

Before the
Federal Communications Commission
Washington, DC 20554

2001 OCT 18 P 2:11

In the Matter of)
)
Request for Review of the)
Decision of the)
Universal Service Administrator by)
)
Elizabeth Board of Education)
Elizabeth, New Jersey)
)
Federal-State Joint Board on)
Universal Service)
)
Changes to the Board of Directors of the)
National Exchange Carrier Association, Inc.)

File No. SLD-226780

CC Docket No. 96-45 ✓

CC Docket No. 97-21

ORDER

Adopted: October 17, 2001

Released: October 18, 2001

By the Accounting Policy Division, Common Carrier Bureau:

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

2. SLD issued a Funding Commitment Decision Letter on July 23, 2001, denying Elizabeth's request for discounted services under the schools and libraries universal service support mechanism.² Specifically, SLD denied Elizabeth's request for discounts for telecommunications services, Funding Request Number (FRN) 551356. On August 29, 2001, Elizabeth filed an appeal of SLD's decision to deny FRN 551356.³ On September 10, 2001, SLD issued an Administrator's Decision on Appeal indicating that it would not consider Elizabeth's appeal because it was received more than 30 days after the Funding Commitment

¹ Letter from Joseph Pellegrino, Elizabeth Board of Education, to Federal Communications Commission, filed September 27, 2001.

² Letter from Schools and Libraries Division, Universal Service Administrative Company, to Joseph Pellegrino, Elizabeth Board of Education, dated July 23, 2001.

³ Letter from Joseph Pellegrino, Elizabeth Board of Education, to Schools and Libraries Division, Universal Service Administrative Company, filed August 29, 2001.

Decision Letter was issued.⁴ Elizabeth 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 that the party seeks to have reviewed.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 Elizabeth failed to file an appeal of the July 23, 2001 Funding Commitment Decision Letter within the requisite 30-day appeal period, we affirm SLD's decision to dismiss Elizabeth'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 Elizabeth Board of Education, Elizabeth, New Jersey on September 27, 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 Joseph Pellegrino, Elizabeth Board of Education, dated September 10, 2001.

⁵ 47 C.F.R. § 54.720.

⁶ 47 C.F.R. § 1.7.