

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)
)
Request for Review of the)
Decision of the)
Universal Service Administrator by)
)
Delta/Greely School District)
Delta Junction, Alaska)
)
Federal-State Joint Board on)
Universal Service)
)
Changes to the Board of Directors of the)
National Exchange Carrier Association, Inc.)

2000 NOV 20 P 4 15

RECEIVED

File No. SLD-34217

CC Docket No. 96-45 ✓

CC Docket No. 97-21

ORDER

Adopted: November 14, 2000

Released: November 15, 2000

By the Accounting Policy Division, Common Carrier Bureau:

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

2. SLD issued a Funding Commitment Decision Letter on February 18, 1999, approving Delta/Greely's request for discounted services under the schools and libraries universal service support mechanism.² Specifically, SLD approved Delta/Greely's requests for discounts for dedicated services and Internet access, Funding Request Numbers (FRNs) 34511 and 34524. On July 19, 1999 and August 23, 1999, Delta/Greely filed appeals of SLD's decision, stating that, although SLD approved Delta/Greely's request for discounts for dedicated services and Internet access for 1998, it had not included discounts for services for the period

¹ Letter from Kim Johnson, Delta/Greely School District, to Federal Communications Commission, filed August 22, 2000 (Letter of Appeal).

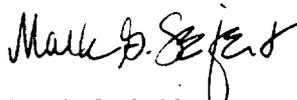
² Letter from Schools and Libraries Division, Universal Service Administrative Company, to Jack Detzel, Delta/Greely School District, dated February 18, 1999 (Funding Commitment Decision Letter).

between January 1999 to June 1999.³ On August 12, 1999 and August 7, 2000, SLD issued Administrator's Decisions on Appeal indicating that it would not consider Delta/Greely's appeals because they were received more than 30 days after the Funding Commitment Decision Letter was issued.⁴ Delta/Greely 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 Delta/Greely failed to file an appeal of the February 28, 1999 Funding Commitment Decision Letter within the requisite 30-day appeal period, we affirm SLD's decision to dismiss Delta/Greely's appeals 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 Delta/Greely School District, Delta Junction, Alaska on July 18, 2000, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION



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

³ Letter from Daniel L. Beck, Delta/Greely School District, to Schools and Libraries Division, Universal Service Administrative Company, filed July 26, 1999; Letter from Daniel L. Beck, Delta/Greely School District, to Schools and Libraries Division, Universal Service Administrative Company, filed August 23, 1999. In June 1998, the Commission changed the funding year for the schools and libraries universal service support mechanism from a calendar year cycle (January 1 – December 31) to a fiscal year cycle (July 1 – June 30). *Federal-State Joint Board on Universal Service*, Docket No. 96-45, Fifth Order on Reconsideration and Fourth Report and Order in CC Docket No. 96-45, 13 FCC Rcd 14915, 14920, para. 8 (1998). Funding Year 1 was extended to cover the 18-month period from January 1, 1998 to June 30, 1999. *Id.*

⁴ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Denise E. Coakley, Delta/Greely School District, dated August 12, 1999; Letter from Schools and Libraries Division, Universal Service Administrative Company, to Denise E. Coakley, Delta/Greely School District, dated August 7, 2000 (Administrator's Decisions on Appeal).

⁵ 47 C.F.R. § 54.720.

⁶ 47 C.F.R. § 1.7.