

Before the
Federal Communications Commission
Washington, DC 20554

FILE ROOM

In the Matter of)
)
Request for Review of the)
Decision of the)
Universal Service Administrator by)
)
Northwestern School District 56-3)
Mellette, South Dakota)
)
Federal-State Joint Board on)
Universal Service)
)
Changes to the Board of Directors of the)
National Exchange Carrier Association, Inc.)

2000 DEC -11 P 3: 56

File No. SLD- 192043-1 REIVED

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 a Letter of Appeal filed by Northwestern School District 56-3 (Northwestern), Mellette, South Dakota, on September 15, 2000.¹ In the Letter of Appeal, Northwestern seeks review of a funding commitment decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator) on July 28, 2000.² Because Northwestern failed to appeal SLD's funding decision within 30 days of the Funding Commitment Decision Letter, it also requests a waiver of the 30-day appeal period. For the reasons set forth below, we deny Northwestern's appeal and its request for waiver of the 30-day time limit for filing appeals.

2. Under section 54.720(b) of the Commission's rules, any appeal must be filed within 30 days of the issuance of the decision as to which review is sought.³ Documents are considered to be filed with the Commission or the SLD only upon receipt.⁴ As noted, the Funding Commitment Decision Letter was issued on July 28, 2000. Northwestern filed an appeal of the

¹ Letter of Appeal from Diana Larson, Northwestern School District 56-3, to Federal Communications Commission, filed September 15, 2000 (Letter of Appeal).

² Letter from Schools and Libraries Division, Universal Service Administrative Company, to Diana Larson, Northwestern School District 56-3, dated July 28, 2000 (Funding Commitment Decision Letter).

³ 47 C.F.R. § 54.720(b).

⁴ 47 C.F.R. § 1.7.

funding decision with SLD on September 5, 2000.⁵ SLD dismissed the appeal as untimely.⁶ Upon review of the record, we find that, because Northwestern failed to appeal the Funding Commitment Decision Letter within the requisite 30-day appeal period, Northwestern's appeal to SLD was correctly denied as untimely.

3. To the extent that Northwestern is requesting that we waive the 30-day deadline established in section 54.720(b) of the Commission's rules,⁷ we deny that request. The Commission may waive any provision of its rules, but a request for waiver must be supported by a showing of good cause.⁸ Northwestern has not shown cause for the untimely filing of its initial appeal beyond the statement that the school was not staffed at the time the Funding Commitment Decision letter was issued. In light of the thousands of applications that the SLD must review and process each funding year, we believe it administratively appropriate for the SLD to require applicants to adhere strictly to its filing deadlines. Accordingly, we believe that waivers of these deadlines should not be routinely granted. For these reasons, we find that the circumstances here do not warrant relief and, therefore, we deny Northwestern's request to waive section 54.720(b).

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 on September 15, 2000, by Northwestern School District 56-3, Mellette, South Dakota, and the request to waive the 30-day time limit in which to file appeals ARE DENIED.

FEDERAL COMMUNICATIONS COMMISSION



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

⁵ Letter from Diana Larson, Northwestern School District 56-3, to Schools and Libraries Division, Universal Service Administrative Co., filed September 5, 2000.

⁶ Letter from Schools and Libraries Division, Universal Service Administrative Co., to Diana Larson, Northwestern School District 56-3, dated September 5, 2000. (Administrator's Decision on Appeal).

⁷ See 47 C.F.R. § 54.720(b).

⁸ See 47 C.F.R. § 1.3.