

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)
)
 Salem School District)
 Salem, New Hampshire)
)
 Federal-State Joint Board on)
 Universal Service)
)
 Changes to the Board of Directors of the)
 National Exchange Carrier Association, Inc.)

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File No. SLD-160211

CC Docket No. 96-45 ✓

CC Docket No. 97-21

ORDER

Adopted: July 31, 2001

Released: August 1, 2001

By the Accounting Policy Division, Common Carrier Bureau:

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

2. SLD issued a Funding Commitment Decision Letter on July 21, 2000, denying Salem's request for discounted services under the schools and libraries universal service support mechanism.² Specifically, SLD denied Salem's request for discounts for telecommunications services, Funding Request Numbers (FRNs) 323077 and 323102. On June 4, 2001, Salem filed an appeal of SLD's decision to deny FRNs 323077 and 323102.³ On June 6, 2001, SLD issued an Administrator's Decision on Appeal indicating that it would not consider Salem's appeal

¹ Letter from Linda L. MacDonald, Salem School District, to Federal Communications Commission, filed June 18, 2001.

² Letter from Schools and Libraries Division, Universal Service Administrative Company, to Arthur Berlin, Salem School District, dated July 21, 2000.

³ Letter from Linda L. MacDonald, Salem School District, to Schools and Libraries Division, Universal Service Administrative Company, filed June 4, 2001.

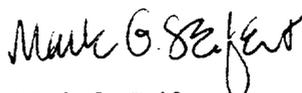
because it was received more than 30 days after the Funding Commitment Decision Letter was issued.⁴ Salem subsequently filed the instant Request for Review with the Commission.

3. Salem asserts that it did not receive the July 21, 2000 decision letter. A review of the record indicates that SLD did issue a Funding Commitment Decision Letter on July 21, 2000 and mailed it to the address provided by Salem on its FCC Form 471. 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 relief.⁵

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.⁶ Documents are considered to be filed with the Commission or SLD only upon receipt.⁷ 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 Salem failed to file an appeal of the July 21, 2000 Funding Commitment Decision Letter within the requisite 30-day appeal period, we affirm SLD's decision to dismiss Salem's appeal to SLD as untimely and deny the instant Request for Review.

5. 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 Salem School District, Salem, New Hampshire on June 18, 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 Linda L. MacDonald, Salem School District, dated June 6, 2001.

⁵ 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.”).

⁶ 47 C.F.R. § 54.720.

⁷ 47 C.F.R. § 1.7.