

FOU PAU SERVICE

Jul 10 11 33 AM '00
 Before the
 Federal Communications Commission
 Washington, DC 20554

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| In the Matter of |) | |
| |) | |
| Request for Review of the |) | |
| Decision of the |) | |
| Universal Service Administrator by |) | |
| |) | |
| Minneapolis School District 1 |) | File No. SLD-148807 |
| Minneapolis, Minnesota |) | |
| |) | |
| Federal-State Joint Board on |) | CC Docket No. 96-45 |
| Universal Service |) | |
| |) | |
| Changes to the Board of Directors of the |) | CC Docket No. <u>97-21</u> |
| National Exchange Carrier Association, Inc. |) | |

ORDER

Adopted: July 7, 2000

Released: July 10, 2000

By the Accounting Policy Division, Common Carrier Bureau:

1. The Common Carrier Bureau has under consideration a Letter of Appeal filed by Minneapolis School District 1 (Minneapolis), Minneapolis, Minnesota, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC or Administrator).¹ Minneapolis seeks review of SLD's refusal to consider Minneapolis' appeal to SLD on the grounds that it was untimely filed. For the reasons set forth below, we deny Minneapolis' appeal.

2. SLD issued a Funding Commitment Decision Letter on November 16, 1999, granting in part, and denying in part, Minneapolis' request for discounted services under the schools and libraries universal service support mechanism.² On March 3, 2000, Minneapolis filed a request for review to supplement its application for discounted services.³ On March 7, 2000, SLD issued an Administrator's Decision on Appeal indicating that it would not consider Minneapolis' request because it was received more than 30 days after the Funding Commitment

¹ Letter from Daniel T. Cincoski, Armstrong, Torseth, Skold & Rydeen, Inc., to Federal Communications Commission, filed March 20, 2000 (Letter of Appeal).

² Letter from Schools and Libraries Division, Universal Service Administrative Company, to Charlie Brutlag, Minneapolis School District 1, dated November 16, 1999 (Funding Commitment Decision Letter).

³ Letter from Daniel T. Cincoski, Armstrong, Torseth, Skold & Rydeen, Inc., to Schools and Libraries Division, Universal Service Administrative Company, filed March 3, 2000.

Decision Letter was issued.⁴ Minneapolis subsequently filed the instant Letter of Appeal with the Commission.⁵

3. Under section 54.720 of the Commission's rules, an appeal must be filed with the Commission or SLD within 30 days of the issuance of the decision as to which review is sought.⁶ Documents are considered to be filed with the Commission or SLD only upon receipt.⁷ The 30-day deadline contained in section 54.720 of the Commission's rules applies to all requests for review filed by a party affected by a decision issued by the Administrator. Because Minneapolis failed to file an appeal of the November 16, 1999 Funding Commitment Decision Letter within the requisite 30-day appeal period, we affirm SLD's decision to dismiss Minneapolis' request to SLD as untimely and deny the instant Letter of Appeal.

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 Letter of Appeal filed by Minneapolis School District 1, Minneapolis, Minnesota on March 20, 2000, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION



Sharon L. Webber
Deputy Chief, Accounting Policy Division
Common Carrier Bureau

⁴ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Jerry Dallage, Minneapolis School District 1, dated March 7, 2000 (Administrator's Decision on Appeal).

⁵ Subsequent to filing the instant Letter of Appeal with the Commission, Minneapolis filed another request for review with SLD. See Letter from Charles Brutlag, Minneapolis Public Schools, to Schools and Libraries Division, Universal Service Administrative Company, filed April 3, 2000. On April 4, 2000, SLD again dismissed Minneapolis' request as untimely. See Letter from Schools and Libraries Division, Universal Service Administrative Company, to Charles Brutlag, Minneapolis Public Schools, dated April 4, 2000.

⁶ 47 C.F.R. § 54.720.

⁷ 47 C.F.R. § 1.7.