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Before the
Federal Communications Commission
Washington, DC 20554

2000 NOV 16 A 10: 57

In the Matter of	)	
	)	
Request for Review of the Decision of the Universal Service Administrator by	)	
	)	
Durham Unified School District Durham, California	)	File No. SLD-180137
	)	
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

RECEIVED

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

2. SLD issued a Funding Commitment Decision Letter on May 12, 2000, denying Durham's request for discounted services under the schools and libraries universal service support mechanism.[2] Specifically, SLD denied Durham's request for discounts for telecommunications services, Funding Request Number (FRN) 367094. On June 12, 2000, Durham filed an appeal of SLD's decision to deny FRN 367094.[3] On June 15, 2000, SLD issued an Administrator's Decision on Appeal indicating that it would not consider Durham's appeal

[1] Letter from Christy R. Patterson, Durham Unified School District, to Federal Communications Commission, filed July 11, 2000 (Letter of Appeal).

[2] Letter from Schools and Libraries Division, Universal Service Administrative Company, to Christy Patterson, Durham Unified School District, dated May 12, 2000 (Funding Commitment Decision Letter).

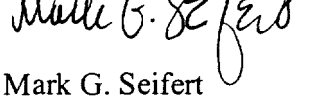
[3] Letter from Christy R. Patterson, Durham Unified School District, to Schools and Libraries Division, Universal Service Administrative Company, filed June 12, 2000.

because it was received more than 30 days after the Funding Commitment Decision Letter was issued.[4] Durham 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. 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.[7] Because the close of the 30-day period after the issuance of the May 12, 2000 Funding Commitment Decision Letter fell on June 11, 2000, a holiday, Durham's May 12, 2000 appeal should have been considered timely filed. Accordingly, we grant Durham's Letter of Appeal and direct SLD to review Durham'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 Durham Unified School District, Durham, California on July 11, 2000, IS GRANTED.

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 Christy Patterson, Durham Unified School District, dated June 15, 2000 (Administrator's Decision on Appeal).

[5] 47 C.F.R. § 54.720.

[6] 47 C.F.R. § 1.7.

[7] 47 C. F. R. § 1.4(j). The term "holiday" includes Saturdays and Sundays. 47 C. F. R. § 1.4(e)(1).