**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 | ) | |
| | ) | |
| The Smithtown Library Smithtown, New York | ) | File No. SLD-156374 |
| | ) | |
| 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 The Smithtown Library (Smithtown), Smithtown, New York, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC or Administrator).[1] Smithtown seeks review of SLD's refusal to consider Smithtown's appeal to SLD on the grounds that it was untimely filed. For the reasons set forth below, we deny Smithtown's appeal.

2. SLD issued a Funding Commitment Decision Letter on April 21, 2000, denying Smithtown's request for discounted services under the schools and libraries universal service support mechanism.[2] Specifically, SLD denied Smithtown's request for discounts for Internet access and telecommunications services, Funding Request Numbers (FRNs) 329985 and 403849. On June 12, 2000, Smithtown filed an appeal of SLD's decision to deny FRNs 329985 and 403849.[3] On June 14, 2000, SLD issued an Administrator's Decision on Appeal indicating that it would not consider Smithtown's appeal because it was received more than 30 days after the

[1] Letter from Peter Ward, The Smithtown Library, to Federal Communications Commission, filed June 26, 2000 (Letter of Appeal).

[2] Letter from Schools and Libraries Division, Universal Service Administrative Company, to Peter Ward, The Smithtown Library, dated April 21, 2000 (Funding Commitment Decision Letter).

[3] Letter from Peter Ward, The Smithtown Library, to Schools and Libraries Division, Universal Service Service Administrative Company, filed June 12, 2000.

Funding Commitment Decision Letter was issued.[4] Dearborn 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 Smithtown failed to file an appeal of the April 21, 2000 Funding Commitment Decision Letter within the requisite 30-day appeal period, we affirm SLD's decision to dismiss Smithtown'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 The Smithtown Library, Smithtown, New York, on June 26, 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 Peter Ward, The Smithtown Library, dated June 14, 2000 (Administrator's Decision on Appeal).

[5] 47 C.F.R. § 54.720.

[6] 47 C.F.R. § 1.7.