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DISPATCHED BY **Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Federal-State Joint Board on)	CC Docket No. 96-45✓
Universal Service)	
)	
Changes to the Board of Directors)	CC Docket No. 97-21
Of the National Exchange Carrier)	
Association, Inc.)	

ORDER

Adopted: February 24, 2000

Released: March 1, 2000

By the Commission:

1. In this Order, we amend a procedural rule regarding the time period during which the Commission must issue a written decision in response to a request for review of a decision issued by the Schools and Libraries Division of the Universal Service Administrative Company (USAC or Administrator).¹ Section 54.724 of the Commission's rules provides that, when a request for review is properly before the Common Carrier Bureau (Bureau) or the Commission, a written decision must be issued within ninety days unless the time period for taking action on the request for review is extended.² In this Order, we amend that rule to make clear that the Bureau may extend, for up to ninety days, the time period for taking action on a request for review of an

¹ The Commission's rules provide that any person aggrieved by an action taken by a division of USAC may seek review from the Commission. 47 C.F.R. § 54.719(c). Section 54.724(a) of the Commission's rules, 47 C.F.R. § 54.724(a), provides that if the Common Carrier Bureau does not take action within ninety days upon appeals that are properly before it, a decision issued by the Administrator shall be deemed approved; however, the Common Carrier Bureau may extend the time period for taking action on a request for review of an Administrator decision. Similarly, section 54.724(b) provides that the Commission shall issue a written decision in response to a request for review of a USAC decision that involves novel questions of fact, law or policy within ninety days; however, the Commission may extend the time period for taking action on the request for review. 47 C.F.R. § 54.724(b). See also *Changes to the Board of Directors of the National Exchange Carrier Association, Inc., Federal-State Joint Board on Universal Service*, Third Report and Order and Fourth Order on Reconsideration in CC Docket No. 97-21, Eighth Order on Reconsideration in CC Docket No. 96-45, 13 FCC Rcd 25058 (1998) (*Eighth Order on Reconsideration*).

² 47 C.F.R. § 54.724. See also *Eighth Order on Reconsideration*, 13 FCC Rcd at 25058, para. 70.

Administrator's decision that is pending before the Bureau or the Commission pursuant to section 54.724 of the Commission's rules.³ We also clarify that the Commission may extend the time period for taking action on a pending request for review of an Administrator's decision that is before either the Bureau or the Commission, but the Commission is not limited to a maximum 90-day extension period. We believe this procedural amendment will facilitate our administrative processes. Accordingly, as set forth in Appendix A, we amend section 54.724 of the Commission's rules to clarify that the Bureau may extend, for up to ninety days, the time period for taking action on requests for review of the Administrator's decisions that are before either the Bureau or the Commission.

ORDERING CLAUSES

2. Accordingly, IT IS ORDERED that, pursuant to the authority contained in sections 1-4, 201-205, 218-220, 254, 303(r), 403, and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154, 201-205, 218-220, 254, 303(r), 403, and 405, section 1.108 of the Commission's rules, 47 C.F.R. § 1.108, this ORDER IS ADOPTED.

3. IT IS FURTHER ORDERED that, pursuant to the authority contained in sections 1-4, 201-205, 218-220, 254, 303(r), 403, and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154, 201-205, 218-220, 254, 303(r), 403, and 405, section 1.108 of the Commission's rules, 47 C.F.R. § 1.108, Part 54 of the Commission's rules, 47 C.F.R. Part 54, is revised as set forth in Appendix A hereto.

4. IT IS FURTHER ORDERED that this action is exempt from the notice and comment requirements of the Administrative Procedure Act, 5 U.S.C. § 553, because it affects only rules of agency procedure or practice.

5. Because this action involves an internal procedural matter not affecting the substantive rights of any entity, IT IS FURTHER ORDERED that the rule change set forth in Appendix A IS EFFECTIVE immediately upon publication in the Federal Register.

FEDERAL COMMUNICATIONS COMMISSION



Magalie Roman Salas
Secretary

³ 47 C.F.R. § 54.724.

Appendix A – Rule Change

Part 54 of Title 47 of the Code of Federal Regulations is amended as follows:

Part 54 -- Universal Service

1. The authority citation for part 54 continues to read as follows:

Authority: 47 USC Secs. 1, 4(i), 201, 205, 214, and 254 unless otherwise noted.

§ 54.724 Time periods for Commission approval of Administrator decisions.

2. Amend section 54.724 by revising paragraphs 54.724(a) and 54.724(b) to read as follows:

(a) If the Common Carrier Bureau does not take action within ninety (90) days upon appeals that are properly before it, a decision issued by the Administrator shall be deemed approved. The Commission may extend the time period for taking action on a request for review of an Administrator decision. The Common Carrier Bureau also may extend the time period for taking action on a request for review of an Administrator decision for a period of up to ninety days.

(b) The Commission shall issue a written decision in response to a request for review of an Administrator decision that involves novel questions of fact, law or policy within ninety (90) days. The Commission may extend the time period for taking action on the request for review of an Administrator decision. The Common Carrier Bureau also may extend the time period for taking action on a request for review of an Administrator decision for a period of up to ninety days.

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