

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of
Request for Review of the
Decision of the
Universal Service Administrator by
Our Lady Help of Christians Parish School
Allentown, Pennsylvania
Federal-State Joint Board on
Universal Service
Changes to the Board of Directors of the
National Exchange Carrier Association, Inc.
File No. SLD-143337
CC Docket No. 96-45
CC Docket No. 97-21

ORDER

Adopted: July 7, 2000

Released: July 10, 2000

By the Accounting Policy Division, Common Carrier Bureau:

1. The Common Carrier Bureau has under consideration a Letter of Appeal filed by Our Lady Help of Christians Parish School (Our Lady), Allentown, Pennsylvania, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC or Administrator). Our Lady seeks review of SLD's refusal to consider Our Lady's appeal to SLD on the grounds that it was untimely filed. For the reasons set forth below, we deny Our Lady's appeal.

2. SLD issued a Funding Commitment Decision Letter on September 8, 1999, denying Our Lady's request for discounted services under the schools and libraries universal service support mechanism. On October 18, 1999, Our Lady filed an appeal of SLD's decision to deny funding. On October 27, 1999, SLD issued an Administrator's Decision on Appeal indicating that it would not consider Our Lady's appeal because it was received more than 30

1 Letter from Sister Charlene Verbetich, Our Lady Help of Christians Parish School, Allentown, Pennsylvania, to Federal Communications Commission, filed April 11, 2000 (Letter of Appeal).

2 Letter from Schools and Libraries Division, Universal Service Administrative Company, to Sister Charlene Verbetich, Our Lady Help of Christians Parish School, dated September 8, 1999 (Funding Commitment Decision Letter).

3 Letter from Sister Charlene Verbetich, Our Lady Help of Christians Parish School, Schools and Libraries Division, Universal Service Administrative Company, filed October 18, 1999.

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days after the Funding Commitment Decision Letter was issued.<sup>4</sup> Our Lady 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.<sup>5</sup> Documents are considered to be filed with the Commission or SLD only upon receipt.<sup>6</sup> 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. Because Our Lady failed to file an appeal of the September 8, 1999 Funding Commitment Decision Letter within the requisite 30-day appeal period, we affirm SLD's decision to dismiss Our Lady's appeal to SLD as untimely and deny the instant Letter of Appeal.

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 Our Lady Help of Christians Parish School, Allentown, Pennsylvania on April 11, 2000, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Sharon L. Webber  
Deputy Chief, Accounting Policy Division  
Common Carrier Bureau

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<sup>4</sup> Letter from Schools and Libraries Division, Universal Service Administrative Company, to Sister Charlene Verbetich, Our Lady Help of Christians Parish School, dated October 27, 1999 (Administrator's Decision on Appeal).

<sup>5</sup> 47 C.F.R. § 54.720.

<sup>6</sup> 47 C.F.R. § 1.7.