

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 )  
)  
Mamaroneck Union Free District )  
Mamaroneck, New York )  
)  
Federal-State Joint Board on )  
Universal Service )  
)  
Changes to the Board of Directors of the )  
National Exchange Carrier Association, Inc. )

File No. SLD-159926

CC Docket No. 96-45

CC Docket No. 97-21

RECEIVED

ORDER

Adopted: August 8, 2001

Released: August 9, 2001

By the Accounting Policy Division, Common Carrier Bureau:

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

2. SLD issued a Funding Commitment Decision Letter on July 21, 2000, denying Mamaroneck's request for discounted services under the schools and libraries universal service support mechanism.<sup>2</sup> Specifically, SLD denied Mamaroneck's request for discounts for internal connections and Telecommunications services, Funding Request Numbers (FRNs) 349334 and 414136. On November 29, 2000, Mamaroneck filed an appeal of SLD's decision to deny FRNs 349334 and 414136.<sup>3</sup> On December 4, 2000, SLD issued an Administrator's Decision on Appeal indicating that it would not consider Mamaroneck's appeal because it was received more than 30

<sup>1</sup> Letter from Sarah Tate, Mamaroneck Union Free District, to Federal Communications Commission, filed December 6, 2000.

<sup>2</sup> Letter from Schools and Libraries Division, Universal Service Administrative Company, to Sarah Tate, Mamaroneck Union Free District, dated July 21, 2000.

<sup>3</sup> Letter from Sarah Tate, Mamaroneck Union Free District, to Schools and Libraries Division, Universal Service Administrative Company, filed November 29, 2000.

days after the Funding Commitment Decision Letter was issued.<sup>4</sup> Mamaroneck subsequently filed the instant Request for Review with the Commission.

3. Mamaroneck asserts that it did not receive the July 21, 2000 decision letter, and became aware of the decision only after being alerted by one of the district's vendors indicating that a decision had been made. A review of the record indicates that SLD did issue an Administrator's Decision on Appeal on July 21, 2000. 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.<sup>5</sup>

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.<sup>6</sup> Documents are considered to be filed with the Commission or SLD only upon receipt.<sup>7</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 Mamaroneck 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 Mamaroneck's appeal to SLD as untimely and deny the instant Letter of Appeal.

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 Mamaroneck Union Free District, Mamaroneck, New York on December 6, 2000, 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 Sarah Tate, Mamaroneck Union Free District, dated December 4, 2000.

<sup>5</sup> 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.”).

<sup>6</sup> 47 C.F.R. § 54.720.

<sup>7</sup> 47 C.F.R. § 1.7.