

Before the
Federal Communications Commission
Washington, DC 20554

2000 OCT 13 P 1:15

In the Matter of)
)
Request for Review of the)
Decision of the)
Universal Service Administrator by)
)
Garden Grove Unified School District)
Garden Grove, California)
)
Federal-State Joint Board on)
Universal Service)
)
Changes to the Board of Directors of the)
National Exchange Carrier Association, Inc.)

File No. SLD-187798

CC Docket No. 96-45 ✓

CC Docket No. 97-21

RECEIVED

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 Garden Grove Unified School District (Garden Grove), Garden Grove, California, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC or Administrator).¹ Garden Grove seeks review of SLD's refusal to consider Garden Grove's appeal to SLD on the grounds that it was untimely filed. For the reasons set forth below, we deny Garden Grove's appeal.

2. SLD issued a Funding Commitment Decision Letter on April 14, 2000, denying Garden Grove's request for discounted services under the schools and libraries universal service support mechanism.² Specifically, SLD denied Garden Grove's request for discounts for internal connections, Funding Request Number (FRN) 420899. On May 19, 2000, Garden Grove filed an appeal of SLD's decision to deny FRN 420899.³ On May 23, 2000, SLD issued an Administrator's Decision on Appeal indicating that it would not consider Garden Grove's appeal

¹ Letter from Cung Nguyen, Garden Grove Unified School District, to Federal Communications Commission, filed June 20, 2000 (Letter of Appeal).

² Letter from Schools and Libraries Division, Universal Service Administrative Company, to Cung Nguyen, Garden Grove Unified School District, dated April 14, 2000 (Funding Commitment Decision Letter).

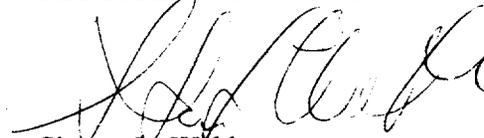
³ Letter from Cung Nguyen, Garden Grove Unified School District, to Schools and Libraries Division, Universal Service Administrative Company, filed May 19, 2000.

because it was received more than 30 days after the Funding Commitment Decision Letter was issued.⁴ Garden Grove 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 Garden Grove failed to file an appeal of the April 14, 2000 Funding Commitment Decision Letter within the requisite 30-day appeal period, we affirm SLD's decision to dismiss Garden Grove'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 Garden Grove Unified School District, Garden Grove, California 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 Cung Nguyen, Garden Grove Unified School District, dated May 23, 2000 (Administrator's Decision on Appeal).

⁵ 47 C.F.R. § 54.720.

⁶ 47 C.F.R. § 1.7.