



**6712-01**

**FEDERAL COMMUNICATIONS COMMISSION**

**[DA 15-1130]**

**Notice of Debarment; Federal Lifeline Universal Service Support Mechanism**

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** The Enforcement Bureau (Bureau) gives notice of Oscar Enrique Perez-Zumaeta's debarment from the federal Lifeline universal service support mechanism (Lifeline program) for a period of three years. During this debarment period, Mr. Perez-Zumaeta is prohibited from participating in activities associated with or related to the Lifeline program, including the receipt of funds or discounted services through the Lifeline program, or consulting with, assisting, or advising applicants or service providers regarding the Lifeline program.

**DATES:** Debarment commences on the date Mr. Perez-Zumaeta receives the debarment letter or **[INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER]**, whichever comes first, for a period of three years.

**FOR FURTHER INFORMATION CONTACT:** Ms. Celia Lewis, Paralegal Specialist, Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, Room 4-A422, 445 12<sup>th</sup> Street, S.W., Washington, DC 20554. Celia Lewis may be contacted by telephone at (202) 418-7456 or e-mail at [Celia.Lewis@fcc.gov](mailto:Celia.Lewis@fcc.gov). If Ms. Lewis is unavailable, you may contact Mr. Kalun Lee, Deputy Chief, Investigations and Hearings Division, by telephone at (202) 418-0796 or e-mail at [Kalun.Lee@fcc.gov](mailto:Kalun.Lee@fcc.gov).

**SUPPLEMENTARY INFORMATION:** The Bureau debars Mr. Perez-Zumaeta for a period of three years pursuant to 47 CFR 54.8 and 0.111(a)(14). Mr. Perez-Zumaeta's conviction for money laundering in violation of 18 U.S.C. 1957(a) and 18 U.S.C. 2, in connection with fraudulent claims against the Lifeline program is the basis for this debarment. Attached is the Notice of Debarment, DA 15-1130, which was mailed to Mr. Perez-Zumaeta and released on October 5, 2015. 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 12<sup>th</sup> Street, S.W., Room CY-A257, Washington, DC 20554. In addition, the complete text is available on the FCC's Web site at <http://www.fcc.gov>.

Federal Communications Commission.

Jeffrey J. Gee,  
Chief, Investigations and Hearings Division, Enforcement Bureau.

October 5, 2015

DA 15-1130

**SENT VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

Mr. Oscar Enrique Perez-Zumaeta

c/o William P. Earley

Federal Public Defender-OKC

215 Dean A McGee Ave

Suite 109

Oklahoma City, OK 73102

Re: Notice of Debarment, File No. EB-IHD-15-00019209

Dear Mr. Perez-Zumaeta:

The Federal Communications Commission (Commission) hereby notifies you that, pursuant to section 54.8 of the Commission's rules, you are prohibited from participating in activities associated with or related to the federal low-income support mechanism (Lifeline 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 comes first (Debarment Date).<sup>1</sup>

On June 8, 2015, the Commission's Enforcement Bureau (Bureau) sent you a notice of suspension and initiation of debarment proceeding (Notice of Suspension) that was published in the Federal Register on July 9, 2015.<sup>2</sup> The Notice of Suspension suspended you from participating in any activities associated with or related to the Lifeline program, including receiving funds or discounted services through the Lifeline program, or consulting with, assisting, or advising applicants or service

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<sup>1</sup> 47 CFR 54.8 (e), (g); 47 CFR 0.111 (delegating to the Bureau authority to resolve universal service suspension and debarment proceedings). In 2007, the Commission extended the debarment rules to apply to all federal universal service support mechanisms, including the Lifeline program. See Comprehensive Review of the Universal Service Fund Management, Administration, & Oversight, Report and Order, 22 FCC Rcd 16372, 16410-12 (2007) (Program Management Order) (renumbering section 54.521 of the universal service debarment rules as section 54.8 and amending paragraphs (a)(1), (a)(5), (c), (d), (e)(2)(i), (e)(3), (e)(4), and (g)).

