

FCC MAIL ROOM

Before the  
Federal Communications Commission

Washington, DC 20554  
2001 FEB - 1 A 10: 04

In the Matter of )  
 )  
 Request for Review of the )  
 Decision of the )  
 Universal Service Administrator by )  
 )  
 Clearview Local School District )  
 Lorain, Ohio )  
 )  
 Federal-State Joint Board on )  
 Universal Service )  
 )  
 Changes to the Board of Directors of the )  
 National Exchange Carrier Association, Inc. )

File No. SLD-169194

CC Docket No. 96-45 ✓

CC Docket No. 97-21

**ORDER**

**Adopted: January 26, 2001**

**Released: January 29, 2001**

By the Accounting Policy Division, Common Carrier Bureau:

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

2. SLD issued a Funding Commitment Decision Letter on April 14, 2000, approving Clearview's request for discounted services under the schools and libraries universal service support mechanism.<sup>2</sup> On November 22, 2000, Clearview filed an appeal requesting additional funding for Funding Year 3.<sup>3</sup> On November 28, 2000, SLD issued an Administrator's Decision on Appeal indicating that it would not consider Clearview's appeal because it was received more

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<sup>1</sup> Letter from Kent R. Zeman, Clearview Local School District, to Federal Communications Commission, filed December 8, 2000 (Letter of Appeal).

<sup>2</sup> Letter from Schools and Libraries Division, Universal Service Administrative Company, to Kent R. Zeman, Clearview Local School District, dated April 14, 2000 (Funding Commitment Decision Letter).

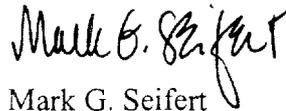
<sup>3</sup> Letter from Kent R. Zeman, Clearview Local School District, to Schools and Libraries Division, Universal Service Administrative Company, filed November 22, 2000.

than 30 days after the Funding Commitment Decision Letter was issued.<sup>4</sup> Clearview 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.<sup>5</sup> Documents are considered to be filed with the Commission or SLD only upon receipt.<sup>6</sup> 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 Clearview failed to file an appeal of the April 14, 2000 Funding Commitment Decision Letter within the requisite 30-day appeal period, we affirm SLD's decision to dismiss Clearview'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 Clearview Local School District, Lorain, Ohio on December 8, 2000, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION



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

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<sup>4</sup> Letter from Schools and Libraries Division, Universal Service Administrative Company, to Kent R. Zeman, Clearview Local School District, dated November 28, 2000 (Administrator's Decision on Appeal).

<sup>5</sup> 47 C.F.R. § 54.720.

<sup>6</sup> 47 C.F.R. § 1.7.