

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of
Request for Review of the
Decision of the
Universal Service Administrator by
Madison School District No. 321
Rexburg, Idaho
Federal-State Joint Board on
Universal Service
Changes to the Board of Directors of the
National Exchange Carrier Association, Inc.
File No. SLD-133213
CC Docket No. 96-45
CC Docket No. 97-21

ORDER

Adopted: January 6, 2000

Released: January 7, 2000

By the Common Carrier Bureau:

1. The Common Carrier Bureau has under consideration a request for review filed by the Madison School District No. 321 (Madison) of Rexburg, Idaho on October 1, 1999, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator). For the reasons set forth below, we deny Madison's request for review.

2. By letter dated August 3, 1999, the SLD denied Madison's requests for discounts pursuant to section 254 of the Communications Act. Madison states that it filed an appeal of that decision with the Administrator on September 10, 1999. In response, the Administrator issued a Decision on Appeal, stating that it would not be able to consider Madison's Letter of Appeal because it was not received by SLD within 30 days of the date of the SLD decision letter as required by the Commission's rules. Subsequently, Madison filed the instant request for review of the Administrator's Decision on Appeal.

1 Letter from Schools and Libraries Division, Universal Services Administrative Company, to Brent W. Orr, Madison School District No. 321, dated September 15, 1999 (Administrator's Decision on Appeal).

2 47 C.F.R. § 54.720.

3. Section 54.720 of the Commission's rules requires schools to seek review of an SLD initial decision within 30 days of the issuance of that decision.³ In order to timely appeal the August 3, 1999 decision letter, Madison was required to have filed its appeal by September 2, 1999.⁴ Because Madison filed its Letter of Appeal with the Administrator outside of the specified 30-day period, we deny its request for review here.

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 request for review filed October 1, 1999, by Madison School District No. 321, Rexburg, Idaho, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Yog R. Varma
Deputy Chief, Common Carrier Bureau

³ See 47 C.F.R. § 54.720(b) ("[a]n affected party requesting review of a division decision by a Committee of the Board pursuant to § 54.719(a), shall file such request within thirty (30) days of issuance of the decision by the division.").

⁴ In its Letter of Appeal, Madison states that the SLD decision letter was postmarked August 9, 1999 but does not provide a copy of the postmarked letter. However, even in the event that the SLD decision letter was issued on August 9, 1999, Madison did not file its appeal within the required 30-day period.