Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of	)	
	)	
Request for Review of the Decision of the Universal Service Administrator by	)	
	)	
Racine Unified School District Racine, Wisconsin	)	File No. SLD-141845
	)	
Federal-State Joint Board on Universal Service	)	CC Docket No. 96-45
	)	
Changes to the Board of Directors of the National Exchange Carrier Association, Inc.	)	CC Docket No. 97-21

ORDER

Adopted: August 23, 2000 **Released: August 24, 2000**

By the Accounting Policy Division, Common Carrier Bureau:

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

2. SLD issued a Funding Commitment Decision Letter on August 17, 1999, denying Racine's request for discounted services under the schools and libraries universal service support mechanism.[2] Specifically, SLD denied Racine's request for discounts for telecommunications services, Funding Request Number (FRN) 224232. On September 20, 1999, Racine filed an appeal of SLD's decision to deny FRN 224232.[3] On September 22, 1999 and March 25, 2000, SLD issued Administrator's Decisions on Appeal indicating that it would not consider Racine's

[1] Letter from Michael S. Dingman, Racine Unified School District, to Federal Communications Commission, filed May 10, 2000 (Letter of Appeal).

[2] Letter from Schools and Libraries Division, Universal Service Administrative Company, to Michael S. Dingman, Racine Unified School District, dated August 17, 1999 (Funding Commitment Decision Letter).

[3] Letter from Michael S. Dingman, Racine Unified School District, to Schools and Libraries Division, Universal Service Administrative Company, filed September 20, 1999.

appeal because it was received more than 30 days after the Funding Commitment Decision Letter was issued.[4] Racine 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 Racine failed to file an appeal of the August 17, 1999 Funding Commitment Decision Letter within the requisite 30-day appeal period, we affirm SLD's decision to dismiss Racine'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 Racine Unified School District, Racine, Wisconsin on May 10, 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 Michael S. Dingman, Racine Unified School District, dated September 22, 1999 and Letter from Schools and Libraries Division, Universal Service Administrative Company, to Michael S. Dingman, Racine Unified School District, dated March 25, 2000 (Administrator's Decisions on Appeal). In the initial Administrator's Decision on Appeal, SLD indicated that Racine's appeal was not timely filed but that SLD was seeking guidance from the Commission as to whether SLD had authority to waive the 30-day filing deadline. SLD issued the subsequent Administrator's Decision on Appeal, stating that the Commission determined that SLD did not have authority to waive the 30-day deadline, and informing Racine that it could appeal to the Commission for relief.

[5] 47 C.F.R. § 54.720.

[6] 47 C.F.R. § 1.7.