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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)	
)	
Eastland Independent School District)	File No. SLD- 144454
Eastland, Texas)	
)	
Federal-State Joint Board on)	CC Docket No. 96-45
Universal Service)	
)	
Changes to the Board of Directors of the)	CC Docket No. 97-21
National Exchange Carrier Association, Inc.)	

ORDER

Adopted: July 18, 2000

Released: July 20, 2000

By the Accounting Policy Division, Common Carrier Bureau:

1. The Common Carrier Bureau has under consideration a Letter of Appeal filed by Eastland Independent School District (Eastland), Eastland, Texas, on February 3, 2000, seeking review of decisions issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC or Administrator).¹ Eastland seeks review of the SLD's decision regarding requests for discounts for services under the schools and libraries universal service support mechanism.² For the reasons set forth below, we deny Eastland's Letter of Appeal as to Funding Request Numbers 232501 and 232509, and dismiss without prejudice Eastland's Letter of Appeal with regard to Funding Request Number 232503.

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 December 14, 1999, SLD granted in part, and denied in part, Eastland's request for discounts.⁴

¹ Letter of Appeal from Keith Watkins, Eastland Independent School District, to Federal Communications Commission, filed February 3, 2000 (Letter of Appeal).

² 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).

³ 47 C.F.R. §§ 54.502, 54.503.

⁴ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Rickie Pack, Eastland Independent School District, dated December 14, 1999 (Funding Commitment Decision Letter).

Specifically, SLD denied Eastland's request for internal connections, Funding Request Number (FRN) 232503, and for telecommunications services, FRN 232509, and funded Eastland's request for other telecommunications services, FRN 232501, at less than the requested amount. In response to SLD's decisions regarding its funding requests, Eastland filed with SLD three separate letters of appeal on January 18, 2000 (for FRN 232503), on January 21, 2000 (for FRN 232501), and on January 24, 2000 (for FRN 232509).⁵

3. On January 24, 2000 and January 26, 2000, the SLD issued two Administrator's Decisions on Appeal, dismissing Eastland's appeals of SLD's decisions regarding FRN 232501 and FRN 232509, respectively.⁶ The letters stated that SLD would not consider Eastland's appeals because they were received more than 30 days after the date Eastland's Funding Commitment Decision Letter was issued. The SLD decisions related only to FRN 232501 and FRN 232509 and did not dismiss Eastland's appeal regarding FRN 232503. On February 3, 2000, Eastland filed the instant appeal with the Commission regarding the two Administrator's Decisions on Appeal as well as FRN 232503. In the appeal before us, Eastland requests reconsideration of its application for discounted services.

4. Under section 54.720 of the Commission's rules, an appeal of a funding commitment decision must be filed within 30 days of the issuance of the decision.⁷ Documents are considered to be filed with the Commission or the SLD only upon receipt.⁸ As noted in the Funding Commitment Decision Letter to Eastland, "[i]f you wish to appeal to the SLD, your appeal must be made in writing and *received by us within 30 days* of issuance of this letter...."⁹ The Funding Commitment Decision Letter was dated December 14, 1999, and Eastland provides a copy of the postmark of the Funding Commitment Decision Letter, dated December 20, 2000.¹⁰ Accordingly, appeals of the Funding Commitment Decision Letter were due by January 19, 2000. As noted, Eastland filed its appeal regarding FRN 232501 on January 21, 2000, and its appeal regarding FRN 232509 on January 24, 2000. Because its letters of appeal to SLD were not filed within the specified 30-day period, we find that SLD correctly denied Eastland's appeals regarding FRN 232501 and FRN 232509 as untimely.

⁵ Letter from Keith Watkins, Eastland Independent School District, to Schools and Libraries Division, filed January 18, 2000; Letter from Keith Watkins, Eastland Independent School District, to Schools and Libraries Division, filed January 21, 2000; Letter from Keith Watkins, Eastland Independent School District, to Schools and Libraries Division, filed January 24, 2000.

⁶ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Tammy Douglas, Eastland Independent School District, dated January 24, 2000; Letter from Schools and Libraries Division, Universal Service Administrative Company, to Tammy Douglas, Eastland Independent School District, dated January 26, 2000.

⁷ 47 C.F.R. § 54.720

⁸ 47 C.F.R. § 1.7.

⁹ Funding Commitment Decision Letter at 1 (emphasis added).

¹⁰ The Funding Commitment Decision Letter to Eastland provided that the date of issuance would be determined by the postmark of the letter. Funding Commitment Decision Letter at 1.

5. Further, as noted, SLD did not dismiss Eastland's appeal with respect to FRN 232503 because that appeal was filed on January 18, 2000, prior to the running of the 30-day appeal deadline. The Commission's rules regarding appeals of SLD decisions do not contemplate simultaneous appeals to the Commission and the Administrator.¹¹ In this case, because Eastland's appeal to the Administrator regarding FRN 232503 remained pending at the time Eastland filed its appeal with the Commission, the instant request for review regarding SLD's denial of FRN 232503 in the Funding Commitment Decision Letter is not properly before us. We therefore dismiss Eastland's request for review regarding FRN 232503 without prejudice. It has, however, come to our attention that, in the period since Eastland filed the instant appeal, a decision was issued on March 27, 2000, denying Eastland's appeal to SLD regarding FRN 232503.¹² Because the Administrator's decision regarding FRN 232503 may have dealt with matters that were not addressed in the instant appeal to the Commission, Eastland may request review of the March 27, 2000 denial of Eastland's request for reconsideration of FRN 232503 within 30 days of the release of this order.

6. 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 February 3, 2000, by Eastland Independent School District, Eastland, Texas, IS DENIED with respect to Funding Request Numbers 232501 and 232509.

7. IT IS FURTHER ORDERED THAT the Letter of Appeal filed February 3, 2000, by Eastland Independent School District, Eastland, Texas, as it pertains to Funding Request Number 232503 IS DISMISSED WITHOUT PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION



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

¹¹ See 47 C.F.R. § 54.720 (allowing appeals to either the Commission or the Administrator, but tolling the filing period with the Commission, when an applicant has an appeal pending with the Administrator, until the Administrator issues a decision on the appeal).

¹² Letter from Schools and Libraries Division, Universal Service Administrative Company, to Eastland Independent School District, dated March 27, 2000.