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Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of	)	
	)	
Request for Review of the Decision of the Universal Service Administrator by	)	
	)	
Ballinger I.S.D. Ballinger, Texas	)	File No. SLD-198689
	)	
Federal-State Joint Board on Universal Service	)	CC Docket No. 96-45
	)	
Changes to the Board of Directors of the National Exchange Carrier Association, Inc.	)	CC Docket No. 97-21

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 Ballinger I.S.D. (Ballinger), Ballinger, Texas, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC or Administrator).[1] Ballinger seeks review of SLD's refusal to consider Ballinger's appeal to SLD on the grounds that it was untimely filed. For the reasons set forth below, we deny Ballinger's appeal.

2. SLD issued a Funding Commitment Decision Letter on May 19, 2000, denying Ballinger's request for discounted services under the schools and libraries universal service support mechanism.[2] Specifically, SLD denied Ballinger's request for discounts for internal connections and telecommunications services, Funding Request Numbers (FRNs) 431274 and 431275. On July 24, 2000, Ballinger filed an appeal of SLD's decision to deny FRNs 431274 and 431275.[3] On July 27, 2000, SLD issued an Administrator's Decision on Appeal indicating that it would not consider Ballinger's appeal because it was received more than 30 days after the

[1] Letter from Laura Strube, Ballinger I.S.D., to Federal Communications Commission, filed August 15, 2000 (Letter of Appeal).

[2] Letter from Schools and Libraries Division, Universal Service Administrative Company, to Joe Nation, Ballinger I.S.D., dated May 19, 2000 (Funding Commitment Decision Letter).

[3] Letter from Laura Strube, Ballinger I.S.D., to Schools and Libraries Division, Universal Service Administrative Company, filed July 24, 2000.

Funding Commitment Decision Letter was issued.[4] Ballinger 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 Ballinger failed to file an appeal of the May 19, 2000 Funding Commitment Decision Letter within the requisite 30-day appeal period, we affirm SLD's decision to dismiss Ballinger'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 Ballinger I.S.D., Ballinger, Texas on August 15, 2000, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Mark G. Seifert

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

[4] Letter from Schools and Libraries Division, Universal Service Administrative Company, Laura Strube, Ballinger I.S.D., dated July 27, 2000 (Administrator's Decision on Appeal).

[5] 47 C.F.R. § 54.720.

[6] 47 C.F.R. § 1.7.