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Federal Communications Commission.

William H. Davenport,

Chief, Investigations and Hearings Division, Enforcement Bureau.

[FR Doc. E6-11636 Filed 7-25-06; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

[FCC 06-91]

Notice of Debarment and Order Denying Waiver Petition

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Enforcement Bureau (Bureau) debarbs NEC-Business Network Solutions, Inc.'s (NEC) from all activities associated with the schools and libraries universal service support mechanism, also known as the E-Rate program. NEC pled guilty to and was convicted of serious fraud-related felonies against the E-Rate program. We find NEC's conduct merits a debarment of at least three years, as contemplated by our debarment rule, but in light of several important factors, we will impose a debarment period of six months from the effective date of this Order.

DATES: Debarment commences on the date NEC-Business Network Solutions, Inc. receives the debarment letter or whichever date comes first, for a period of six months.

FOR FURTHER INFORMATION CONTACT: Diana Lee, Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, Room 4-A265, 445 12th Street, SW., Washington, DC 20554. Diana Lee may be contacted by phone at 202-418-1420 or e-mail at diana.lee@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Debarment and Order Denying Waiver Petition, released June 30, 2006. As an additional precaution to protect the E-Rate program, we put in place two monitoring measures to ensure NEC's compliance upon its re-entry into the E-Rate program. First, we order USAC to review with heightened scrutiny NEC's applications submitted during the first

two funding years after re-entry.¹ Second, we order the Administrator to conduct automatic annual audits regarding NEC's compliance with the Act and the Commission's rules governing the E-Rate program, for each of the first two funding periods upon NEC's re-entry. We find these additional precautionary measures are necessary to ensure that E-Rate funds are used only for their intended purpose and that the program is not subject to additional waste, fraud, or abuse. The full text of this Notice is available for inspection and copying during normal business hours in the FCC Reference Center, Room CY-A-257, 445 12th Street, SW., Washington, DC 20554. The complete text may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc. (BCP), Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554. The complete item is also available on the Commission's Web site at <http://www.fcc.gov/eb>.

Federal Communications Commission.

William H. Davenport,

Chief, Investigations and Hearings Division, Enforcement Bureau.

[FR Doc. E6-11631 Filed 7-25-06; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

[WC Docket No. 04-424; DA 06-1449]

SBC and Global Crossing Petitions for Declaratory Ruling

AGENCY: Federal Communications Commission.

ACTION: Notice, termination of proceeding.

SUMMARY: This document provides notice of the final termination of the petitions for declaratory ruling of SBC and Global Crossing. No oppositions to the prior notice of termination were received; therefore, interested parties are hereby notified that this proceeding has been terminated.

DATES: This proceeding was terminated effective June 30, 2006.

FOR FURTHER INFORMATION CONTACT: Lynne Hewitt Engledow, Wireline Competition Bureau, Pricing Policy Division, (202) 418-1520.

¹ See *Fifth Report and Order*, 19 FCC Rcd at 15822-23, para. 44. We note that the Commission currently is considering what particular requirements, if any, that it should apply in conducting heightened review of E-Rate program participants. See *Universal Service Fund Oversight NPRM*, 20 FCC Rcd at 11345, para. 91.

SUPPLEMENTARY INFORMATION: On May 19, 2006, the Wireline Competition Bureau's Pricing Policy Division issued a Public Notice in the above-listed proceeding stating that the proceeding would be terminated effective 30 days after publication of the Public Notice in the **Federal Register**, unless the Bureau received oppositions to the termination before that date. The notice was published in the **Federal Register** on May 31, 2006. See 71 FR 30924, May 31, 2006. The Bureau did not receive any oppositions to the termination of this proceeding within 30 days of **Federal Register** publication of the notice; therefore, the above-listed proceeding was terminated as of *June 30, 2006*.

Federal Communications Commission.

Thomas J. Navin,

Chief, Wireline Competition Bureau.

[FR Doc. E6-11901 Filed 7-25-06; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

[CC Docket Nos. 94-1, 96-262, DA 06-1446]

Reconsideration of Price Cap Performance Review for Local Exchange Carriers

AGENCY: Federal Communications Commission.

ACTION: Notice, termination of proceeding.

SUMMARY: This document is a notification of final termination of the petitions for reconsideration of a 1997 Commission order, which established a 6.5 percent productivity-based X-factor and eliminated the sharing requirements in the Commission's price cap rules. The petitions for reconsideration have been withdrawn by the petitioners. No oppositions to the prior notice of termination were received; therefore, interested parties are hereby notified that the proceeding has been terminated.

DATES: This proceeding was terminated effective June 30, 2006.

FOR FURTHER INFORMATION CONTACT: Jennifer McKee, Wireline Competition Bureau, Pricing Policy Division, (202) 418-1530.

SUPPLEMENTARY INFORMATION: On May 19, 2006, the Wireline Competition Bureau's Pricing Policy Division issued a Public Notice in the above-listed proceeding stating that the proceeding would be terminated effective 30 days after publication of the Public Notice in the **Federal Register**, unless the Bureau received an opposition to the

termination before that date. The notice was published in the **Federal Register** on May 31, 2006. 71 FR 30925, May 31, 2006. The Bureau did not receive any oppositions to the termination of this proceeding within 30 days of **Federal Register** publication of the notice; therefore, the above-listed proceeding was terminated as of June 30, 2006.

