Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of	)	
	)	
Request for Review of the Decision of the Universal Service Administrator by	)	
	)	
Springfield Public Schools Springfield, Massachusetts	)	File No. SLD-152238
	)	
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 Springfield Public Schools (Springfield), Springfield, Massachusetts, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC or Administrator).[1] Springfield seeks review of SLD's refusal to consider Springfield's appeal to SLD on the grounds that it was untimely filed. For the reasons set forth below, we deny Springfield's appeal.

2. SLD issued Funding Commitment Decision Letter on August 3, 1999, approving Springfield's requests for discounted services under the schools and libraries universal service support mechanism.[2] Specifically, SLD approved Springfield's request for discounts for internal connections, Funding Request Number (FRN) 263557. On September 17, 1999, Springfield filed an appeal indicating that it wished to correct a data entry error made by SLD that resulted in an incorrect service start date.[3] On September 22, 1999 and March 24, 2000, SLD issued two Administrator's Decisions on Appeal indicating that it would not consider Springfield's appeal

[1] Letter from Dr. Peter J. Negroni, Springfield Public Schools, to Federal Communications Commission, filed April 3, 2000 (Letter of Appeal).

[2] Letter from Schools and Libraries Division, Universal Service Administrative Company, to Robert G. Hamel, Springfield Public Schools, dated August 3, 1999 (Funding Commitment Decision Letter).

[3] Letter from Dr. Peter J. Negroni, Springfield Public Schools, to Schools and Libraries Division, Universal Service Administrative Company, filed September 17, 1999.

because it was received more than 30 days after the Funding Commitment Decision Letter was issued.[4] Springfield 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 Springfield failed to file an appeal of the August 3, 1999 Funding Commitment Decision Letter within the requisite 30-day appeal period, we affirm SLD's decision to dismiss Springfield'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 Springfield Public Schools, Springfield, Massachusetts on April 3, 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 Robert G. Hamel, Springfield Public Schools, dated September 22, 1999; Letter from Schools and Libraries Division, Universal Service Administrative Company, to Robert G. Hamel, Springfield Public Schools, dated May 24, 2000 (Administrator's Decisions on Appeal). In the initial Administrator's Decision on Appeal, SLD indicated that Springfield'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 Springfield that it could appeal to the Commission for relief.

[5] 47 C.F.R. § 54.720.

[6] 47 C.F.R. § 1.7.