

FCC MAIL ROOM

Before the
Federal Communications Commission
Washington, DC 20554

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

2000 NOV 16 A 10: 56

RECEIVED

File No. SLD-196086

CC Docket No. 96-45

CC Docket No. 97-21 ✓

ORDER

Adopted: November 9, 2000

Released: November 13, 2000

By the Accounting Policy Division, Common Carrier Bureau:

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

2. SLD issued a Funding Commitment Decision Letter on June 23, 2000, denying Colton's request for discounted services under the schools and libraries universal service support mechanism.² Specifically, SLD denied Colton's request for discounts for internal connections, Funding Request Number (FRN) 424483. On July 31, 2000, Colton filed an appeal of SLD's decision to deny FRN 424483.³ On August 4, 2000, SLD issued an Administrator's Decision on Appeal indicating that it would not consider Colton's appeal because it was received more than

¹ Letter from Gary Kendrick, Colton Joint Unified School District, to Federal Communications Commission, filed September 1, 2000 (Letter of Appeal).

² Letter from Schools and Libraries Division, Universal Service Administrative Company, to Sheldon Strahl, Colton Joint Unified School District, dated June 23, 2000 (Funding Commitment Decision Letter).

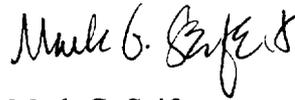
³ Letter from Gary Kendrick, Colton Joint Unified School District, to Schools and Libraries Division, Universal Service Administrative Company, filed July 31, 2000.

30 days after the Funding Commitment Decision Letter was issued.⁴ Colton 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 Colton failed to file an appeal of the June 23, 2000 Funding Commitment Decision Letter within the requisite 30-day appeal period, we affirm SLD's decision to dismiss Colton'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 Colton Joint Unified School District, Upland, California on September 1, 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 Gary Kendrick, Colton Joint Unified School District, dated August 4, 2000 (Administrator's Decision on Appeal).

⁵ 47 C.F.R. § 54.720.

⁶ 47 C.F.R. § 1.7.