

Before the  
Federal Communications Commission  
Washington, DC 20554

In the Matter of )  
 )  
Requests for Review and Waiver of the )  
Decisions of the )  
Universal Service Administrator by )  
 )  
Midlothian Independent School District )  
Midlothian, Texas )  
 )  
Federal-State Joint Board on )  
Universal Service )  
 )  
Changes to the Board of Directors of the )  
National Exchange Carrier Association, Inc. )

DEC 24 2002  
File No. SLD-322477  
CC Docket No. 96-45 ✓  
CC Docket No. 97-21

**ORDER**

**Adopted: December 20, 2002**

**Released: December 23, 2002**

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration a Request for Review filed by Midlothian Independent School District (Midlothian Independent), Midlothian, Texas.<sup>1</sup> Midlothian Independent seeks review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator), rejecting Midlothian Independent's appeal on the grounds that it was untimely filed? For the reasons set forth below, we affirm SLD's rejection and deny Midlothian Independent's Request for Review.

2. SLD issued a Funding Commitment Decision Letter on June 3, 2002, denying Midlothian Independent School District's request for discounted services under the schools and libraries universal service support mechanism.<sup>3</sup> Specifically, SLD denied Midlothian Independent's request for discounts for telecommunications service, Funding Request Numbers (FRNs) 862250, 862336, 862935.<sup>4</sup> On October 10, 2002, Midlothian Independent filed an

<sup>1</sup> Letter from Kirk Paschall, Midlothian Independent School District, to Federal Communications Commission, filed November 12, 2002 (Request for Review).

<sup>2</sup> See Request for Review. Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

<sup>3</sup> Letter from Schools and Libraries Division, Universal Service Administrative Company, to Kirk Paschall, Midlothian Independent School District, dated June 3, 2002 (Funding Commitment Decision Letter).

<sup>4</sup> *Id.*

appeal of SLD's decision.' On October 18, 2002, SLD issued an Administrator's Decision on Appeal indicating that it would not consider Midlothian Independent's appeal because it was received more than 60 days after the June 3, 2002 Funding Commitment Decision Letter was issued.<sup>6</sup> Midlothian Independent subsequently filed the instant Request for Review with the Commission.

3. For requests seeking review of decisions issued on or after August 13, 2001 under section 54.720(b) of the Commission's rules, any such appeal must be filed with the Commission or SLD within 60 days of the issuance of the decision that the party seeks to have reviewed.<sup>7</sup> Documents are considered to be filed with the Commission or SLD only upon receipt.<sup>8</sup> Because the Midlothian Independent's Request for Administrator Review was not filed within the requisite 60-day period, we affirm the Administrator's Decision on Appeal and deny the instant Request for Review.

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 Requests for Review filed on November 12, 2002, by Midlothian Independent School District, Midlothian, Texas, IS DENIED.

## FEDERAL COMMUNICATIONS COMMISSION



Mark G. Seifert  
Deputy Chief, Telecommunications Access Policy Division  
Wireline Competition Bureau

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<sup>5</sup> Letter from Kirk Paschall, Midlothian Independent School District, to Schools and Libraries Division, Universal Service Administrative Company, filed October 11, 2002 (Request for Administrator Review).

<sup>6</sup> Letter from Schools and Libraries Division, Universal Service Administrative Company, to Kirk Paschall, Midlothian Independent School District, dated October 18, 2002 (Administrator's Decision on Appeal).

<sup>7</sup> 47 C.F.R. § 54.720(b). *See Implementation of Interim Filing Procedures for Filings of Requests for Review, Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Order, 17 FCC Rcd 339 (Com. Car. Bur. rel. December 26, 2001), as corrected by *Implementation of Interim Filing Procedures for Filings of Requests for Review, Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Errata (Com. Car. Bur. rel. December 28, 2001 and January 4, 2002).

<sup>8</sup> 47 C.F.R. § 1.7.