

cc: Kristy Carroll, Esq., Universal Service Administrative Company (via e-mail)  
Dayle A. Elieson, U.S. Attorney's Office,  
United States Department of Justice (via mail).

[FR Doc. E9-22968 Filed 9-23-09; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

[MB Docket No. 08-214; DA 09-1855]

### Herring Broadcasting, Inc. v. Time Warner Cable Inc., et al.

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** This document clarifies that parties are entitled to file exceptions to the recommended decision of the Administrative Law Judge in the proceedings listed in the

#### SUPPLEMENTARY INFORMATION.

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

**FOR FURTHER INFORMATION CONTACT:** For additional information on this proceeding, contact David Konczal, [David.Konczal@fcc.gov](mailto:David.Konczal@fcc.gov), of the Media Bureau, Policy Division, (202) 418-2120.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Order, DA 09-1855, adopted and released on August 31, 2009. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12th Street, SW., CY-A257, Washington, DC 20554. This document will also be available via ECFS (<http://www.fcc.gov/cgb/ecfs/>). (Documents will be available electronically in ASCII, Word 97, and/or Adobe Acrobat.) The complete text may be purchased from the Commission's copy contractor, 445 12th Street, SW., Room CY-B402, Washington, DC 20554. To request this document in accessible formats (computer diskettes, large print, audio recording, and Braille), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Commission's Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

#### Synopsis of the Order

1. On October 10, 2008, the Media Bureau issued a *Memorandum Opinion and Hearing Designation Order* ("HDO") referring the above-captioned matters to an Administrative Law Judge

for recommended decisions. 73 FR 65312, November 3, 2008. In the HDO, the Media Bureau directed an ALJ to resolve the factual disputes with respect to the claims in each of the above-captioned cases and to "return a recommended decision and a recommended remedy, if necessary, to the Commission \* \* \*." See *id.* at 65327-28. The HDO also stated that, upon receipt of the ALJ's recommended decision and remedy, the Commission would make the requisite legal determinations and decide upon appropriate remedies, if necessary. See *id.* The HDO failed to specify whether parties are entitled to file exceptions to the ALJ's recommended decision. We issue this *Order, sua sponte*, to remove uncertainty surrounding this issue and clarify that parties are entitled to file exceptions to the ALJ's recommended decision. We direct parties that choose to file exceptions to comply with the procedures and deadlines set forth in Sections 1.276 and 1.277 of the Commission's rules. Sections 1.276 and 1.277 of the Commission's rules pertain to appeal and review of initial decisions. See 47 CFR 1.276, 1.277. As applied here, these rules allow parties to file exceptions to or briefs in support of the ALJ's recommended decision within 30 days after public release of the full text of the recommended decision. See 47 CFR 1.276(a). These rules also provide that parties may file reply briefs within ten days after the time for filing exceptions has expired. See 47 CFR 1.277(c).

2. Accordingly, *It is ordered*, pursuant to Sections 4(i), 4(j), and 409(b) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), and 409(b), and Section 1.2 of the Commission's rules, 47 CFR 1.2, that parties in the below-captioned matters may file exceptions to the ALJ's recommended decision pursuant to the procedures set forth herein.

3. *It is further ordered* that all parties to the below-captioned proceedings will be served with a copy of this *Order* by e-mail and by certified mail, return receipt requested.

4. *It is further ordered* that a copy of this *Order*, or a summary thereof, *Shall Be Published in the Federal Register*.

5. This action is taken pursuant to delegated authority pursuant to Section 0.283 of the Commission's rules. See 47 CFR 0.283.

Herring Broadcasting, Inc. d/b/a WealthTV, *Complainant v. Time Warner Cable Inc.*, Defendant; File No. CSR-7709-P

Herring Broadcasting, Inc. d/b/a WealthTV, *Complainant v. Bright*

*House Networks, LLC*, Defendant; File No. CSR-7822-P

Herring Broadcasting, Inc. d/b/a WealthTV, *Complainant v. Cox Communications, Inc.*, Defendant; File No. CSR-7829-P

Herring Broadcasting, Inc. d/b/a WealthTV, *Complainant v. Comcast Corporation*, Defendant; File No. CSR-7907-P

TCR Sports Broadcasting Holding, L.L.P., d/b/a Mid-Atlantic Sports Network, *Complainant v. Comcast Corporation*, Defendant; File No. CSR-8001-P

Federal Communications Commission.

**William T. Lake,**

*Chief, Media Bureau.*

[FR Doc. E9-22828 Filed 9-23-09; 8:45 am]

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## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000-0029]

#### Federal Acquisition Regulation; Submission for OMB Review; Extraordinary Contractual Action Requests

**AGENCY:** Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of request for comments regarding an extension to an existing OMB clearance (9000-0029).

