

CENTRAL ROOM

Before the
Federal Communications Commission
Washington, DC 20554

2001 MAY -9 P 5:15

In the Matter of)
)
Request for Review of the)
Decision of the)
Universal Service Administrator by)
)
Calhan School District RJ-1)
Calhan, Colorado)
)
Federal-State Joint Board on)
Universal Service)
)
Changes to the Board of Directors of the)
National Exchange Carrier Association, Inc.)

RECEIVED

File No. SLD-152953

CC Docket No. 96-45 ✓

CC Docket No. 97-21

ORDER

Adopted: May 1, 2001

Released: May 2, 2001

By the Accounting Policy Division, Common Carrier Bureau:

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

2. SLD issued a Funding Commitment Decision Letter on October 26, 1999, approving Calhan's request for discounted services under the schools and libraries universal service support mechanism.² Specifically, SLD approved Calhan's request for discounts for internal connections, Funding Request Numbers (FRNs) 287183, 287185, 287187, 294043 and 294044. On March 15, 2001, Calhan filed an appeal stating that although Calhan was funded it made a mistake on its 471 application by writing its request on the internal connection line and not the dedicated service line and therefore, Qwest could not give them discounted internal

¹ Letter from Sharon A. Olyejar, Calhan School District RJ-1, to Federal Communications Commission, filed April 12, 2001 (Request for Review).

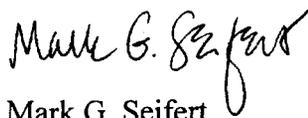
² Letter from Schools and Libraries Division, Universal Service Administrative Company, to Bob Selle, Calhan School District RJ-1, dated October 26, 1999 (Funding Commitment Decision Letter).

connections.³ On March 23, 2001, SLD issued an Administrator's Decision on Appeal indicating that it would not consider Calhan's appeal because it was received more than 30 days after the Funding Commitment Decision Letter was issued.⁴ Calhan 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 Calhan failed to file an appeal of the October 26, 1999 Funding Commitment Decision Letter within the requisite 30-day appeal period, we affirm SLD's decision to dismiss Calhan'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 Calhan School District RJ-1, Calhan, Colorado on April 12, 2001, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION



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

³ Letter from Sharon A. Olyeja, Calhan School District RJ-1, to Schools and Libraries Division, Universal Service Administrative Company, filed March 15, 2001.

⁴ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Sharon A. Olyeja, Calhan School District RJ-1, dated March 23, 2001 (Administrator's Decision on Appeal).

⁵ 47 C.F.R. § 54.720.

⁶ 47 C.F.R. § 1.7.