

Before the
Federal Communications Commission
Washington, DC 20554

FCC MAIL ROOM

2002 MAY 31 A 11:47

In the Matter of)
)
Request for Review of the)
Decision of the)
Universal Service Administrator by)
)
Ocean Beach School District No. 101)
Long Beach, Washington)
)
Federal-State Joint Board on)
Universal Service)
)
Changes to the Board of Directors of the)
National Exchange Carrier Association, Inc.)

File No. SLD- 174561

CC Docket No. 96-45 ✓

CC Docket No. 97-21

RECEIVED

ORDER

Adopted: May 29, 2001

Released: May 30, 2001

By the Accounting Policy Division, Common Carrier Bureau:

1. This Order dismisses the Request for Review filed by Ocean Beach School District No. 101 (Ocean Beach), Long Beach, Washington, seeking review of a decision issued by the Universal Service Administrative Company's Schools and Libraries Division on February 13, 2000.¹ The Commission received Ocean Beach's Request for Review on April 30, 2001.² Under section 54.720 of the Commission's rules, any such appeal must be filed within 30 days of the issuance of the decision as to which review is sought.³ Documents are considered to be filed with the Commission only upon receipt.⁴ Because the instant Request for Review was not filed within the specified 30-day period, it will be dismissed without further consideration.

2. Ocean Beach asserts that it did not receive the February 13, 2001 decision letter in a timely fashion because SLD failed to send the letter to their new Ilwaco, Washington location.⁵ A review of the record indicates that SLD did issue an Administrator's Decision on Appeal on

¹ See Letter from the Schools and Libraries Division, Universal Service Administrative Co., to Mary Ellen Parrish, Ocean Beach School District No. 101, dated February 13, 2001 (Administrator's Decision on Appeal).

² Letter from Cindy Decker, to Federal Communications Commission, filed April 30, 2001 (Request for Review).

³ 47 C.F.R. § 54.720.

⁴ 47 C.F.R. § 1.7.

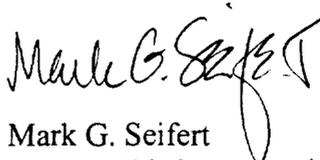
⁵ Request for Review at 1.

February 13, 2001.⁶ The record also shows that SLD sent the Administrator's Decision on Appeal to the same address as the Funding Commitment Decision Letter.

3. There is no evidence in the record that Ocean Beach submitted an address change to SLD. Moreover, Ocean Beach acknowledges that it received its April 14, 2000 Funding Commitment Decision Letter at the Long Beach, Washington address.⁷ Merely stating that a letter was not received at the address provided to SLD and to which prior correspondence had been successfully mailed is insufficient grounds for reconsideration.⁸

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 April 30, 2001, by Ocean Beach School District No. 101, Long Beach, Washington, IS DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION



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

⁶ Administrator's Decision on Appeal.

⁷ See Letter from Mary Ellen Parrish, Ocean Beach School District No. 101, to Schools and Libraries Division, Universal Service Administrative Co., dated May 9, 2000.

⁸ See *Request for Review by Whitehall City School District*, Docket Nos. 96-45 and 97-21, Order, DA 00-1892 (rel. August 18, 2000); *Juan Galiano*, Memorandum Opinion and Order, 5 FCC Rcd 6442, 6443 (1990) (“[I]f the Commission were to entertain and accept unsupported arguments that letters mailed in Commission proceedings were not delivered... procedural havoc and abuse would result.”).