

Before the
Federal Communications Commission
Washington, DC 20554

FCC MAIL ROOM

In the Matter of)
)
Request for Review of the)
Decision of the)
Universal Service Administrator by)
)
Unified School District #214)
Ulysses, Kansas)
)
Federal-State Joint Board on)
Universal Service)
)
Changes to the Board of Directors of the)
National Exchange Carrier Association, Inc.)

2001 FEB 23 P 3: 18

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File No. SLD-200366

CC Docket No. 96-45✓

CC Docket No. 97-21

ORDER

Adopted: February 14, 2001

Released: February 15, 2001

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration a Request for Review filed by Unified School District #214 (USD), Ulysses, Kansas, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC or Administrator).¹ USD seeks review of SLD's refusal to consider USD's appeal to SLD on the grounds that it was untimely filed. For the reasons set forth below, we deny USD's appeal.

2. SLD issued a Funding Commitment Decision Letter on May 12, 2000, denying USD's request for discounted services under the schools and libraries universal service support mechanism.² Specifically, SLD denied USD's request for discounts for Internet access, internal connections, and telecommunications services, Funding Request Numbers (FRNs) 462972, 462973, and 462974. On January 16, 2001, USD filed an appeal of SLD's decision to deny FRNs 462972, 462973, and 462974.³ On January 19, 2001, SLD issued an Administrator's Decision on Appeal indicating that it would not consider USD's appeal because it was received

¹ Letter from Joe Breeden, Unified School District #214, to Federal Communications Commission, filed February 5, 2001 (Request for Review).

² Letter from Schools and Libraries Division, Universal Service Administrative Company, to Joe Breeden, Unified School District #214, dated May 12, 2000 (Funding Commitment Decision Letter).

³ Letter from Joe Breeden, Unified School District #214, to Schools and Libraries Division, Universal Service Administrative Company, filed January 16, 2001.

more than 30 days after the Funding Commitment Decision Letter was issued.⁴ USD subsequently filed the instant Request for Review 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 USD failed to file an appeal of the May 12, 2000 Funding Commitment Decision Letter within the requisite 30-day appeal period, we affirm SLD's decision to dismiss USD's appeal to SLD as untimely and deny the instant Request for Review.

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 Request for Review filed by Unified School District #214, Ulysses, Kansas on February 5, 2001, 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 Joe Breeden, Unified School District #214, dated January 19, 2001 (Administrator's Decision on Appeal).

⁵ 47 C.F.R. § 54.720.

⁶ 47 C.F.R. § 1.7.