

FCC MAIL ROOM

Before the
Federal Communications Commission
Washington, D.C. 20554

2001 JUL 19 P 1: 24

In the Matter of)
)
Request for Review of a Decision of the)
Universal Service Administrative Company)
By)
)
Praxis Institute)
Philadelphia, Pennsylvania)
)
Federal-State Joint Board on)
Universal Service)
)
Changes to the Board of Directors of the)
National Exchange Carriers Association, Inc.)

RECEIVED

File No. SLD-196539

CC Docket No. 96-45

CC Docket No. 97-21 ✓

ORDER

Adopted: July 16, 2001

Released: July 17, 2001

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration a Request for Review filed by the Praxis Institute (Praxis) seeking review of a decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC or Administrator).¹ Praxis seeks review of SLD's refusal to consider Praxis' appeal to SLD on the grounds that it was untimely filed.² For the reasons set forth below, we grant Praxis' Request for Review and remand the matter to the Administrator for further consideration.

2. On January 24, 2000, Praxis submitted a FCC Form 471 application to SLD for Funding Year 2 of the schools and libraries universal service mechanism.³ SLD returned the application to Praxis and indicated in a letter dated July 18, 2000 that the application did not meet minimum processing standards.⁴ SLD specified that Praxis failed to list Universal Service

¹ Letter from Jasper Jones, Praxis Institute, Philadelphia, Pennsylvania, to Federal Communications Commission, filed December 6, 2000 (Request for Review). Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

² Letter from Schools and Libraries Division, Universal Service Administrative Company, to Jasper Jones, Praxis Institute, Philadelphia, Pennsylvania, dated November 30, 2000 (Administrator's Decision on Appeal).

³ FCC Form 471, Praxis Institute, Philadelphia, Pennsylvania, filed January 24, 2000.

⁴ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Jasper Jones, Praxis Institute, Philadelphia, Pennsylvania, dated July 18, 2000 (Minimum Processing Standards Letter). Every funding year, SLD establishes and notifies applicants of a "minimum processing standard" to facilitate the efficient review of the thousands of applications requesting funding. See, e.g., SLD website, Form 471 Minimum Processing Standards (continued...)

Control Numbers on the FCC Form 471.⁵

3. On September 13, 2000, Praxis filed an appeal of SLD's decision to return the FCC Form 471 application.⁶ Subsequently, SLD issued an Administrator's Decision on Appeal stating that it would not consider Praxis' appeal because it was received more than 30 days after the Minimum Processing Standards Letter was issued.⁷ In their Request for Review, Praxis asserts that they did not receive the Minimum Processing Standards Letter until almost a month after the letter was dated.⁸ Praxis provides a copy of the postmark of the Minimum Processing Standards Letter, indicating the letter was issued on August 15, 2000.⁹

4. 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.¹⁰ Documents are considered to be filed with the Commission or SLD only upon receipt.¹¹ 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.

5. The Commission, after having reviewed the record, finds that the applicant's appeal to SLD should be considered as timely. The record shows that SLD received the SLD Appeal Letter on September 13, 2000, 29 days after the Minimum Processing Standards Letter was mailed.¹² Therefore, Praxis' appeal should be considered as timely and we remand this matter to SLD.

(...continued from previous page)

and Filing Requirements for FY2, http://www.sl.universalservice.org/Reference/471_App_Guid_Docs/471mps.asp. When an applicant submits a FCC Form 471 that omits an item subject to the minimum processing standard, SLD automatically rejects the application and returns it to the applicant.

⁵ See *Id.*

⁶ Letter from Jasper Jones, Praxis Institute, Philadelphia, Pennsylvania, to Schools and Libraries Division, Universal Service Administrative Company, filed September 13, 2000 (SLD Appeal Letter).

⁷ See Administrator's Decision on Appeal.

⁸ See Request for Review.

⁹ See Request for Review, at Attachment.

¹⁰ 47 C.F.R. § 54.720.

¹¹ 47 C.F.R. § 1.7.

¹² See SLD Appeal Letter.

6. 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 9, 2001 by the Praxis Institute, Philadelphia, Pennsylvania, 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