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DISPATCHED BY Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)	
)	
Request for Review of the)	
Decision of the)	
Universal Service Administrator by)	
)	
United School District 217)	File No. SLD-70931
Rolla, Kansas)	
)	
Federal-State Joint Board on)	CC Docket No. 96-45 ✓
Universal Service)	
)	
Changes to the Board of Directors of the)	CC Docket No. 97-21
National Exchange Carrier Association, Inc.)	

ORDER

Adopted: October 8, 1999 **Released:** October 8, 1999

By the Deputy Chief, Common Carrier Bureau:

1. This Order grants the Request for Review of United School District 217, in Rolla, Kansas (USD 217), that was received by the Commission on July 12, 1999. USD 217's Request for Review seeks review of the Universal Service Administrative Company's (USAC or Administrator) Decision on Appeal, dated June 22, 1999. Under section 54.720 of the Commission's Rules,¹ any such appeal must be filed within 30 days of the funding commitment decision for which review is sought. Because USD 217's appeal to USAC was not filed within 30 days of USAC's funding commitment decision, USAC rejected USD 217's appeal as untimely filed.² In this Order, the Common Carrier Bureau (Bureau) reverses USAC's Decision on Appeal, and remands USD 217's appeal to USAC for further determination on the merits.

2. USD 217 states that its appeal of USAC's funding commitment decision was not filed earlier because USD 217 received USAC's funding commitment decision just before the holiday season, during which the school district was closed.³ USD 217 also indicates that

¹ 47 C.F.R. § 54.720.

² See *Administrator's Decision on Appeal*, by Schools and Libraries Division, Universal Service Administrative Company, to Larry Bowers, Rolla Unified School District (dated June 22, 1999) (*Decision on Appeal*).

³ See Letter of Mac Plummer, United School District 217, Rolla, Kansas, to Secretary, FCC, dated July 7, 1999 (*USD 217 Request for Review*).

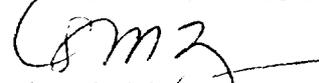
USAC's funding commitment decision letter gave no indication of a 30-day deadline for filing appeals.

3. In the *Eighth Reconsideration Order*, the Commission adopted rules requiring funding applicants to file appeals of USAC's funding commitment decisions with USAC within 30 days of the issuance of the appealed funding commitment decision.⁴ That order also specified that these rules would go into effect on January 1, 1998.⁵ Because the *Eighth Reconsideration Order*'s rules were not in effect at the time USD 217 received the funding commitment decision for which it sought review by USAC, its appeal to USAC is not governed by the filing deadline set forth in those rules.⁶

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 Request for Review filed July 12, 1999, by the United School District 217 of Rolla, Kansas, is GRANTED.

5. IT IS FURTHER ORDERED, that USD 217's application IS REMANDED to the Schools and Libraries Division of USAC for further consideration in light of this decision.

FEDERAL COMMUNICATIONS COMMISSION



Lisa M. Zaina
Deputy Chief, Common Carrier Bureau

⁴ See *Changes to the Board of Directors of the National Exchange Carrier Association, Inc., Federal-State Joint Board on Universal Service*, Third Report and Order in CC Docket No. 97-21, Fourth Order on Reconsideration in CC Docket No. 97-21, and Eighth Order on Reconsideration in CC Docket No. 96-45, FCC 98-306, 13 FCC Rcd 25058, 25091-96, paras. 64-74 (1998) (*Eighth Reconsideration Order*). See also 47 C.F.R. 54.720.

⁵ See *Eighth Reconsideration Order*, 13 FCC Rcd at 25096-97, para. 76.

⁶ USAC's original funding commitment decision was issued on December 2, 1998. See *Decision on Appeal*.