

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)	
)	
Request for Review of the)	
Decision of the)	
Universal Service Administrator by)	
)	
Sierra-Plumas Joint Unified School District)	File No. SLD-298287
Downieville, California)	
)	
Federal-State Joint Board on)	CC Docket No. 96-45
Universal Service)	
)	
Changes to the Board of Directors of the)	CC Docket No. 97-21
National Exchange Carrier Association, Inc.)	

ORDER

Adopted: April 11, 2003

Released: April 15, 2003

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. Sierra-Plumas Joint Unified School District (Sierra-Plumas Joint), Downieville, California, seeks review of an August 26, 2002 decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).¹ On December 26, 2002, Sierra-Plumas Joint appealed the decision to SLD, but SLD denied the appeal because Sierra-Plumas Joint filed the appeal more than 60 days after the decision was rendered.² We affirm SLD's decision. For a review of decisions by SLD issued on or after August 13, 2001, appeals to SLD must be filed within 60 days of the issuance of the SLD decision date.³ Here,

¹ Letter from Gary Habeeb, Sierra-Plumas Joint Unified School District, to Federal Communications Commission, filed February 12, 2003 (Request for Review). See also Letter from the School and Libraries Division, Universal Service Administrative Company, to Gary Habeeb, Sierra-Plumas Joint Unified School District, dated August 26, 2002. 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).

² See Letter from Gary Habeeb, Sierra-Plumas Joint Unified School District, to Schools and Libraries Division, Universal Service Administrative Company, filed December 26, 2002; Letter from Schools and Libraries Division, Universal Service Administrative Company, to Gary Habeeb, Sierra-Plumas Joint Unified School District, dated January 21, 2003.

³ 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. Dec. 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. Dec. 28, 2001 and Jan. 4, 2002).

Sierra-Plumas Joint filed its appeal to SLD after the 60-day period, in contravention of our rules. We therefore deny the Request for Review.

2. To the extent that Sierra-Plumas Joint additionally asks us to waive our rules in this instance, we also must deny its appeal.⁴ Sierra-Plumas Joint states that the delay was due to the fact that the technology coordinator has many duties and the technology coordinator assumed that the Form 486 covered the services applied for.⁵ Waiver is appropriate only if special circumstances warrant a deviation from the general rule, and such deviation would better serve the public interest than strict adherence to the rule.⁶ Given the thousands of applications SLD processes each year, it is administratively necessary to place the burden of meeting deadlines on the applicants.⁷ As we have consistently held in the past, applicants are responsible for submitting their appeals in a timely manner and complying with program rules and procedures.⁸

3. 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 Sierra-Plumas Joint Unified School District, Downieville, California on February 12, 2003, 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, Telecommunications Access Policy Division
Wireline Competition Bureau

⁴ 47 C.F.R. § 54.720(b).

⁵ Request for Review.

⁶ 47 C.F.R. § 1.3; *see Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

⁷ *See Request for Review by Anderson School Staatsburg, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-133664, CC Docket Nos. 96-45 and 97-21, Order, 15 FCC Rcd 25610 (Com. Car. Bur. rel. Nov. 24, 2000), para. 8.

⁸ *See, e.g., Request for Review by Danbury Public Schools, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. NEC.471.04-13-00.31900001, CC Docket Nos. 96-45 and 97-21, Order, 16 FCC Rcd 10910 (Com. Car. Bur. 2001) (denying waiver request in case when employee responsible for filing failed to do so); *Request for Review by St. Mary's Public Library, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. NEC.471.12-07-99.02000002, CC Docket Nos. 96-45 and 97-21, Order, 16 FCC Rcd 12936, para. 5 (Com. Car. Bur. 2001) (denying a waiver request to the extent it is requested due to misunderstanding of the program's rules).