

602. Further instructions will be provided to winning bidders in the auction closing public notice.

#### *E. Tribal Lands Bidding Credit*

228. A winning bidder that intends to use its license(s) to deploy facilities and provide services to federally recognized tribal lands that are unserved by any telecommunications carrier or that have a wireline penetration rate equal to or below 85 percent is eligible to receive a tribal lands bidding credit as set forth in 47 CFR 1.2107 and 1.2110(f). A tribal lands bidding credit is in addition to, and separate from, any other bidding credit for which a winning bidder may qualify.

229. Unlike other bidding credits that are requested prior to the auction, a winning bidder applies for the tribal lands bidding credit after the auction when it files its long-form application (FCC Form 601). When initially filing the long-form application, the winning bidder will be required to advise the Commission whether it intends to seek a tribal lands bidding credit, for each license won in the auction, by checking the designated box(es). After stating its intent to seek a tribal lands bidding credit, the applicant will have 180 days from the close of the long-form application filing window to amend its application to select the specific tribal lands to be served and provide the required tribal government certifications. Licensees receiving a tribal lands bidding credit are subject to performance criteria as set forth in 47 CFR 1.2110(f)(3)(vii).

230. For additional information on the tribal lands bidding credit, including how the amount of the credit is calculated, applicants should review the Commission's rulemaking proceeding regarding tribal lands bidding credits and related public notices. Relevant documents can be viewed on the Commission's Web site by going to <http://wireless.fcc.gov/auctions/> and clicking on the Tribal Lands Credits link.

#### *F. Default and Disqualification*

231. Any winning bidder that defaults or is disqualified after the close of the auction (i.e., fails to remit the required down payment within the prescribed period of time, fails to submit a timely long-form application, fails to make full payment, or is otherwise disqualified) will be subject to the payments described in 47 CFR 1.2104(g)(2). This payment consists of a deficiency payment, equal to the difference between the amount of the Auction 97 bidder's winning bid and the amount of the winning bid the next time a license

covering the same spectrum is won in an auction, plus an additional payment equal to a percentage of the defaulter's bid or of the subsequent winning bid, whichever is less.

232. As noted in the *Auction 97 Comment Public Notice*, the percentage of the bid that a defaulting bidder must pay in addition to the deficiency will depend on the auction format ultimately chosen for a particular auction. The amount can range from three percent up to a maximum of twenty percent, established in advance of the auction and based on the nature of the service and the inventory of the licenses being offered. As the Bureau noted in the *Auction 97 Comment Public Notice*, the Commission explained in the *CSEA/Part 1 Report and Order* that defaults weaken the integrity of the auction process and may impede the deployment of service to the public, and that an additional default payment of up to twenty percent will be more effective in deterring defaults than the three percent used in some earlier auctions. However, the Bureau does not believe the detrimental effects of any defaults in Auction 97 are likely to be unusually great. Balancing these considerations, the Bureau proposed to establish an additional default payment for Auction 97 of fifteen percent of the applicable bid. The Bureau received no comment on this proposal and therefore adopts it for Auction 97.

233. Finally, in the event of a default, the Commission has the discretion to re-auction the license or offer it to the next highest bidder (in descending order) at its final bid amount. In addition, if a default or disqualification involves gross misconduct, misrepresentation, or bad faith by an applicant, the Commission may declare the applicant and its principals ineligible to bid in future auctions, and may take any other action that it deems necessary, including institution of proceedings to revoke any existing authorizations held by the applicant.

#### *G. Refund of Remaining Upfront Payment Balance*

234. After the auction, applicants that are not winning bidders or are winning bidders whose upfront payment exceeded the total net amount of their winning bids may be entitled to a refund of some or all of their upfront payment. All refunds will be returned to the payer of record, as identified on the FCC Form 159, unless the payer submits written authorization instructing otherwise. Bidders should not request a refund of their upfront payments before the Commission releases a public notice declaring the auction closed, identifying

the winning bidders, and establishing the deadlines for submitting down payments, long-form applications, and final payments.

235. Bidders are encouraged to file their refund information electronically using the Refund Information icon found on the *Auction Application Manager* page or through the Wire Transfer for Refund Purposes link available on the *Auction Application Submit Confirmation* page in the FCC Auction System. If an applicant has completed the refund instructions electronically, the refund will be sent automatically. If an applicant has not completed the refund instructions electronically, the applicant must send a written request.

Federal Communications Commission.

**Gary D. Michaels,**

*Deputy Chief, Auctions and Spectrum Access Division, WTB.*

[FR Doc. 2014-19080 Filed 8-11-14; 8:45 am]

**BILLING CODE 6712-01-P**

## **FEDERAL COMMUNICATIONS COMMISSION**

**[DA 14-995]**

### **Notice of Debarment**

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** The Enforcement Bureau (the "Bureau") debar Bryan J. Cahoon from the schools and libraries universal service support mechanism (or "E-Rate Program") for a period of three years. The Bureau takes this action to protect the E-Rate Program from waste, fraud, and abuse.

**DATES:** Debarment commences on the date Mr. Bryan J. Cahoon receives the debarment letter or August 12, 2014, whichever date comes first, for a period of three years.

**FOR FURTHER INFORMATION CONTACT:** Joy M. Ragsdale, Attorney Advisor, 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 telephone at (202) 418-1697 or by 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 debarred Mr. Bryan J. Cahoon from the schools and libraries service support mechanism for a period of three

years pursuant to 47 CFR 54.8. Attached is the debarment letter, DA 14-995, which was mailed to Mr. Cahoon and released on July 15, 2014. The complete text of the notice of debarment 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.

**Theresa Z. Cavanaugh,**

Chief, Investigations and Hearings Division,  
Enforcement Bureau.

