

FCC MAIL SECTION

Federal Communications Commission

DA 99-2587

Nov 23 2 57 PM '99

DISPATCHED BY

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

In the Matter of)	
)	
Request for Review)	
Of the Decision of)	
The Universal Service Administrator by)	
)	
Arvin Union School District)	File No. 31393
Arvin, California)	
)	
Federal-State Joint Board on Universal Service)	CC Docket No. 96-45 ✓
)	
Changes to the Board of Directors)	CC Docket No. 97-21
Of the National Exchange Carrier)	
Association, Inc.)	

ORDER

Adopted: November 19, 1999

Released: November 19, 1999

By the Common Carrier Bureau:

1. The Common Carrier Bureau has under consideration an appeal by Arvin Union School District (Arvin Union), filed on August 23, 1999, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC or Administrator). Arvin Union seeks review of SLD's denial of its application for funding under the schools and libraries universal service support mechanism.¹ For the reasons set forth below, we deny Arvin Union's appeal.

2. Under the schools and libraries universal service support mechanism, eligible schools, libraries, and consortia that include eligible schools and libraries, may apply for discounts for eligible telecommunications services, Internet access, and internal connections.

3. By letter dated February 9, 1999, SLD denied a portion of Arvin Union's funding requests. Arvin Union contends that, by letter dated March 26, 1999, Serban Sound and Communications (Serban), Arvin Union's vendor, appealed SLD's Funding Commitment Letter (FCL). It further contends that, after several phone calls to SLD to determine the status of the appeal, it was informed that vendors are unable to submit appeals on behalf of school districts. According to Arvin Union, it learned of this subsequent to "the 30-day window we knew we were working under." Moreover, Arvin Union states that it did not receive an Administrator's

¹ 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).

Decision on Appeal. Therefore, Arvin Union requests that the Commission consider its late-filed appeal.

4. A review of the file in this case indicates that the FCL appeal was not received by the Administrator until September 24, 1999. We conclude that Arvin Union's arguments are moot given that the appeal letter from Serban, whether or not valid as having been filed by a vendor, was late-filed in the first instance. Commission rules require that appeals of the FCL be received by SLD no later than 30 days after the date the letter is issued.² Because Serban's letter is dated more than 30 days after the issuance of the FCL, it was necessarily late-filed, no matter what date it may have been received by the Administrator. Consequently, any subsequent action or inaction by either the applicant or the Administrator has no bearing on the fact that Arvin Union failed to comply with the Commission's rules governing the filing of appeals.

5. 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 Arvin Union School District, Arvin California, on August 23, 1999, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION



Yog R. Varma
Deputy Chief, Common Carrier Bureau

² See 47 C.F.R. § 54.720(b).