

DATE ROOM

Before the  
Federal Communications Commission  
Washington, DC 20554

In the Matter of )  
)  
Request for Review of the )  
Decision of the )  
Universal Service Administrator by )  
)  
Prospect School District No. 59 )  
Prospect, Oregon )  
)  
Federal-State Joint Board on )  
Universal Service )  
)  
Changes to the Board of Directors of the )  
National Exchange Carrier Association, Inc. )

2001 NOV 30 A 11:17

ED

File No. SLD-202457

CC Docket No. 96-45 ✓

CC Docket No. 97-21

ORDER

Adopted: November 26, 2001

Released: November 27, 2001

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration a Request for Review filed by Prospect School District 59 (Prospect), Prospect, Oregon, on October 2, 2000.<sup>1</sup> In the Request for Review, Prospect seeks review of a funding commitment decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator) on May 26, 2000.<sup>2</sup> For the reasons set forth below, we deny Prospect's Request for Review.

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.<sup>3</sup> Documents are considered to be filed with the Commission or the SLD only upon receipt.<sup>4</sup> As noted above, SLD issued a Funding Commitment Decision Letter on May 26, 2000. Prospect filed an appeal

<sup>1</sup> Letter from Don Alexander, Prospect School District No. 59, to Federal Communications Commission, filed October 2, 2000 (Request for Review).

<sup>2</sup> Letter from Schools and Libraries Division, Universal Service Administrative Company, to Don Alexander, Prospect School District 59, dated May 26, 2000 (Funding Commitment Decision Letter).

<sup>3</sup> 47 C.F.R. § 54.720(b).

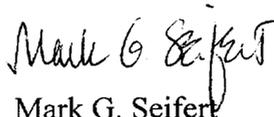
<sup>4</sup> 47 C.F.R. § 1.7.

of the funding decision with SLD on August 8, 2000.<sup>5</sup> SLD dismissed that appeal as untimely.<sup>6</sup> Upon review of the record, we find that, because Prospect failed to appeal the Funding Commitment Decision Letter within the requisite 30-day appeal period, Prospect's appeal to SLD was correctly denied as untimely.

3. To the extent that Prospect requests that we waive the 30-day deadline established in section 54.720(b) of the Commission's rules,<sup>7</sup> we deny that request as well. The Commission may waive any provision of its rules, but a request for waiver must be supported by a showing of good cause.<sup>8</sup> Prospect has not shown cause for the untimely filing of its initial appeal beyond stating that the person responsible for monitoring this type of correspondence was leaving employment with the district and because of other responsibilities did not review the correspondence. 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 Prospect's request to waive section 54.720(b).

4. 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 on October 2, 2000, by Prospect School District 59, Prospect, Oregon 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

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<sup>5</sup> Letter from Don Alexander, Prospect School District No. 59, to Schools and Libraries Division, Universal Service Administrative Company, filed August 22, 2000.

<sup>6</sup> Letter from Schools and Libraries Division, Universal Service Administrative Company, to Don Alexander, Prospect School District No. 59, dated August 25, 2000 (Administrator's Decision on Appeal).

<sup>7</sup> See 47 C.F.R. § 54.720(b).

<sup>8</sup> 47 C.F.R. § 1.3.