

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of
Request for Review of the
Decision of the
Universal Service Administrator by
B. F. Jones Memorial Library
Aliquippa, Pennsylvania
Federal-State Joint Board on
Universal Service
Changes to the Board of Directors of the
National Exchange Carrier Association, Inc.
File No. SLD-118921
CC Docket No. 96-45
CC Docket No. 97-21

ORDER

Adopted: June 22, 2000 Released: June 23, 2000

By the Common Carrier Bureau:

1. The Common Carrier Bureau has under consideration a Letter of Appeal filed by B. F. Jones Memorial Library (B. F. Jones), Aliquippa, Pennsylvania, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC or Administrator). B. F. Jones seeks review of SLD's refusal to consider B. F. Jones' appeal to SLD on the grounds that it was untimely filed. For the reasons set forth below, we grant B. F. Jones' appeal.

2. SLD issued a Funding Commitment Decision Letter on August 9, 1999, denying B. F. Jones' request for discounted services under the schools and libraries universal service support mechanism. Specifically, SLD denied B. F. Jones' request for discounts for internal connections, Funding Request Number (FRN) 170032. On September 8, 1999, B. F. Jones filed an appeal of SLD's decision to deny FRN 170032. On September 13, 2000, SLD issued a

1 Letter from Mary Elizabeth Colombo, B. F. Jones Memorial Library, to Federal Communications Commission, filed March 29, 2000 (Letter of Appeal).

2 Letter from Schools and Libraries Division, Universal Service Administrative Company, to Mary Elizabeth Colombo, B. F. Jones Memorial Library, issued August 9, 1999 (Funding Commitment Decision Letter). Although the Funding Commitment Decision Letter was dated August 3, 1999, B. F. Jones provides a copy of a postmarked envelope indicating that the funding letter was not issued until August 9, 1999.

3 Letter from Mary Elizabeth Colombo, B. F. Jones Memorial Library, to Schools and Libraries Division, Universal Service Administrative Company, filed September 8, 1999.

decision on appeal, indicating that it would not consider B. F. Jones' appeal because it was received more than 30 days after the Funding Commitment Decision Letter was issued.⁴ B. F. Jones filed another appeal with SLD on September 20, 1999.⁵ On March 20, 2000, SLD again declined to reconsider B. F. Jones' request for review of FRN 170032.⁶ B. F. Jones subsequently filed the instant Letter of Appeal with the Commission.

3. Under section 54.720 of the Commission's rules, an appeal must be filed with the Commission or SLD within 30 days of the issuance of the decision as to which review is sought.⁷ Documents are considered to be filed with the Commission or SLD only upon receipt.⁸ The 30-day deadline contained in section 54.720 of the Commission's rules applies to all requests for review filed by a party affected by a decision issued by the Administrator. A review of the record reveals that the Funding Commitment Decision Letter was issued on August 9, 1999 and B. F. Jones' first appeal to SLD was filed on September 8, 1999. Accordingly, B. F. Jones' request for review of SLD's denial of FRN 170032 was timely. Because B. F. Jones filed an appeal of the August 9, 1999 Funding Commitment Decision Letter within the requisite 30-day appeal period, we grant the instant Letter of Appeal and direct SLD to consider B. F. Jones' request for review of SLD's decision to deny FRN 170032.

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 by B. F. Jones Memorial Library, Aliquippa, Pennsylvania, IS GRANTED and B.F. Jones' request for discounts for internal connections, FRN 170032, is REMANDED to SLD for further consideration.

FEDERAL COMMUNICATIONS COMMISSION

Carol E. Matthey
Deputy Chief, Common Carrier Bureau

⁴ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Mary Elizabeth Colombo, B. F. Jones Memorial Library, dated September 13, 1999.

⁵ Letter from Mary Elizabeth Colombo, B. F. Jones Memorial Library, to Schools and Libraries Division, Universal Service Administrative Company, filed September 20, 1999.

⁶ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Mary Elizabeth Colombo, B. F. Jones Memorial Library, dated March 20, 2000.

⁷ 47 C.F.R. § 54.720.

⁸ 47 C.F.R. § 1.7.