<sup>2</sup> Letter from Jeffrey J. Gee, Chief, Investigations and Hearings Division, FCC Enforcement Bureau, to Oscar Enrique Perez-Zumaeta, Notice of suspension and initiation of debarment proceeding, 30 FCC Rcd 6121 (Enf. Bur. 2015); 80 FR 39430-01, July 9, 2015.

providers regarding the Lifeline program.<sup>3</sup> It also described the basis for initiating debarment proceedings against you, the applicable debarment procedures, and the effect of debarment.

As discussed in the Notice of Suspension, on November 7, 2014, you were convicted of money laundering in violation of 18 U.S.C. 1957(a) and 18 U.S.C. 2, in connection with fraudulent claims against the federal Lifeline program.<sup>4</sup> You owned and managed PSPS Sales LLC (PSPS), a California entity that recruited low-income individuals to apply for Lifeline telephone service through Icon Telecom, Inc. (Icon).<sup>5</sup> Specifically, you pled guilty to one count of money laundering for depositing a \$52,390.00 check from Icon into a PSPS bank account, despite knowing that more than \$10,000.00 of those funds was the result of criminal fraud against the Commission.<sup>6</sup> Pursuant to section 54.8(c) of the Commission's rules, your conviction of criminal conduct in connection with the Lifeline program is the basis for this debarment.<sup>7</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 Notice of Suspension or of its publication in the Federal Register, whichever date occurred first.<sup>8</sup> The Commission received no opposition from you.

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<sup>3</sup> 47 CFR 54.8(a)(1), (d).

<sup>4</sup> Any further reference in this letter to "your conviction" refers to your guilty plea and subsequent sentencing in United States v. Perez-Zumaeta, Criminal Docket No. 5:14-cr-00165-D-1, Plea Agreement (W.D. Okla. filed Nov. 07, 2014) (Plea Agreement). See also Lifeline & Link Up Reform & Modernization, WC Docket No. 11-42, CC Docket No. 96-45, WC Docket No. 03-109, Report and Order and Further Notice of Proposed Rulemaking, 27 FCC Rcd 6656 (2012) (Lifeline Reform Order).

<sup>5</sup> United States v. Perez-Zumaeta, Criminal Docket No. 5:14-cr-00165-D-1, Indictment at 1–2 (W.D. Okla. filed June 03, 2014) (Indictment).

<sup>6</sup> Plea Agreement at 2; Indictment at 16–17; see also UNITED STATES ATTORNEY'S OFFICE, WESTERN DISTRICT OF OKLAHOMA, Press Release, Final Defendant Sentenced to Serve 42 Months in Prison for Money Laundering in Connection with Federal Wireless Telephone Program Subsidies, Apr. 23, 2015, available at <http://www.justice.gov/usao-wdok/pr/final-defendant-sentenced-serve-42-months-prison-money-laundering-connection-federal>.

<sup>7</sup> 47 CFR 54.8(c).

<sup>8</sup> Id. § 54.8 (e)(3)–(4). Any opposition had to be filed no later than July 12, 2015.

For the foregoing reasons, you are debarred from involvement with the Lifeline program for three years from the Debarment Date.<sup>9</sup> During this debarment period, you are excluded from participating in any activities associated with or related to the Lifeline program, including the receipt of funds or discounted services through the Lifeline program, or consulting with, assisting, or advising applicants or service providers regarding the Lifeline program.<sup>10</sup>

Sincerely yours,

Jeffrey J. Gee  
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)

Chris M. Stevens, United States Attorney's Office, Western District of Oklahoma (via e-mail)

Scott E. Williams, United States Attorney's Office, Western District of Oklahoma (via e-mail)

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<sup>9</sup> 47 CFR 54.8(g).

<sup>10</sup> 47 CFR 54.8(a)(1), (d), (g).

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