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Before the
Federal Communications Commission
Washington, DC 20554

2000 DEC -1 P 3:50

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In the Matter of	)	
	)	
Request for Review of the Decision of the Universal Service Administrator by	)	
	)	
EDmin Open Systems, Inc. San Diego, California	)	File No. SLD-203723
	)	
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

ORDER

Adopted: November 28, 2000 **Released: November 29, 2000**

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration a Letter of Appeal filed by EDmin Open Systems, Inc. (EDmin), San Diego, California, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).[1] EDmin seeks review of SLD's refusal to consider EDmin's appeal to SLD on the grounds that it was untimely filed. For the reasons set forth below, we deny EDmin's appeal.

2. SLD issued a Funding Commitment Decision Letter on July 21, 2000, denying EDmin's request for discounted services under the schools and libraries universal service support mechanism.[2] Specifically, SLD denied EDmin's request for discounts for internal connections. On September 8, 2000, EDmin filed an appeal of SLD's decision to deny funding.[3] On September 11, 2000, SLD issued an Administrator's Decision on Appeal indicating that it would not consider EDmin's appeal because it was received more than 30 days after the Funding

[1] Letter from Greg Shorts, EDmin Open Systems, Inc., to Federal Communications Commission, filed September 26, 2000 (Letter of Appeal).

[2] Letter from Schools and Libraries Division, Universal Service Administrative Company, to Michael Castanos, EDmin Open Systems, Inc., dated July 21, 2000 (Funding Commitment Decision Letter).

[3] Letter from Greg Shorts, EDmin Open Systems, Inc., to Schools and Libraries Division, Universal Service Administrative Company, filed September 8, 2000.

Commitment Decision Letter was issued.[4] EDmin 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 EDmin failed to file an appeal of the July 21, 2000 Funding Commitment Decision Letter within the requisite 30-day appeal period, we affirm SLD's decision to dismiss EDmin's appeal 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 EDmin Open Systems, Inc., San Diego, California on September 26, 2000, IS DENIED.

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 Greg Shorts, EDmin Open Systems, Inc., dated September 11, 2000 (Administrator's Decision on Appeal).

[5] 47 C.F.R. § 54.720.

[6] 47 C.F.R. § 1.7.