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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	)	
	)	
Bais Yaakov High School of St. Louis St. Louis, Missouri	)	File No. NEC.471.01-22-01. 05701193
	)	
Federal-State Joint Board on Universal Service	)	CC Docket No. 96-45
	)	
Changes to the Board of Directors of the National Exchange Carrier Association, Inc.	)	CC Docket No. 97-21

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ORDER

Adopted: xx, 2001 **Released: xx, 2001**

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration a Request for Review filed by Bais Yaakov High School of St. Louis (Bais Yaakov), St. Louis, Missouri, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).[1] Bais Yaakov seeks review of SLD's decision to reject Bais Yaakov's appeal to SLD on the grounds that it was untimely filed. For the reasons set forth below, we deny Bais Yaakov's appeal.

2. SLD issued a Funding Rejection Letter on July 11, 2001, notifying Bais Yaakov that its FCC Form 471, Services Ordered and Certification Form, did not meet the Minimum Processing Standards and that SLD was returning the FCC Form 471 because SLD could not process any portion of it.[2] In its letter, SLD explained that the Form 471 submitted by Bais Yaakov did not contain an original ink signature. On August 21, 2001, Bais Yaakov filed an appeal with SLD in which Bais Yaakov stated that the form was filled out by hand, and signed,

[1] Letter from Patricia Harris, Bais Yaakov High School of St. Louis, to Federal Communications Commission, filed September 17, 2001 (Request for Review).

[2] Letter from Schools and Libraries Division, Universal Service Administrative Company, to Patricia Harris, Bais Yaakov High School of St. Louis, dated July 11, 2001 (Funding Rejection Letter).

but that it was rejected for lack of an original ink signature.[3] On August 27, 2001, SLD issued an Administrator's Decision on Appeal indicating that it would not consider Bais Yaakov's appeal because it was received more than 30 days after the Funding Rejection Letter was issued.[4] Bais Yaakov subsequently filed the instant Request for Review with the Commission.

3. Under section 54.720(b) 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(b) of the Commission's rules applies to all requests for review filed by a party affected by a decision issued by the Administrator. Because Bais Yaakov failed to file an appeal of the July 11, 2001 Funding Rejection Letter within the requisite 30-day appeal period, we affirm SLD's decision to dismiss Bais Yaakov's appeal to SLD as untimely and deny the instant Request for Review.

4. To the extent that Bais Yaakov is requesting that we waive the 30-day deadline established in section 54.720(b) of the Commission's rules,[7] we deny that request. The Commission may waive any provision of its rules, but a request for waiver must be supported by a showing of good cause.[8] Bais Yaakov has not shown cause for the untimely filing of its initial appeal beyond stating that the bookkeeper was on vacation. In light of the thousands of applications that SLD must review and process each funding year, we believe it administratively appropriate for SLD to require applicants to adhere strictly to its filing deadlines. Accordingly, we believe that waivers of these deadlines should not be routinely granted. For these reasons, we find that the circumstances here do not warrant relief and, therefore, we deny Bais Yaakov's request to waive section 54.720(b).

[3] Letter from Patricia Harris, Bais Yaakov High School of St. Louis, to Schools and Libraries Division, Universal Service Administrative Company, filed August 21, 2001.

[4] Letter from Schools and Libraries Division, Universal Service Administrative Company, to Patricia Harris, Bais Yaakov High School of St. Louis, dated August 27, 2001 (Administrator's Decision on Appeal).

[5] 47 C.F.R. § 54.720(b).

[6] 47 C.F.R. § 1.7.

[7] *See* 47 C.F.R. § 54.720(b).

[8] *See* 47 C.F.R. § 1.3.

5. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, 1.3 and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3 and 54.722(a), that the Request for Review filed by Bais Yaakov High School of St. Louis, St. Louis, Missouri on September 17, 2001, and the request to waive the 30-day time limit in which to file an appeal ARE DENIED.

FEDERAL COMMUNICATIONS COMMISSION

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