

Before the  
Federal Communications Commission  
Washington, DC 20554

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

File No. SLD-185723

CC Docket No. 96-45 ✓

CC Docket No. 97-21

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

2. SLD issued a Funding Commitment Decision Letter on May 26, 2000, denying Mt. Diablo's request for discounted services under the schools and libraries universal service support mechanism.<sup>2</sup> Specifically, SLD denied Mt. Diablo's request for discounts for internal connections, Funding Request Number (FRN) 386438. On June 26, 2000, Mt. Diablo filed an appeal of SLD's decision to deny FRN 386438.<sup>3</sup> On July 3, 2000, SLD issued an Administrator's Decision on Appeal indicating that it would not consider Mt. Diablo's appeal

<sup>1</sup> Letter from Perry W. Polk, Mt. Diablo Unified School District, to Federal Communications Commission, filed July 31, 2000 (Letter of Appeal).

<sup>2</sup> Letter from Schools and Libraries Division, Universal Service Administrative Company, to Perry W. Polk, Mt. Diablo Unified School District, dated May 26, 2000 (Funding Commitment Decision Letter).

<sup>3</sup> Letter from Perry W. Polk, Mt. Diablo Unified School District, to Schools and Libraries Division, Universal Service Administrative Company, filed June 26, 2000.

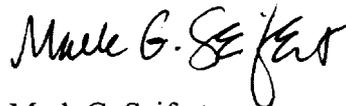
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because it was received more than 30 days after the Funding Commitment Decision Letter was issued.<sup>4</sup> Mt. Diablo subsequently filed the instant Letter of Appeal with the Commission.

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.<sup>5</sup> Documents are considered to be filed with the Commission or SLD only upon receipt.<sup>6</sup> 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.<sup>7</sup> Because the close of the 30-day period after the issuance of the June 26, 2000 Funding Commitment Decision Letter fell on June 25, 2000, a weekend, Mt. Diablo's June 26, 2000 appeal should have been considered timely filed. Accordingly, we grant Mt. Diablo's Letter of Appeal and direct SLD to review Mt. Diablo'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 Mt. Diablo Unified School District, Concord, California on July 31, 2000, IS GRANTED.

FEDERAL COMMUNICATIONS COMMISSION



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

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<sup>4</sup> Letter from Schools and Libraries Division, Universal Service Administrative Company, to Perry W. Polk, Mt. Diablo Unified School District, dated July 3, 2000 (Administrator's Decision on Appeal).

<sup>5</sup> 47 C.F.R. § 54.720.

<sup>6</sup> 47 C.F.R. § 1.7.

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