section 1.65 of the Commission's rules.

(d) To determine, in light of the evidence adduced pursuant to the foregoing issues, whether Acumen is qualified to be and remain a Commission licensee.

(e) To determine, in light of the foregoing issues, whether the authorizations for which Acumen is the licensee should be revoked.

(f) To determine, in light of the foregoing issues, whether the captioned applications filed by or on behalf of Acumen should be granted.

3. *It is further ordered that*, in addition to the resolution of the foregoing issues, it shall be determined, pursuant to section 503(b)(1) of the Act, 47 U.S.C. 503(b)(1), whether an *order of forfeiture* should be issued against Acumen in an amount not to exceed the statutory limit for the willful and/or repeated violation of each rule section above for which the statute of limitations in section 503(b)(6) of the Act, 47 U.S.C. 503(b)(6), has not lapsed.

4. *It is further ordered that*, pursuant to section 312(c) of the Act and sections 1.91(c) and 1.221 of the rules, 47 U.S.C. 312(c) and 47 CFR 1.91(c) and 1.221, to avail itself of the opportunity to be heard and to present evidence at a hearing in this proceeding, Acumen, in person or by an attorney, *shall file* with the Commission, within 20 calendar days of the release of this Order, a written appearance stating that it will appear at the hearing and present evidence on the issues specified above.

5. *It is further ordered that*, pursuant to section 1.91 of the rules, 47 CFR 1.91, if Acumen fails to file a timely appearance, its right to a hearing shall be deemed to be waived. In the event the right to a hearing is waived, the Chief Administrative Law Judge (or presiding officer if one has been designated) shall, at the earliest

practicable date, issue an order reciting the events or circumstances constituting a waiver of hearing, terminating the hearing proceeding, and certifying the case to the Commission. In addition, pursuant to section 1.221 of the Commission's rules, 47 CFR 1.221, if any applicant to any of the captioned applications fails to file a timely written appearance, the captioned application shall be dismissed with prejudice for failure to prosecute.

6. *It is further ordered* that the Chief, Enforcement Bureau, shall be made a party to this proceeding without the need to file a written appearance.

7. *It is further ordered* that pursuant to section 312(d) of the Act, 47 U.S.C. 312(d), and section 1.91(d) of the Commission's rules, 47 CFR 1.91(d), the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the Enforcement Bureau as to the issues at 15(a)-(e), above, and that, pursuant to section 309(e) of the Act, 47 U.S.C. 309(e), and section 1.254 of the Commission's rules, 47 CFR 1.254, the burden of proceeding with the introduction of evidence and the burden of proof shall be upon Acumen as to the issue at 15(f), above.

8. *It is further ordered* that Mobile Relay Associates shall be made a party to this hearing in its capacity as a petitioner to one or more of the captioned applications.

9. *It is further ordered* that a copy of this document, or a summary thereof, shall be published in the **Federal Register**.

Federal Communications Commission.

**Scot Stone,**

*Deputy Chief, Mobility Division.*

[FR Doc. 2017-01226 Filed 1-18-17; 8:45 am]

**BILLING CODE 6712-01-P**

## FEDERAL ELECTION COMMISSION

### Sunshine Act Meeting

**AGENCY:** Federal Election Commission.

**DATE AND TIME:** Tuesday, January 24, 2017 at 10:00 a.m. and its continuation at the conclusion of the open meeting on January 25, 2017.

**PLACE:** 999 E Street NW., Washington, DC.

**STATUS:** This meeting will be closed to the public.

### ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 52 U.S.C. 30109.

Matters concerning participation in civil actions or proceedings or arbitration.

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**PERSON TO CONTACT FOR INFORMATION:**

Judith Ingram, Press Officer, Telephone: (202) 694-1220.

**Dayna C. Brown,**

*Acting Secretary and Clerk of the Commission.*

[FR Doc. 2017-01428 Filed 1-17-17; 4:15 pm]

**BILLING CODE 6715-01-P**

## **FEDERAL HOUSING FINANCE AGENCY**

[No. 2017-N-02]

### **Notice of Annual Adjustment of the Cap on Average Total Assets That Defines Community Financial Institutions**

**AGENCY:** Federal Housing Finance Agency.

**ACTION:** Notice.

**SUMMARY:** The Federal Housing Finance Agency (FHFA) has adjusted the cap on average total assets that is used in determining whether a Federal Home Loan Bank (Bank) member qualifies as a "community financial institution" (CFI) to \$1,148,000,000, based on the annual percentage increase in the Consumer Price Index for all urban consumers (CPI-U), as published by the Department of Labor (DOL). These changes took effect on January 1, 2017.

