

MAIL ROOM

Before the
Federal Communications Commission
Washington, DC 20554

2000 DEC -4 P 3: 57

In the Matter of)
)
Request for Review of the)
Decision of the)
Universal Service Administrator by)
)
Western Heights School District I-41)
Western Heights, Oklahoma)
)
Federal-State Joint Board on)
Universal Service)
)
Changes to the Board of Directors of the)
National Exchange Carrier Association, Inc.)

File Nos. SLD-197613, SLD-198790

RECEIVED

CC Docket No. 96-45 ✓

CC Docket No. 97-21

ORDER

Adopted: November 30, 2000

Released: December 1, 2000

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration an appeal filed by Western Heights School District I-41 (Western Heights), Oklahoma City, Oklahoma, seeking review of decisions issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).¹ Western Heights seeks review of SLD's refusal to consider Western Heights' appeals to SLD on the grounds that they were untimely filed. For the reasons set forth below, we grant Western Heights' appeal.

2. SLD issued two Funding Commitment Decision Letters on July 28, 2000, denying Western Heights' request for discounted services under the schools and libraries universal service support mechanism.² Specifically, SLD denied Western Heights' request for discounts for internal connections, Funding Request Numbers (FRNs) 429028, 431862, and 431875. On August 28, 2000, Western Heights filed two appeals of SLD's decision to deny FRNs 429028, 431862, and 431875.³ On August 29, 2000, SLD issued two Administrator's Decisions on

¹ Request for Review by Western Heights School District I-41, to Federal Communications Commission, filed September 28, 2000 (Appeal).

² Letter from Schools and Libraries Division, Universal Service Administrative Company, to Joe Kitchens, Western heights School District I-41, regarding SLD-197613, dated July 28, 2000; Letter from Schools and Libraries Division, Universal Service Administrative Company, to Joe Kitchens, Western heights School District I-41, regarding SLD-198790, dated July 28, 2000 (Funding Commitment Decision Letters).

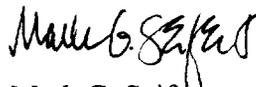
³ Letter from John D. Harrington, Western Heights School District I-41, to Schools and Libraries Division, Universal Service Administrative Company, regarding SLD-197613, filed August 28, 2000; Letter from John D.

Appeal indicating that it would not consider Western Heights' appeals because they were received more than 30 days after the Funding Commitment Decision Letter was issued.⁴ Western Heights subsequently filed the instant 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 July 28, 2000 Funding Commitment Decision Letters fell on August 27, 2000, a holiday, Western Heights' August 28, 2000 appeals should have been considered timely filed. Accordingly, we grant Western Heights' appeals and direct SLD to review Western Heights' appeals 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 appeal filed by Western Heights School District I-41, Oklahoma City, Oklahoma on September 28, 2000, IS GRANTED to the extent provided herein.

FEDERAL COMMUNICATIONS COMMISSION



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

Harrington, Western Heights School District I-41, to Schools and Libraries Division, Universal Service Administrative Company, regarding SLD-198790, filed August 28, 2000.

⁴ Letter from Schools and Libraries Division, Universal Service Administrative Company, to John Harrington, Western Heights School District I-41, regarding SLD-197613, dated August 29, 2000; Letter from Schools and Libraries Division, Universal Service Administrative Company, to John Harrington, Western Heights School District I-41, regarding SLD-198790, dated August 29, 2000 (Administrator's Decisions 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).