

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)
)
Request for Review of the)
Decision of the)
Universal Service Administrator by)
)
Amelia County Public Schools)
Amelia, Virginia)
)
Federal-State Joint Board on)
Universal Service)
)
Changes to the Board of Directors of the)
National Exchange Carrier Association, Inc.)

File No. SLD-142799

CC Docket No. 96-45 ✓

CC Docket No. 97-21

APR 12 1 20 PM '00
FCC MAIL SECTION

ORDER

Adopted: April 6, 2000

Released: April 7, 2000

By the Common Carrier Bureau:

1. The Common Carrier Bureau has under consideration a Letter of Appeal filed by Amelia County Public Schools (Amelia) of Amelia, Virginia, on November 24, 1999, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC or Administrator).¹ The SLD refused to consider Amelia's appeal of a Funding Commitment Decision Letter because the appeal was received more than 30 days after the date of issuance of the letter.² Amelia requests review of the SLD's action. For the reasons set forth below, we deny Amelia's appeal.

2. Under section 54.720 of the Commission's rules, an appeal must be filed within 30 days of the issuance of the decision as to which review is sought.³ Documents are considered to be filed with the Commission or the SLD only upon receipt.⁴ The SLD issued a Funding Commitment Decision Letter denying Amelia's request for discounted services under the schools

¹ Letter from Janet H. Ashman, Amelia County Public Schools, to Federal Communications Commission, filed November 24, 1999.

² Letter from Universal Service Administrative Company, to Janet H. Ashman, Amelia County Public Schools, issued November 8, 1999.

³ 47 C.F.R. § 54.720.

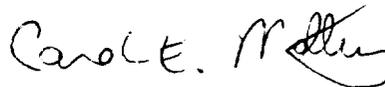
⁴ 47 C.F.R. § 1.7.

and libraries support mechanism on August 24, 1999.⁵ Under the Commission's rules, Amelia's appeal of the Funding Commitment Decision Letter was due by September 23, 1999. Amelia, however, did not appeal the SLD's decision until October 29, 1999.⁶ SLD, therefore, properly refused to consider Amelia's appeal.

3. To the extent that Amelia is requesting that we waive the 30-day filing deadline established in section 54.720(b) of the Commission's rules, we deny that request.⁷ The Commission may waive any provision of its rules, but a request for waiver must be supported by a showing of good cause.⁸ To demonstrate good cause, a party must show that special circumstances warrant a deviation from the general rule, and that such deviation would better serve the public interest than strict adherence to the general rule.⁹ Amelia has merely asserted that the failure to waive the 30-day filing deadline would cause it hardship because it will not receive its requested discounts for Internet access and telecommunications services. We find that Amelia has not demonstrated special circumstances that warrant a waiver of the 30-day filing requirement, and, therefore, Amelia's waiver request is denied.

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 Amelia County Public Schools, Amelia, Virginia, on November 24, 1999, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION



Carol E. Matthey
Deputy Chief, Common Carrier Bureau

⁵ Letter from Universal Service Administrative Company to Lola S. Tornabene, Amelia County Public School District, issued August 24, 1999.

⁶ Letter from Janet H. Ashman, Amelia County Public Schools, to Schools and Libraries Division, filed October 29, 1999.

⁷ See 47 C.F.R. § 54.720(b).

⁸ See 47 C.F.R. § 1.3.

⁹ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990); *WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969).