#### **FOR FURTHER INFORMATION CONTACT:**

Kaitlin Hildner, Division of Federal Home Loan Bank Regulation, (202) 649-3329, [Kaitlin.Hildner@fhfa.gov](mailto:Kaitlin.Hildner@fhfa.gov); or Eric M. Raudenbush, Associate General Counsel, (202) 649-3084, [Eric.Raudenbush@fhfa.gov](mailto:Eric.Raudenbush@fhfa.gov), (not toll-free numbers), Federal Housing Finance Agency, Constitution Center, 400 Seventh Street SW., Washington, DC 20219.

#### **SUPPLEMENTARY INFORMATION:**

#### **I. Statutory and Regulatory Background**

The Federal Home Loan Bank Act (Bank Act) confers upon insured depository institutions that meet the statutory definition of a CFI certain advantages over non-CFI insured depository institutions in qualifying for Bank membership, and in the purposes for which they may receive long-term advances and the collateral they may pledge to secure advances.<sup>1</sup> Section 2(10)(A) of the Bank Act and § 1263.1 of FHFA's regulations define a CFI as any Bank member the deposits of which are insured by the Federal Deposit Insurance Corporation and that has average total assets below the statutory

cap.<sup>2</sup> The Bank Act was amended in 2008 to set the statutory cap at \$1 billion and to require FHFA to adjust the cap annually to reflect the percentage increase in the CPI-U, as published by the DOL.<sup>3</sup> For 2016, FHFA set the CFI asset cap at \$1,128,000,000, which reflected a 0.5 percent increase over 2015, based upon the increase in the CPI-U between 2014 and 2015.<sup>4</sup>

#### **II. The CFI Asset Cap for 2017**

As of January 1, 2017, FHFA has increased the CFI asset cap to \$1,148,000,000, which reflects a 1.7 percent increase in the unadjusted CPI-U from November 2015 to November 2016. Consistent with the practice of other Federal agencies, FHFA bases the annual adjustment to the CFI asset cap on the percentage increase in the CPI-U from November of the year prior to the preceding calendar year to November of the preceding calendar year, because the November figures represent the most recent available data as of January 1st of the current calendar year. The new CFI asset cap was obtained by applying the percentage increase in the CPI-U to the unrounded amount for the preceding year and rounding to the nearest million, as has been FHFA's practice for all previous adjustments.

In calculating the CFI asset cap, FHFA uses CPI-U data that have not been seasonally adjusted (*i.e.*, the data have not been adjusted to remove the estimated effect of price changes that normally occur at the same time and in about the same magnitude every year). The DOL encourages use of unadjusted CPI-U data in applying "escalation" provisions such as that governing the CFI asset cap, because the factors that are used to seasonally adjust the data are amended annually, and seasonally adjusted data that are published earlier are subject to revision for up to five years following their original release. Unadjusted data are not routinely subject to revision, and previously published unadjusted data are only corrected when significant calculation errors are discovered.

Dated: January 11, 2017.

**Fred Graham,**

*Deputy Director, Division of Federal Home Loan Bank Regulation, Federal Housing Finance Agency.*

[FR Doc. 2017-01104 Filed 1-18-17; 8:45 am]

**BILLING CODE 8070-01-P**

<sup>2</sup> See 12 U.S.C. 1422(10)(A); 12 CFR 1263.1.

<sup>3</sup> See 12 U.S.C. 1422(10)(B); 12 CFR 1263.1 (defining the term *CFI asset cap*).

<sup>4</sup> See 81 FR 9196 (Feb. 24, 2016).

## **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 the agreements to the Secretary, Federal Maritime Commission, Washington, DC 20573, within twelve 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.:* 012181-001.

*Title:* HLAG/HSDG Latin America Slot Exchange Agreement.

*Parties:* Hapag-Lloyd AG and Hamburg Sud.

*Filing Party:* Wayne R. Rohde, Esquire; Cozen O'Connor; 1200 19th Street NW., Washington, DC 20036.

*Synopsis:* The amendment increases the amount of space to be exchanged, provides for limited, defined flexibility in the amount of space to be exchanged going forward, and eliminates restrictions on the movement of cargo to/from certain locations.

*Agreement No.:* 012454.

*Title:* MOL/NMCC/WLS/SCC Space Charter Agreement.

*Parties:* Mitsui O.S.K. Lines, Ltd., Nissan Motor Car Carrier Co., Ltd., and World Logistics Service (U.S.A.), Inc. (collectively "MOL"); and Siem Car Carriers A/S.

*Filing Party:* Eric C. Jeffrey, Esq.; Nixon Peabody; 799 9th Street NW., Suite 500, Washington, DC 20001.

*Synopsis:* The agreement authorizes the parties to charter space to one another on an as needed, as available, basis for the carriage of vehicles and other Ro-Ro cargo in the trades between the United States and all foreign countries.

By Order of the Federal Maritime Commission.

Dated: January 13, 2017.

**Rachel E. Dickon,**

*Assistant Secretary.*

[FR Doc. 2017-01242 Filed 1-18-17; 8:45 am]

**BILLING CODE 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

<sup>1</sup> See 12 U.S.C. 1424(a), 1430(a).