

MAIL ROOM

Before the
Federal Communications Commission
Washington, DC 20554

2000 NOV 14 P 1:20

| | | |
|---|---|----------------------|
| In the Matter of |) | |
| |) | |
| Request for Review of the |) | |
| Decision of the |) | |
| Universal Service Administrator by |) | |
| |) | |
| St. Rita School |) | File No. SLD-201326 |
| St. Rita, Louisiana |) | |
| |) | |
| Federal-State Joint Board on |) | CC Docket No. 96-45✓ |
| Universal Service |) | |
| |) | |
| Changes to the Board of Directors of the |) | CC Docket No. 97-21 |
| National Exchange Carrier Association, Inc. |) | |

ORDER

Adopted: November 7, 2000

Released: November 8, 2000

By the Accounting Policy Division, Common Carrier Bureau:

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

2. SLD issued a Funding Commitment Decision Letter on June 9, 2000, denying St. Rita's request for discounted services under the schools and libraries universal service support mechanism.² Specifically, SLD denied St. Rita's request for discounts for internet access, Funding Request Number (FRN) 476279. On August 1, 2000, St. Rita filed an appeal of SLD's decision to deny FRN 476279.³ On August 4, 2000, SLD issued an Administrator's Decision on Appeal indicating that it would not consider St. Rita's appeal because it was received more than

¹ Letter from Sr. Annette Baxley, St. Rita School, to Federal Communications Commission, filed August 15, 2000 (Letter of Appeal).

² Letter from Schools and Libraries Division, Universal Service Administrative Company, to Sr. Annette Baxley, St. Rita School, dated June 9, 2000 (Funding Commitment Decision Letter).

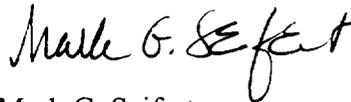
³ Letter from Sr. Annette Baxley, St. Rita School, to Schools and Libraries Division, Universal Service Administrative Company, filed August 1, 2000.

30 days after the Funding Commitment Decision Letter was issued.⁴ St. Rita 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 St. Rita failed to file an appeal of the June 9, 2000 Funding Commitment Decision Letter within the requisite 30-day appeal period, we affirm SLD's decision to dismiss St. Rita'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 St. Rita School, New Orleans, Louisiana on August 15, 2000, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION



Mark G. Seifert
Deputy Chief, Accounting Policy Division
Common Carrier Bureau

⁴ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Sr. Annette Baxley, St. Rita School, dated August 4, 2000 (Administrator's Decision on Appeal).

⁵ 47 C.F.R. § 54.720.

⁶ 47 C.F.R. § 1.7.