

Before the
Federal Communications Commission
Washington, DC 20554

FILED
AUG 30 2 00 PM '00

In the Matter of)
)
Request for Review of the)
Decision of the)
Universal Service Administrator by)
)
Our Lady of Grace School)
Pittsburgh, Pennsylvania)
)
Federal-State Joint Board on)
Universal Service)
)
Changes to the Board of Directors of the)
National Exchange Carrier Association, Inc.)

File No. SLD- 134996

CC Docket No. 96-45 ✓

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 Our Lady of Grace School (Our Lady of Grace), Pittsburgh, Pennsylvania, on April 17, 2000.¹ In the Letter of Appeal, Our Lady of Grace seeks review of a funding commitment decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC or Administrator) on August 17, 1999.² Because Our Lady of Grace failed to appeal SLD's funding decision within 30 days of the Funding Commitment Decision Letter, it also requests a waiver of the 30-day appeal period. For the reasons set forth below, we deny Our Lady of Grace's appeal and its request for waiver of the 30-day time limit for filing appeals.

2. Under section 54.720(b) of the Commission's rules, any appeal must be filed within 30 days of the issuance of the decision as to which review is sought.³ Documents are considered to be filed with the Commission or the SLD only upon receipt.⁴ As noted, the Funding Commitment Decision Letter was issued on August 17, 1999. Our Lady of Grace filed appeals

¹ Letter of Appeal from Kirstina Popey, Our Lady of Grace School, to Federal Communications Commission, filed April 17, 2000 (Letter of Appeal).

² Letter from Schools and Libraries Division, Universal Service Administrative Company, to Kirstina Popey, Our Lady of Grace School, dated August 17, 1999 (Funding Commitment Decision Letter).

³ 47 C.F.R. § 54.720(b).

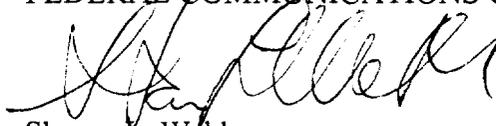
⁴ 47 C.F.R. § 1.7.

of the funding decision with SLD on September 21, 1999 and October 4, 1999.⁵ SLD dismissed those appeals as untimely.⁶ Upon review of the record, we find that, because Our Lady of Grace failed to appeal the Funding Commitment Decision Letter within the requisite 30-day appeal period, Our Lady of Grace's appeals to SLD were correctly denied as untimely.

3. To the extent that Our Lady of Grace is requesting that we waive the 30-day deadline established in section 54.720(b) of the Commission's rules,⁷ we deny that request. The Commission may waive any provision of its rules, but a request for waiver must be supported by a showing of good cause.⁸ Our Lady of Grace has not shown cause for the untimely filing of its initial appeal beyond the statement that SLD and the Commission should have discovered and corrected a mistake made by Our Lady of Grace on its FCC Form 471. In light of the thousands of applications that the SLD must review and process each funding year, we believe it administratively appropriate for the SLD to require applicants to adhere strictly to its filing deadlines. Accordingly, we believe that waivers of these deadlines should not be routinely granted. For these reasons, we find that the circumstances here do not warrant relief and, therefore, we deny Our Lady of Grace's request to waive section 54.720(b).

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 on April 17, 2000, by Our Lady of Grace School, Pittsburgh, Pennsylvania, and the request to waive the 30-day time limit in which to file appeals ARE DENIED.

FEDERAL COMMUNICATIONS COMMISSION



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

⁵ Letter from Kirstina Popey, Our Lady of Grace School, to Schools and Libraries Division, Universal Service Administrative Co., filed September 21, 1999; Letter from Kirstina Popey, Our Lady of Grace School, to Schools and Libraries Division, Universal Service Administrative Co., filed October 4, 1999.

⁶ Letter from Schools and Libraries Division, Universal Service Administrative Co., to Kirstina Popey, Our Lady of Grace School, dated September 27, 1999; Letter from Schools and Libraries Division, Universal Service Administrative Co., to Kirstina Popey, Our Lady of Grace School, dated March 24, 2000. (Administrator's Decisions on Appeal).

⁷ See 47 C.F.R. § 54.720(b).

⁸ See 47 C.F.R. § 1.3.