**July 15, 2014**

**DA 14-995**

**SENT VIA CERTIFIED MAIL, RETURN  
RECEIPT REQUESTED AND E-MAIL**

Mr. Bryan J. Cahoon  
Register Number 95443-038  
FMC Devens  
Federal Medical Center  
P.O. Box 879  
Ayer, MA 01432

Re: Notice of Debarment, FCC Case No.  
EB-IHD-13-00010969

Dear Mr. Cahoon:

The Federal Communications Commission (Commission) hereby notifies you that, pursuant to Section 54.8 of its rules, you are prohibited from participating in activities associated with or relating to the schools and libraries universal service support mechanism (E-Rate program) for three years from either the date of your receipt of this Notice of Debarment or of its publication in the **Federal Register**, whichever is earlier in time (Debarment Date).<sup>1</sup>

On March 17, 2014, the Commission's Enforcement Bureau sent you a Notice of Suspension and Initiation of Debarment Proceedings (*Suspension Notice*)<sup>2</sup> that was published in the

**Federal Register** on June 17, 2014.<sup>3</sup> The *Suspension Notice* suspended you from participating in activities associated with or relating to the E-Rate program. It also described the basis for initiating debarment proceedings against you, the applicable debarment procedures, and the effect of debarment.

As discussed in the *Suspension Notice*, in June 2013 you were convicted of one count of fraud and theft of federal funds in connection with the E-Rate program.<sup>4</sup> This fraud and theft occurred while you were employed as the Director of the Information Technology Department (IT Department) for the City of Lawrence, Massachusetts, and as a city subcontractor through your company, Networks@Home, LLC (Networks@Home).<sup>5</sup> As Director of the IT Department, you defrauded the E-Rate program by, among other things, circumventing the state's procurement requirements to provide bidding information and instructions, and award contracts, to your friends and business associates.<sup>6</sup> You also hired friends and associates to perform work for the City of Lawrence as interns.<sup>7</sup> Then, as a city subcontractor through Networks@Home, you billed the City of Lawrence for the same work at inflated rates.<sup>8</sup> As a result, the City of Lawrence was double-billed.<sup>9</sup> At least a portion of the funds that you obtained as a result of your fraudulent schemes were E-Rate funds that the City of Lawrence had received to improve its schools' and libraries' network and technological infrastructure.<sup>10</sup> Pursuant to Section 54.8(c) of the Commission's rules, your conviction of criminal conduct in connection with the E-Rate program is the basis for this debarment.<sup>11</sup>

In accordance with the Commission's debarment rules, you were required to file with the Commission any opposition to your suspension or its scope, or to your proposed debarment or its scope, no later than 30 calendar days from either the date of your receipt of the *Suspension Notice* or of its publication in the **Federal Register**, whichever date occurred first.<sup>12</sup> The

Case No. EB-IHD-13-00010969 (Mar. 11, 2014) (correcting the address in the caption of the *Suspension Notice*) (Attachment 1).

<sup>3</sup> 79 Fed. Reg. 34527 (June 17, 2014).

<sup>4</sup> *Suspension Notice*, 29 FCC Rcd at 1925.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.* at 1925-26.

<sup>7</sup> *Id.* at 1926.

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

<sup>9</sup> *Id.*

<sup>10</sup> See *id.* at 1925-26.

<sup>11</sup> 47 CFR 54.8(c).

<sup>12</sup> *Id.* 54.8 (e)(3)-(4). Any opposition had to be filed no later than April 16, 2014.

Commission did not receive any such opposition from you.

For the foregoing reasons, you are debarred from participating in activities associated with or related to the E-Rate program for three years from the Debarment Date.<sup>13</sup> During this debarment period, you are excluded 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>14</sup>

Sincerely,

Theresa Z. Cavanaugh,

Chief Investigations and Hearings  
Division Enforcement Bureau

cc: Johnnay Schrieber, Universal  
Service Administrative Company  
(via e-mail)

Rashann Duvall, Universal Service  
Administrative Company (via e-mail)

William F. Bloomer, United States  
Attorney's Office, District of  
Massachusetts (via e-mail)

[FR Doc. 2014-19073 Filed 8-11-14; 8:45 am]

**BILLING CODE 6712-01-P**

## FEDERAL ELECTION COMMISSION

### Sunshine Act Meeting

**AGENCY:** Federal Election Commission

**DATE AND TIME:** Tuesday July 22, 2014  
at 10:00 a.m.

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

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

### Federal Register Notice of Previous Announcement—79 FR 42009

**CHANGE IN THE MEETING:** This meeting  
will be continued at the conclusion of  
the open meeting on August 14, 2014.

\* \* \* \* \*

### PERSON TO CONTACT FOR INFORMATION:

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

**Shelley E. Garr,**

Deputy Secretary of the Commission.

[FR Doc. 2014-19187 Filed 8-8-14; 4:15 pm]

**BILLING CODE 6715-01-P**

<sup>1</sup> 47 CFR 54.8(e), (g); see also *id.* 0.111 (delegating authority to the Enforcement Bureau to resolve universal service suspension and debarment proceedings).

<sup>2</sup> Letter from Theresa Z. Cavanaugh, Chief, Investigations and Hearings Division, FCC Enforcement Bureau, to Bryan J. Cahoon, Notice of Suspension and Initiation of Debarment Proceedings, 29 FCC Rcd 1924 (Enf. Bur. 2014) (*Suspension Notice*); Bryan J. Cahoon, Erratum, FCC

<sup>13</sup> *Id.* 54.8(e)(5), (g).

<sup>14</sup> *Id.* 54.8(a)(1), (5), (d).