

Before the
Federal Communications Commission
Washington, DC 20554

NOV 25 4 10: 31

In the Matter of)
)
Request for Review of the)
Decision of the)
Universal Service Administrator by)
)
Request for Waiver by)
)
Lincoln Elementary School District No. 27)
Lincoln, Illinois)
)
Federal-State Joint Board on)
Universal Service)
)
Changes to the Board of Directors of the)
National Exchange Carrier Association, Inc.)

RECEIVED

File No. SLD-234195

CC Docket No. 96-45 ✓

CC Docket No. 97-21

ORDER

Adopted: November 19, 2001

Released: November 20, 2001

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration a Request for Review and Waiver filed by Lincoln Elementary School District No. 27 (Lincoln), Lincoln, Illinois, on September 20, 2001.¹ In its Request for Review and Waiver, Lincoln seeks review of a funding commitment decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC or Administrator) on July 23, 2001.² Because Lincoln's appeal to SLD regarding the funding decision was not filed within 30 days of the Funding Commitment Decision Letter, it also requests a waiver of the 30-day appeal period. For the reasons set forth below, we deny Lincoln's Request for Review and its Request for Waiver.

2. Under section 54.720(b) of the Commission's rules, any appeal must be filed within 30 days of the issuance of the decision that the party seeks to have reviewed.³ Documents are

¹ Letter from Carol Ann Gleason and Dr. Robert E. Kidd, Lincoln Elementary School District No. 27, to Federal Communications Commission, filed September 20, 2001 (Request for Review and Waiver).

² Letter from Schools and Libraries Division, Universal Service Administrative Company, to Dr. Robert E. Kidd, Lincoln Elementary School District No. 27, dated July 23, 2001 (Funding Commitment Decision Letter).

³ 47 C.F.R. § 54.720(b).

considered to be filed with the Commission or the SLD only upon receipt.⁴ As noted above, SLD issued the Funding Commitment Decision Letter on July 23, 2001. Lincoln filed an appeal of the funding decision with SLD on August 23, 2001.⁵ SLD dismissed that appeal as untimely.⁶ Upon review of the record, we find that, because Lincoln failed to appeal the Funding Commitment Decision Letter within the requisite 30-day appeal period, Lincoln's appeal to SLD was correctly denied as untimely.

3. Lincoln requests that we waive the 30-day deadline established in section 54.720(b) of the Commission's rules.⁷ The Commission may waive any provision of its rules, but a request for waiver must be supported by a showing of good cause.⁸ Lincoln has not shown cause for the untimely filing of its initial appeal beyond the statement that the Technology Coordinator was on vacation. In light of the thousands of applications that the SLD must review and process each funding year, we believe it administratively appropriate for the 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 Lincoln's request to waive section 54.720(b).

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 and Request for Waiver filed on September 20, 2001, by Lincoln Elementary School District No. 27, Lincoln, Illinois ARE DENIED.

FEDERAL COMMUNICATIONS COMMISSION



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

⁴ 47 C.F.R. § 1.7.

⁵ Letter from Carol Gleason, Lincoln Elementary School District No. 27, to Schools and Libraries Division, Universal Service Administrative Company, filed August 23, 2001.

⁶ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Dr. Robert E. Kidd, Lincoln Elementary School District No. 27, dated August 27, 2001 (Administrator's Decision on Appeal).

⁷ See 47 C.F.R. § 54.720(b).

⁸ See 47 C.F.R. § 1.3.