

FEDERAL MAIL ROOM  
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Before the  
Federal Communications Commission  
Washington, DC 20557

2001 JUN 29 P 5: 27

In the Matter of )  
)  
Request for Review of the )  
Decision of the )  
Universal Service Administrator by )  
)  
Petosky High School )  
Petoskey, Michigan )  
)  
Federal-State Joint Board on )  
Universal Service )  
)  
Changes to the Board of Directors of the )  
National Exchange Carrier Association, Inc. )

File No. SLD-263784

CC Docket No. 96-45

CC Docket No. 97-21 ✓

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**ORDER**

**Adopted: June 26, 2001**

**Released: June 27, 2001**

By the Accounting Policy Division, Common Carrier Bureau:

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

2. SLD issued a Funding Year 4 Form 471 Rejection Letter on January 30, 2001, notifying Petosky that its entire FCC Form 471, Services ordered and Certification Form did not meet the Minimum Processing Standards.<sup>2</sup> Specifically, SLD explained that the "Entity/Entities Receiving this Service, Block 5, Item 22 a/b on the FCC Form 471 is blank or refer[s] to entities not referenced in a relevant Worksheet in Block 4." On April 26, 2001, Petoskey filed an appeal of SLD's decision.<sup>3</sup> On May 7, 2001, SLD issued an Administrator's Decision on Appeal indicating that it would not consider Petoskey's appeal because it was received more than 30

<sup>1</sup> Letter from Gregory Czarnecki, Petosky High School, to Federal Communications Commission, filed May 17, 2001 (Request for Review).

<sup>2</sup> Letter from Schools and Libraries Division, Universal Service Administrative Company, to Gregory Czarnecki, Petosky High School, dated January 30, 2001 (Rejection Letter).

<sup>3</sup> Letter from Gregory Czarnecki, Petosky High School, to Schools and Libraries Division, Universal Service Administrative Company, filed April 26, 2001.

days after the Funding Commitment Decision Letter was issued.<sup>4</sup> Petoskey 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.<sup>5</sup> Documents are considered to be filed with the Commission or SLD only upon receipt.<sup>6</sup> 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 Petoskey failed to file an appeal of the January 30, 2001 Rejection Letter within the requisite 30-day appeal period, we affirm SLD's decision to dismiss Petoskey'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 Petosky High School, Petoskey, Michigan on May 17, 2001, IS DENIED.

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 Gregory Czarniecki, Petosky High School, dated May 7, 2001 (Administrator's Decision on Appeal).

<sup>5</sup> 47 C.F.R. § 54.720.

<sup>6</sup> 47 C.F.R. § 1.7.