Authority: 47 U.S.C. 152, 153, 154, 155, 44 FR 18501, 67 FR 13223, 47 CFR 0.291, 1.749. Federal Communications Commission.

Thomas J. Navin,
Chief, Wireline Competition Bureau.
[FR Doc. E6-11900 Filed 7-25-06; 8:45 am]
BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

[WC Docket No. 02-237; DA 06-1447]

Qwest Petition for Clarification of Verizon Physical Collocation Discontinuance Order

AGENCY: Federal Communications Commission.

ACTION: Notice; termination of proceeding.

SUMMARY: This document is a notification of final termination of Qwest's petition for clarification of a 2003 Commission order, which granted Verizon authority to discontinue providing federally-tariffed physical collocation services pursuant to section 201 of the Communications Act. The petition for clarification has been withdrawn by the petitioner. No oppositions to the prior notice of termination were received; therefore, interested parties are hereby notified that this proceeding has been terminated.

DATES: This proceeding was terminated effective June 30, 2006.

FOR FURTHER INFORMATION CONTACT: Jennifer McKee, Wireline Competition Bureau, Pricing Policy Division, (202) 418-1530.

SUPPLEMENTARY INFORMATION: On May 19, 2006, the Wireline Competition Bureau's Pricing Policy Division issued a Public Notice in the above-listed proceeding stating that the proceeding would be terminated effective 30 days after publication of the Public Notice in the **Federal Register**, unless the Bureau received an opposition to the termination before that date. The notice was published in the **Federal Register** on May 31, 2006. 71 FR 30926, May 31, 2006. The Bureau did not receive any oppositions to the termination of this proceeding within 30 days of **Federal**

Register publication of the notice; therefore, the above-listed proceeding was terminated as of June 30, 2006.

Federal Communications Commission.

Thomas J. Navin,
Chief, Wireline Competition Bureau.
[FR Doc. E6-11905 Filed 7-25-06; 8:45 am]
BILLING CODE 6712-01-P

FEDERAL DEPOSIT INSURANCE CORPORATION

Statement of Policy Regarding the National Historic Preservation Act

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Statement of Policy.

SUMMARY: The FDIC is revising its Statement of Policy Regarding the National Historic Preservation Act of 1966 (NHPA). The Statement of Policy clarifies and revises the NHPA Statement of Policy so that it reflects the statutory changes to the NHPA and its implementing regulations. The Statement of Policy is relevant to applications for deposit insurance for *de novo* institutions and applications by state non-member banks to establish a domestic branch and to relocate a domestic branch or main office.

DATES: This Statement of Policy is effective on July 11, 2006.

FOR FURTHER INFORMATION CONTACT: Kathryn M. Beach, Review Examiner, Risk Management and Applications Section, Division of Supervision and Consumer Protection (202) 898-6617, or Susan van den Toorn, Counsel, Legal Division (202) 898-8707; Federal Deposit Insurance Corporation, Washington, DC 20429.

SUPPLEMENTARY INFORMATION: On October 18, 2005, the FDIC issued a request for comment for a proposed Statement of Policy in the **Federal Register** concerning revisions to its Statement of Policy Regarding the NHPA (SOP). (70 FR 60523). The proposed SOP provided for more efficient processing and timely resolution of matters pertaining to the NHPA and its implementing regulations and incorporated the role of Tribal Historic Preservation Officers (THPOs) in the review process to take into account the responsibilities of the FDIC pursuant to a number of statutes relating to Indian Tribes and Native Hawaiian organizations.

The NHPA sets forth a national policy to promote the preservation of historic resources. It requires, in part, that all agencies of the Federal Government consider the effects of their

undertakings on historic properties. The Advisory Council on Historic Preservation (Advisory Council or ACHP) has adopted regulations that implement this requirement (36 CFR part 800). The FDIC considers applications for deposit insurance for *de novo* institutions and applications by state non-member banks to establish a domestic branch and to relocate a domestic branch or main office (collectively, "Covered Applications") to be undertakings for the purposes of section 106 of the NHPA. Because the NHPA has been amended and the Advisory Council has revised its regulations during the interim period, the FDIC is revising its SOP to conform to those amendments and revisions.

Overview of Comments Received

The FDIC received 11 comments on the proposed Statement of Policy. Comments were received from the Advisory Council, state historic preservation offices, the Department of Natural Resources of the Confederated Tribes of the Umatilla Indian Reservation, financial institutions and individuals. While a number of commenters supported the proposed SOP, others did not. Commenters generally requested that terminology used in the SOP conform to the terminology used in the Advisory Council's implementing regulations. In addition, commenters also suggested clarifying the consultation process, streamlining consultation with state and national organizations, and educating applicants regarding the availability of additional resources valuable to assessing proposed undertakings. Commenters also requested that the SOP be amended to make clear that Applicants and the FDIC will consult with tribes regarding Historic Properties and the identification and evaluation of such properties, including those of traditional religious and cultural importance where tribes are located or were traditionally located. A commenter suggested that when there may be an adverse effect on an Historic Property that additional background information be included in the Covered Applications.

Advisory Council Comment

The Advisory Council's comment stated that, "In its present format the ACHP cannot endorse the proposal * * * since it does not comport with our regulations." The Advisory Council suggested that the FDIC delay revising the SOP "pending further consultation with the ACHP, the National Conference of State Historic Preservation Officers (NCSHPO), Indian tribes, and a review