

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of	)	
	)	
Request for Review of the	)	
Decision of the	)	
Universal Service Administrator by	)	
	)	
Brevard County School District	)	File No. SLD- 153434
Viera, Florida	)	
	)	
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: June 13, 2000**

**Released: June 14, 2000**

By the Common Carrier Bureau:

1. The Common Carrier Bureau (Bureau) has under consideration a Letter of Appeal filed by Brevard County School District (Brevard County), Viera, Florida, on February 8, 2000.<sup>1</sup> In the Letter of Appeal, Brevard County 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 November 2, 1999.<sup>2</sup> Because Brevard County failed to appeal SLD's funding decision 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 Brevard County's appeal and its request for waiver of the 30-day time limit for filing appeals.

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 as to which review is sought.<sup>3</sup> Documents are considered to be filed with the Commission or the SLD only upon receipt.<sup>4</sup> As noted, the Funding

<sup>1</sup> Letter of Appeal from Harold T. Bistline, School Board of Brevard County, to Federal Communications Commission, filed February 8, 2000 (Letter of Appeal).

<sup>2</sup> Letter from Schools and Libraries Division, Universal Service Administrative Company, to Joe Boyle and Lori Fadok, Brevard County School District, dated November 2, 1999 (Funding Commitment Decision Letter).

<sup>3</sup> 47 C.F.R. § 54.720(b).

<sup>4</sup> 47 C.F.R. § 1.7.

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Commitment Decision Letter was issued on November 2, 1999. The instant Letter of Appeal was filed with the Commission on February 8, 2000. Because Brevard County failed to appeal the Funding Commitment Decision Letter within the requisite 30-day appeal period, Brevard County's Letter of Appeal is untimely.

3. To the extent that Brevard County is requesting that we waive the 30-day deadline established in section 54.720(b) of the Commission's rules,<sup>5</sup> 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.<sup>6</sup> Brevard County has not shown cause for the untimely filing of its initial appeal beyond the stated retirement and resignation of the two senior staff members responsible for Brevard County's application. 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 Brevard County'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 Letter of Appeal filed on February 8, 2000, by Brevard County School District, Viera, Florida, IS DISMISSED, and the request to waive the 30-day time limit in which to file appeals IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Carol E. Matthey  
Deputy Chief, Common Carrier Bureau

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<sup>5</sup> See 47 C.F.R. § 54.720(b).

<sup>6</sup> See 47 C.F.R. § 1.3.