

Before the
Federal Communications Commission
2001 FEB - 1 A 10 04 Washington, DC 20554

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| In the Matter of |) | |
| |) | |
| Request for Review of the |) | |
| Decision of the |) | |
| Universal Service Administrator by |) | |
| |) | |
| Atlantic County Library System |) | File No. SLD-169856 |
| Mays Landing, New Jersey |) | |
| |) | |
| Federal-State Joint Board on |) | CC Docket No. 96-45 ✓ |
| Universal Service |) | |
| |) | |
| Changes to the Board of Directors of the |) | CC Docket No. 97-21 |
| National Exchange Carrier Association, Inc. |) | |

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 Atlantic County Library System (Atlantic County), Mays Landing, New Jersey, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC or Administrator).¹ Atlantic County seeks review of SLD's refusal to consider Atlantic County's appeal to SLD on the grounds that it was untimely filed. For the reasons set forth below, we deny Atlantic County's appeal.

2. SLD issued a Funding Commitment Decision Letter on April 14, 2000, denying Atlantic County's request for discounted services under the schools and libraries universal service support mechanism.² Specifically, SLD denied Atlantic County's request for discounts for internal connections, Funding Request Number (FRN) 333195. On November 20, 2000, Atlantic County filed an appeal of SLD's decision to deny FRN 333195.³ On November 28, 2000, SLD issued an Administrator's Decision on Appeal indicating that it would not consider Atlantic County's appeal because it was received more than 30 days after the Funding

¹ Letter from Alyce J. Bowers, Atlantic County Library System, to Federal Communications Commission, filed December 4, 2000 (Letter of Appeal).

² Letter from Schools and Libraries Division, Universal Service Administrative Company, to Alyce J. Bowers, Atlantic County Library System, dated April 14, 2000 (Funding Commitment Decision Letter).

³ Letter from Alyce J. Bowers, Atlantic County Library System, to Schools and Libraries Division, Universal Service Administrative Company, filed November 20, 2000.

Commitment Decision Letter was issued.⁴ Atlantic County 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 Atlantic County 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 Atlantic County'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 Atlantic County Library System, Mays Landing, New Jersey on December 4, 2000, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION



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

⁴ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Alyce J. Bowers, Atlantic County Library System, dated November 28, 2000 (Administrator's Decision on Appeal).

⁵ 47 C.F.R. § 54.720.

⁶ 47 C.F.R. § 1.7.