

**Before the  
Federal Communications Commission  
Washington, DC 20554**

FCC MAIL ROOM

In the Matter of	)	
	)	
Request for Review of the	)	
Decision of the	)	
Universal Service Administrator by	)	
	)	
Xavier High School	)	File No. SLD-194869
Cedar Rapids, Iowa	)	
	)	
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.	)	

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**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 Xavier High School (Xavier), Cedar Rapids, Iowa, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).<sup>1</sup> Xavier seeks review of SLD's refusal to consider Xavier's appeal to SLD on the grounds that it was untimely filed. For the reasons set forth below, we grant Xavier's appeal.

2. SLD issued a Funding Commitment Decision Letter on July 7, 2000, denying Xavier's request for discounted services under the schools and libraries universal service support mechanism.<sup>2</sup> Specifically, SLD denied Xavier's request for discounts for Internet access, Funding Request Number (FRN) 418165. On August 7, 2000, Xavier filed an appeal of SLD's decision to deny FRN 418165.<sup>3</sup> On August 9, 2000, SLD issued an Administrator's Decision on Appeal indicating that it would not consider Xavier's appeal because it was received more than

<sup>1</sup> Letter from Jeff Henderson, Xavier High School, to Federal Communications Commission, filed August 29, 2000 (Letter of Appeal).

<sup>2</sup> Letter from Schools and Libraries Division, Universal Service Administrative Company, to Timothy Fisher, Xavier High School, dated July 7, 2000 (Funding Commitment Decision Letter).

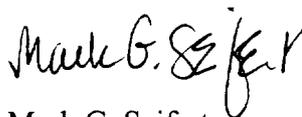
<sup>3</sup> Letter from Tim Fisher, Xavier High School, to Schools and Libraries Division, Universal Service Administrative Company, filed August 7, 2000.

30 days after the Funding Commitment Decision Letter was issued.<sup>4</sup> Xavier 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 July 7, 2000 Funding Commitment Decision Letter fell on August 6, 2000, a holiday, Xavier's August 7, 2000 appeal should have been considered timely filed. Accordingly, we grant Xavier's Letter of Appeal and direct SLD to review Xavier'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 Xavier High School, Cedar Rapids, Iowa on August 29, 2000, IS GRANTED to the extent provided herein.

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 Tim Fisher, Xavier High School, dated August 9, 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).