

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)
)
Moon Area School District)
Moon Township, Pennsylvania)
)
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: 54

RECEIVED

File No. SLD-187749

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

2. SLD issued a Funding Commitment Decision Letter on June 9, 2000, denying Moon Area's request for discounted services under the schools and libraries universal service support mechanism.² Specifically, SLD denied Moon Area's request for discounts for internal connections, Funding Request Number (FRN) 396144. On July 10, 2000, Moon Area filed an appeal of SLD's decision to deny FRN 396144.³ On July 12, 2000, SLD issued an Administrator's Decision on Appeal indicating that it would not consider Moon Area's appeal

¹ Letter from Daniel H. Vogel, Moon Area School District, to Federal Communications Commission, filed July 31, 2000 (Letter of Appeal).

² Letter from Schools and Libraries Division, Universal Service Administrative Company, to Daniel Vogel, Moon Area School District, dated June 9, 2000 (Funding Commitment Decision Letter).

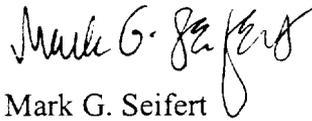
³ Letter from Daniel Vogel, Moon Area School District, to Schools and Libraries Division, Universal Service Administrative Company, filed July 10, 2000.

because it was received more than 30 days after the Funding Commitment Decision Letter was issued.⁴ Moon Area 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 June 9, 2000 Funding Commitment Decision Letter fell on July 9, 2000, a holiday, Moon Area's July 10, 2000 appeal should have been considered timely filed. Accordingly, we grant Moon Area's Letter of Appeal and direct SLD to review Moon Area'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 Moon Area School District, Moon Township, Pennsylvania on July 31, 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 Daniel Vogel, Moon Area School District, dated July 12, 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).