

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of )
Request for Review of the )
Decision of the )
Universal Service Administrator by )
Catoosa Public Schools ) File No. SLD- 152652
Catoosa, Oklahoma )
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: August 23, 2000

Released: August 24, 2000

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration a Letter of Appeal filed by Catoosa Public Schools (Catoosa), Catoosa, Oklahoma, on April 12, 2000.1 In the Letter of Appeal, Catoosa 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 October 26, 1999.2 Because Catoosa 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 Catoosa'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.3 Documents are considered to be filed with the Commission or the SLD only upon receipt.4 As noted, the Funding Commitment Decision Letter was issued on October 26, 1999. Catoosa filed appeals of the

1 Letter of Appeal from Ken Kern, Catoosa Public Schools, to Federal Communications Commission, filed April 12, 2000 (Letter of Appeal).

2 Letter from Schools and Libraries Division, Universal Service Administrative Company, to Chris Webber, Catoosa Public Schools, dated October 26, 1999 (Funding Commitment Decision Letter).

3 47 C.F.R. § 54.720(b).

4 47 C.F.R. § 1.7.

funding decision with SLD on January 13, 2000 and February 2, 2000.<sup>5</sup> SLD dismissed the appeals as untimely.<sup>6</sup> Upon review of the record, we find that, because Catoosa failed to appeal the Funding Commitment Decision Letter within the requisite 30-day appeal period, Catoosa's appeals to SLD were correctly denied as untimely.

3. To the extent that Catoosa is requesting that we waive the 30-day deadline established in section 54.720(b) of the Commission's rules,<sup>7</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>8</sup> Catoosa has not shown cause for the untimely filing of its initial appeals beyond the fact that the contact person specified on the FCC Form 471 did not timely forward the Funding Commitment Decision Letter to the school district. 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 Catoosa'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 April 12, 2000, by Catoosa Public Schools, Catoosa, Oklahoma, and the request to waive the 30-day time limit in which to file appeals ARE DENIED.

FEDERAL COMMUNICATIONS COMMISSION

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

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<sup>5</sup> Letter from Ken Kern, Catoosa Public Schools, to Schools and Libraries Division, Universal Service Administrative Co., filed January 13, 2000; Letter from Ken Kern, Catoosa Public Schools, to Schools and Libraries Division, Universal Service Administrative Co., filed February 2, 1999.

<sup>6</sup> Letter from Schools and Libraries Division, Universal Service Administrative Co., to Ken Kern, Catoosa Public Schools, dated January 19, 2000; Letter from Schools and Libraries Division, Universal Service Administrative Co., to Ken Kern, Catoosa Public Schools, dated March 24, 2000 (Administrator's Decisions on Appeal).

<sup>7</sup> See 47 C.F.R. § 54.720(b).

<sup>8</sup> See 47 C.F.R. § 1.3.