

Before the **REC MAIL ROOM**
Federal Communications Commission
Washington, DC 20554

In the Matter of)
Request for Review of the)
Decision of the)
Universal Service Administrator by)
Eastern Plains Instructional Television Consortium)
Logan, New Mexico)
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-173310

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 Eastern Plains Instructional Television Consortium (Eastern Plains), Logan, New Mexico, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC or Administrator).¹ Eastern Plains seeks review of SLD's refusal to consider Eastern Plains' appeal to SLD on the grounds that it was untimely filed. For the reasons set forth below, we deny Eastern Plains' appeal.

2. SLD issued a Funding Commitment Decision Letter on May 12, 2000, denying Eastern Plains' request for discounted services under the schools and libraries universal service support mechanism.² Specifically, SLD denied Eastern Plains' request for discounts for internal connections and telecommunications services, Funding Request Numbers (FRNs) 374012 and 384961. On June 19, 2000, Eastern Plains filed an appeal of SLD's decision to deny FRNs 374012 and 384961.³ On June 21, 2000, SLD issued an Administrator's Decision on Appeal indicating that it would not consider Eastern Plains' appeal because it was received more than 30

¹ Letter from Dr. Becky Rowley, Clovis community College, to Federal Communications Commission, filed July 20, 2000 (Letter of Appeal).

² Letter from Schools and Libraries Division, Universal Service Administrative Company, to Elnabeth Grau, Eastern Plains Instructional Television Consortium, dated May 12, 2000 (Funding Commitment Decision Letter).

³ Letter from Elnabeth Grau, Eastern Plains Instructional Television Consortium, to Schools and Libraries Division, Universal Service Administrative Company, filed June 19, 2000.

days after the Funding Commitment Decision Letter was issued.⁴ Eastern Plains 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 Eastern Plains failed to file an appeal of the May 12, 2000 Funding Commitment Decision Letter within the requisite 30-day appeal period, we affirm SLD's decision to dismiss Eastern Plains' 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 Eastern Plains Instructional Television Consortium, Logan, New Mexico on July 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 Elnabeth Grau, Eastern Plains Instructional Television Consortium, dated June 21, 2000 (Administrator's Decision on Appeal).

⁵ 47 C.F.R. § 54.720.

⁶ 47 C.F.R. § 1.7.