

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of
Request for Review of the
Decision of the
Universal Service Administrator by
Duluth School District 709
Duluth, Minnesota
Federal-State Joint Board on
Universal Service
Changes to the Board of Directors of the
National Exchange Carrier Association, Inc.
File No. SLD-170623
CC Docket No. 96-45
CC Docket No. 97-21

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 Letters of Appeal filed by Duluth School District 709 (Duluth), Duluth, Minnesota, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC or Administrator).1 Duluth seeks review of SLD's refusal to consider Duluth's appeal to SLD on the grounds that it was untimely filed. For the reasons set forth below, we deny Duluth's appeal.

2. SLD issued Funding Commitment Decision Letter on April 14, 2000, denying Duluth's request for discounted services under the schools and libraries universal service support mechanism.2 Specifically, SLD denied Duluth's request for discounts for Internet access, Funding Request Number (FRN) 336879. On May 22, 2000, Duluth filed an appeal of SLD's decision to deny FRN 336879.3 On May 24, 2000, SLD issued an Administrator's Decision on Appeal indicating that it would not consider Duluth's appeal because it was received more than

1 Letter from Wayne V. Aune, Duluth School District 709, to Federal Communications Commission, filed June 8, 2000 (Letter of Appeal).

2 Letter from Schools and Libraries Division, Universal Service Administrative Company, to James Rawlyk, Duluth School District 709, dated April 14, 2000 (Funding Commitment Decision Letter).

3 Letter from Wayne Aune, Duluth School District 709, to Schools and Libraries Division, Universal Service Administrative Company, filed May 22, 2000.

30 days after the Funding Commitment Decision Letter was issued.⁴ Duluth 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.⁵ Documents are considered to be filed with the Commission or SLD only upon receipt.⁶ 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 Duluth failed to file an appeal of the April 14, 2000 Funding Commitment Decision Letter within the requisite 30-day appeal period, we affirm SLD's decision to dismiss Duluth'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 Duluth School District 709, Duluth, Minnesota on June 8, 2000, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

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

⁴ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Wayne Aune, Duluth School District 709, dated May 24, 2000 (Administrator's Decision on Appeal).

⁵ 47 C.F.R. § 54.720.

⁶ 47 C.F.R. § 1.7.