

FCC MAIL ROOM

Before the
Federal Communications Commission
Washington, DC 20554

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| In the Matter of |) | |
| |) | |
| Request for Review of the |) | |
| Decision of the |) | |
| Universal Service Administrator by |) | |
| |) | |
| Yeshivas Boyan Tiferes Mordechai Shlomo |) | File No. SLD-184181 |
| Brooklyn, New York |) | |
| |) | |
| 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. |) | |

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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 Yeshivas Boyan Tiferes Mordechai Shlomo (Yeshivas Boyan), Brooklyn, New York, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).¹ Yeshivas Boyan seeks review of SLD's refusal to consider Yeshivas Boyan's appeal to SLD on the grounds that it was untimely filed. For the reasons set forth below, we deny Yeshivas Boyan's appeal.

2. SLD issued a Funding Commitment Decision Letter on June 9, 2000, denying Yeshivas Boyan's request for discounted services under the schools and libraries universal service support mechanism.² Specifically, SLD denied Yeshivas Boyan's request for discounts for internal connections, Funding Request Number (FRN) 381599. On December 19, 2000, Yeshivas Boyan filed an appeal of SLD's decision to deny FRN 381599.³ On January 2, 2001, SLD issued an Administrator's Decision on Appeal indicating that it would not consider Yeshivas Boyan's appeal because it was received more than 30 days after the Funding

¹ Letter from Rabbi David Endzweig, Yeshivas Boyan Tiferes Mordechai Shlomo, to Federal Communications Commission, filed January 25, 2001.

² Letter from Schools and Libraries Division, Universal Service Administrative Company, to Rabbi David Endzweig, Yeshivas Boyan Tiferes Mordechai Shlomo, dated June 9, 2000.

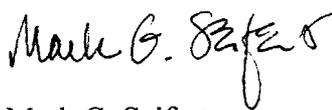
³ Letter from Rabbi David Endzweig, Yeshivas Boyan Tiferes Mordechai Shlomo, to Schools and Libraries Division, Universal Service Administrative Company, filed December 19, 2000.

Commitment Decision Letter was issued.⁴ Yeshivas Boyan 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 Yeshivas Boyan failed to file an appeal of the June 9, 2000 Funding Commitment Decision Letter within the requisite 30-day appeal period, we affirm SLD's decision to dismiss Yeshivas Boyan'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 Yeshivas Boyan Tiferes Mordechai Shlomo, Brooklyn, New York on January 25, 2001, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION



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

⁴ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Rabbi David Endzweig, Yeshivas Boyan Tiferes Mordechai Shlomo, dated January 2, 2001.

⁵ 47 C.F.R. § 54.720.

⁶ 47 C.F.R. § 1.7.