

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. 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.

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)

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").¹ 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.²

¹ 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.

² 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

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