

FCC MAIL ROOM

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)
)
Request for Review of the)
Decision of the)
Universal Service Administrator by)
)
New Castle Community Schools)
New Castle, Indiana)
)
Federal-State Joint Board on)
Universal Service)
)
Changes to the Board of Directors of the)
National Exchange Carrier Association, Inc.)

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File No. SLD-156793

CC Docket No. 96-45

CC Docket No. 97-21 ✓

ORDER**Adopted: October 6, 2000****Released: October 10, 2000**

By the Accounting Policy Division, Common Carrier Bureau:

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

2. SLD issued a Funding Commitment Decision Letter on April 14, 2000, denying New Castle's request for discounted services under the schools and libraries universal service support mechanism.² Specifically, SLD denied New Castle's request for discounts for telecommunications services, Funding Request Number (FRN) 305643. On June 5, 2000, New Castle filed an appeal of SLD's decision to deny FRN 305643.³ On June 8, 2000, SLD issued an Administrator's Decision on Appeal indicating that it would not consider New Castle's appeal

¹ Letter from Larry Koby, New Castle Community Schools, to Federal Communications Commission, filed June 20, 2000 (Letter of Appeal).

² Letter from Schools and Libraries Division, Universal Service Administrative Company, to Larry Koby, New Castle Community Schools, dated April 14, 2000 (Funding Commitment Decision Letter).

³ Letter from Larry Koby, New Castle Community Schools, to Schools and Libraries Division, Universal Service Administrative Company, filed June 5, 2000. New Castle asserts that it sent an appeal on May 9, 2000, but does not have evidence supporting that claim.

because it was received more than 30 days after the Funding Commitment Decision Letter was issued.⁴ New Castle 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 New Castle cannot show that it filed a timely appeal of the April 14, 2000 Funding Commitment Decision Letter within the requisite 30-day appeal period, we affirm SLD's decision to dismiss New Castle'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 New Castle Community Schools, New Castle, Indiana on June 20, 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 Larry Koby, New Castle Community Schools, dated July 3, 2000 (Administrator's Decision on Appeal).

⁵ 47 C.F.R. § 54.720.

⁶ 47 C.F.R. § 1.7.