**SUMMARY:** Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning extraordinary contractual action requests. A request for public comments was published at 74 FR 32165, July 7, 2009. No comments were received.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and

clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

**DATES:** Submit comments on or before October 26, 2009.

**ADDRESSES:** Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, Regulatory Secretariat (VPR), 1800 F Street, NW., Room 4041, Washington, DC 20405.

**FOR FURTHER INFORMATION CONTACT:** Beverly Cromer, Contract Policy Division, GSA (202) 501-1448 or e-mail [Beverly.cromer@gsa.gov](mailto:Beverly.cromer@gsa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **A. Purpose**

This request covers the collection of information as a first step under Public Law 85-804, as amended by Public Law 93-155 and Executive Order 10789 dated November 14, 1958, that allows contracts to be entered into, amended, or modified in order to facilitate national defense. In order for a firm to be granted relief under the Act, specific evidence must be submitted which supports the firm's assertion that relief is appropriate and that the matter cannot be disposed of under the terms of the contract.

The information is used by the Government to determine if relief can be granted under the Act and to determine the appropriate type and amount of relief.

##### **B. Annual Reporting Burden**

The annual reporting burden is estimated as follows:

*Respondents:* 100.

*Responses Per Respondent:* 1.

*Total Responses:* 100.

*Hours per Response:* 16.

*Total Burden Hours:* 1,600.

*Obtaining Copies of Proposals:*

Requester may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat (VPR), 1800 F Street, NW., Room 4041, Washington, DC 20405, telephone (202) 501-4755. Please cite OMB Control No. 9000-0029, Extraordinary Contractual Action Requests, in all correspondence.

Dated: September 17, 2009.

**Al Matera,**

*Director, Acquisition Policy Division.*

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**BILLING CODE 6820-EP-P**

#### **DEPARTMENT OF DEFENSE**

##### **GENERAL SERVICES ADMINISTRATION**

##### **NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

[OMB Control No. 9000-0147]

##### **Federal Acquisition Regulation; Submission for OMB Review; Pollution Prevention and Right-to-Know Information**

**AGENCY:** Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of request for public comments regarding an extension to an existing OMB clearance (9000-0147).

**SUMMARY:** Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning pollution prevention and right-to-know information. A request for public comments was published in the **Federal Register** at 74 FR 32163 on July 7, 2009. No comments were received.

*Public comments are particularly invited on:* Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

**DATES:** Submit comments on or before October 26, 2009.

**ADDRESSES:** Submit comments, including suggestions for reducing this burden to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, Regulatory

Secretariat (VPR), 1800 F Street, NW., Room 4041, Washington, DC 20405.

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

William Clark, Contract Policy Division, GSA, (202) 219-1813 or e-mail [william.clark@gsa.gov](mailto:william.clark@gsa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **A. Purpose**

Federal Acquisition Regulation (FAR) subpart 23.10, implements Executive Order (E.O.) 13148 of April 21, 2000, *Greening the Government through Leadership in Environmental Management*, and it also provides a means for agencies to obtain contractor information for the implementation of environmental management systems (EMSs) and the completion of facility compliance audits (FCAs) at certain Federal facilities. This information collection will be accomplished by means of Alternates I and II to FAR clause 52.223-5. Alternate I of 52.223-5 require contractors to provide information needed by a Federal facility to implement an EMS and Alternate II of 52.223-5 requires contractors to complete an FCA. FAR subpart 23.10 and its associated contract clause at FAR 52.223-5 also implement the requirements of E.O. 13148 to require that Federal facilities comply with the planning and reporting requirements of the Pollution Prevention Act (PPA) of 1990 (42 U.S.C. 13101-13109), and the Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986 (42 U.S.C. 11001-11050). The E.O. requires that contracts to be performed on a Federal facility provide for the contractor to supply to the Federal agency all information the Federal agency deems necessary to comply with these reporting requirements.

##### **B. Annual Reporting Burden**

*Number of Respondents:* 7,460.

*Responses per Respondent:* 1.

*Annual Responses:* 7,460.

*Average Burden per Response:* 2.834.

*Total Burden Hours:* 21,140.

*Obtaining Copies of Proposals:*

Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat (VPR), 1800 F Street, NW., Room 4041, Washington, DC 20405, telephone (202) 501-4755. Please cite OMB Control Number 9000-0147, Pollution Prevention and Right-to-Know Information, in all correspondence.

Dated: September 17, 2009.

**Al Matera,**

*Director, Acquisition Policy Division.*

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