

Before the  
Federal Communications Commission  
Washington, DC 20554

RECORDS ROOM

In the Matter of	)	2002 MAY 21 P 4: 45
	)	
Request for Review of the	)	
Decision of the	)	
Universal Service Administrator by	)	FILED
	)	
Olmstead Falls City Schools	)	File No. SLD-155444
Olmstead Falls, Ohio	)	
	)	
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: May 22, 2001**

**Released: May 23, 2001**

By the Accounting Policy Division, Common Carrier Bureau:

1. The Common Carrier Bureau has under consideration a Request for Review filed by Olmstead Falls City Schools (Olmstead), Olmstead Falls, Ohio seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator) on January 26, 2001.<sup>1</sup> Olmstead seeks review of SLD's refusal to consider Olmstead's appeal to SLD on the grounds that it was untimely filed. For the reasons set forth below, we grant Olmstead's Request for Review and remand the matter to the Administrator for further consideration.

2. SLD issued a Funding Commitment Decision Letter on April 14, 2000, denying Olmstead's request for discounted services under the schools and libraries universal service support mechanism.<sup>2</sup> On May 8, 2000, Olmstead filed a timely appeal of SLD's decision to deny funding.<sup>3</sup> On August 7, 2000, SLD issued a letter indicating that SLD had received Olmstead's correspondence and that SLD would review and respond in writing whether Olmstead's appeal

<sup>1</sup> Letter from William R. Schuck, Olmstead Falls City Schools, to Federal Communications Commission, filed February 5, 2001. Letter from Schools and Libraries Division, Universal Service Administrative Company, to William R. Schuck, Olmstead Falls City Schools, dated January 26, 2001 (Administrator's Decision on Appeal).

<sup>2</sup> Letter from Schools and Libraries Division, Universal Service Administrative Company, to Dean Werstler, Olmstead Falls City Schools, dated April 14, 2000 (Funding Commitment Decision Letter).

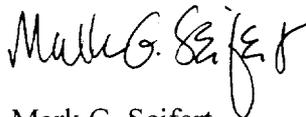
<sup>3</sup> Letter from William R. Schuck, Olmstead Falls City Schools, to Schools and Libraries Division, Universal Service Administrative Company, dated May 8, 2000.

was approved, denied, or approved in part.<sup>4</sup> Having heard nothing more, Olmstead sent a follow-up letter to SLD dated January 18, 2001.<sup>5</sup> On January 26, 2001, SLD issued an Administrator's Decision on Appeal indicating that it would not consider Olmstead's appeal because it was received more than 30 days after the Funding Commitment Decision Letter was issued. Olmstead subsequently filed the instant Request for Review with the Commission.

3. The Commission, after having reviewed the record finds that the Administrator's Decision on Appeal letter issued by SLD on January 26, 2001 was issued in error. The record shows that on May 8, 2001 Olmstead filed a timely appeal with the Administrator. Consistent with this analysis we therefore remand this matter to SLD.<sup>6</sup> Once the Administrator has issued its decision on Olmstead's timely May 8, 2000 appeal, Olmstead may then appeal to the Commission if it believes such appeal is warranted at that time.<sup>7</sup>

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 February 5, 2001, by Olmstead Falls City Schools, Olmstead Falls, Ohio, is GRANTED and this matter is REMANDED to the Administrator for further consideration consistent with this Order.

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 Dean Werstler, Olmstead Falls City Schools, dated August 7, 2000.

<sup>5</sup> Letter from William R. Schuck, Olmstead Falls City Schools, to Schools and Libraries Division, Universal Service Administrative Company, dated January 18, 2001.

<sup>6</sup> See 47 C.F.R. § 54.720 (allowing appeals to either the Commission or the Administrator, but tolling the filing period with the Commission, when an applicant has an appeal pending with the Administrator, until the Administrator issues a decision on the appeal).

<sup>7</sup> See 47 C.F.R. §§ 54.719 – 54.725 (setting forth rights of review, filing deadlines, standards of review, and other rules pertaining to Commission review of the Administrator's decisions).