

FEDERAL SERVICE
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Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)	
)	
Request for Review of the)	
Decision of the)	
Universal Service Administrator by)	
)	
Battle Lake School)	File No. SLD-123407
Battle Lake, Minnesota)	
)	
Federal-State Joint Board on)	CC Docket No. <u>96-45</u>
Universal Service)	
)	
Changes to the Board of Directors of the)	CC Docket No. 97-21
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 Battle Lake School (Battle Lake), Battle Lake, Minnesota, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC or Administrator).¹ Battle Lake seeks review of SLD's refusal to consider Battle Lake's appeal to SLD on the grounds that it was untimely filed. For the reasons set forth below, we deny Battle Lake's appeal.

2. SLD issued a Funding Commitment Decision Letter on August 24, 1999, approving Battle Lake's request for discounted services under the schools and libraries universal service support mechanism.² On October 22, 1999, Battle Lake filed an appeal indicating that it inadvertently left off the wiring for the wiring closets on its application and would like consideration for the services.³ On October 27, 1999, SLD issued an Administrator's Decision on Appeal indicating that it would not consider Battle Lake's appeal because it was received

¹ Letter from Rick Bleichner, Battle Lake School, to Federal Communications Commission, filed April 5, 2000 (Letter of Appeal).

² Letter from Schools and Libraries Division, Universal Service Administrative Company, to Dale Kvale, Battle Lake School dated August 24, 1999 (Funding Commitment Decision Letter).

³ Letter from Alaine Risbrudt and Rick Bleichner, Battle Lake School, to Schools and Libraries Division, Universal Service Administrative Company, filed October 22, 1999.

more than 30 days after the Funding Commitment Decision Letter was issued.⁴ Battle Lake subsequently filed the instant Letter of Appeal with the Commission.

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.⁵ Documents are considered to be filed with the Commission or SLD only upon receipt.⁶ 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 Battle Lake failed to file an appeal of the August 24, 1999 Funding Commitment Decision Letter within the requisite 30-day appeal period, we affirm SLD's decision to dismiss Battle Lake's appeal 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 Battle Lake School, Battle Lake, Minnesota on April 5, 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 Rick Bleichner, Battle Lake School, dated October 27, 1999 (Administrator's Decision on Appeal).

⁵ 47 C.F.R. § 54.720.

⁶ 47 C.F.R. § 1.7.