

Federal Communications Commission

DA 99-1505

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DISI Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
Bergen Catholic High School)	Application No. 79315
Oradell, New Jersey)	
)	
Federal-State Joint Board on Universal Service)	CC Docket No. 96-45✓
)	
Changes to the Board of Directors)	
of the National Exchange Carrier)	CC Docket No. 97-21
Association, Inc.)	
)	

ORDER

Adopted: July 29, 1999

Released: July 29, 1999

By the Common Carrier Bureau:

1. This Order dismisses as moot an appeal filed by Bergen Catholic High School, Oradell, New Jersey (Bergen Catholic) seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC or Administrator).¹ Bergen Catholic sought review of the SLD's denial of its application for discounts for services under the schools and libraries universal service support mechanism.² For the reasons set forth below, we dismiss Bergen Catholic's appeal as moot.

2. By letter dated December 16, 1998, the SLD informed Bergen Catholic that, because its application for discounts for the first funding year was received outside of the filing window, its application would be considered on a first-come, first-served basis along with other applications received outside of the window.³ On January 28, 1999, Bergen

¹ The Commission's rules provide that requests for review of decisions issued by the Universal Service Administrative Company (USAC or the Administrator) shall be considered and acted upon by the Common Carrier Bureau, provided, however, that requests for review that raise novel questions of fact, law, or policy shall be considered by the full Commission. 47 C.F.R. § 54.722(a). Because the matter before us does not raise novel questions of fact, law, or policy, it is being considered by the Common Carrier Bureau.

² Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

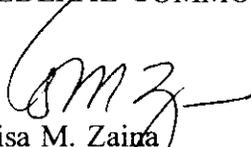
³ Letter from the Schools and Libraries Corporation to Cory DeRobertis, Bergen Catholic High School, dated December 16, 1998. The filing window for the first funding year opened on January 30, 1998 and closed on April 15, 1998. See *Federal-State Joint Board on Universal Service*, Third Report and Order, CC Docket No. 96045, 12 FCC Rcd 22485, 22488, para. 5 (1997) (Commission delegating authority to the Administrator to establish a reasonable filing window).

Catholic filed an appeal with SLD seeking reconsideration of its decision.⁴ In its appeal, Bergen Catholic indicated that it had submitted its completed application within the filing window.⁵ On March 1, 1999, SLD affirmed its original decision and denied Bergen Catholic's appeal.⁶ Bergen Catholic filed its appeal of SLD's decision with the Commission on April 30, 1999.⁷

3. On July 27, 1999, after further review of Bergen Catholic's application, SLD issued Bergen Catholic a Funding Commitment Decision Letter indicating that its application for discounts was timely submitted within the filing and window and, therefore, eligible for discounts during the first funding year of the schools and libraries support mechanism. Because SLD has resolved the matter that is at issue before us, we dismiss Bergen Catholic's appeal as moot.

4. Accordingly, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the appeal filed by Bergen Catholic IS DISMISSED AS MOOT.

FEDERAL COMMUNICATIONS COMMISSION


Lisa M. Zaira
Acting Deputy Chief
Common Carrier Bureau

⁴ Letter from Cory DeRobertis, Bergen Catholic High School, to Deb Kriete, Schools and Libraries Corporation, dated January 28, 1999 (January 28 Appeal Letter).

⁵ January 28 Appeal Letter at 1.

⁶ Letter from Kate L. Moore, President, Schools and Libraries Division, to Cory DeRobertis, Bergen Catholic High School, dated March 1, 1999.

⁷ Letter from Cory DeRobertis, Bergen Catholic High School, to the Federal Communications Commission, dated April 30, 1999.