

**Before the
Federal Communications Commission
Washington, DC 20554**

REG MAIL SECTION

SEP 14 11 50 AM '00

In the Matter of)
)
 Request for Review of the)
 Decision of the)
 Universal Service Administrator by)
)
 Newton County School District)
 Decatur, Mississippi)
)
 Federal-State Joint Board on)
 Universal Service)
)
 Changes to the Board of Directors of the)
 National Exchange Carrier Association, Inc.)

File No. SLD-169776

CC Docket No. 96-45 ✓

CC Docket No. 97-21

ORDER

Adopted: September 8, 2000

Released: September 11, 2000

By the Accounting Policy Division, Common Carrier Bureau:

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

2. SLD issued a Funding Commitment Decision Letter on May 12, 2000, denying Newton County's request for discounted services under the schools and libraries universal service support mechanism.² Specifically, SLD denied Newton County's requests for discounts for telecommunications services. On June 12, 2000, Newton County filed an appeal of SLD's decision to deny funding.³ On June 19, 2000, SLD issued an Administrator's Decision on Appeal indicating that it would not consider Newton County's appeal because it was received

¹ Letter from Bob Strebeck, Newton County School District, to Federal Communications Commission, filed June 27, 2000 (Letter of Appeal).

² Letter from Schools and Libraries Division, Universal Service Administrative Company, to Roger Laird, Newton County School District, dated May 12, 2000 (Funding Commitment Decision Letter).

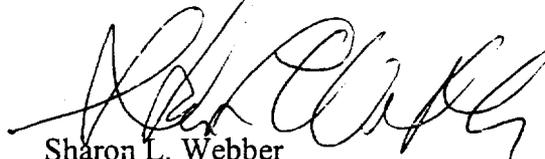
³ Letter from Billy L. Pierce, Newton County School District, to Schools and Libraries Division, Universal Service Administrative Company, filed June 12, 2000.

more than 30 days after the Funding Commitment Decision Letter was issued.⁴ Newton County 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. Section 1.4(j) of the Commission's rules, however, provides that in cases where the close of the 30-day period falls on a holiday, the document shall be filed on the next business day.⁷ Because the close of the 30-day period after the issuance of the May 12, 2000 Funding Commitment Decision Letter fell on June 11, 2000, a holiday, Newton's June 12, 2000 appeal should have been considered timely filed. Accordingly, we grant Newton County's Letter of Appeal and direct SLD to review Newton's appeal to SLD.

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 Newton County School District, Decatur, Mississippi on June 27, 2000, IS GRANTED to the extent provided herein.

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 Roger Laird, Newton County School District, dated June 19, 2000 (Administrator's Decisions on Appeal).

⁵ 47 C.F.R. § 54.720.

⁶ 47 C.F.R. § 1.7.

⁷ 47 C. F. R. § 1.4(j). The term "holiday" includes Saturdays and Sundays. 47 C. F. R. § 1.4(e)(1).