

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of
Request for Review of the
Decision of the
Universal Service Administrator by
Rockwell-Swaledale Community School District
Rockwell, Iowa
Federal-State Joint Board on
Universal Service
Changes to the Board of Directors of the
National Exchange Carrier Association, Inc.
File No. SLD-191415
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 Rockwell-Swaledale Community School District (Rockwell-Swaledale), Rockwell, Iowa, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC or Administrator). Rockwell-Swaledale seeks review of SLD's refusal to consider Rockwell-Swaledale's appeal to SLD on the grounds that it was untimely filed. For the reasons set forth below, we deny Rockwell-Swaledale's appeal.

2. SLD issued Funding Commitment Decision Letter on April 21, 2000, denying Rockwell-Swaledale's requests for discounted services under the schools and libraries universal service support mechanism. Specifically, SLD denied Rockwell-Swaledale's request for discounts for Internet access and telecommunications services, Funding Request Numbers (FRNs) 408296 and 408450. On May 23, 2000, Rockwell-Swaledale filed an appeal of SLD's decision to deny FRNs 408296 and 408450. On May 25, 2000, SLD issued an Administrator's

1 Letter from Linda Foell, Rockwell-Swaledale Community School District, to Federal Communications Commission, filed June 8, 2000 (Letter of Appeal).

2 Letter from Schools and Libraries Division, Universal Service Administrative Company, to Susan R. Utter, Rockwell-Swaledale Community School District, dated April 21, 2000 (Funding Commitment Decision Letter).

3 Letter from Susan R. Utter, Rockwell-Swaledale Community School District, to Schools and Libraries Division, Universal Service Administrative Company, filed May 23, 2000.

Decision on Appeal indicating that it would not consider Rockwell-Swaledale Community's appeal because it was received more than 30 days after the Funding Commitment Decision Letter was issued.⁴ Rockwell-Swaledale 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 Rockwell-Swaledale failed to file an appeal of the April 21, 2000 Funding Commitment Decision Letter within the requisite 30-day appeal period, we affirm SLD's decision to dismiss Rockwell-Swaledale'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 Rockwell-Swaledale Community School District, Rockwell, Iowa 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 Linda Foell, Rockwell-Swaledale Community School District, dated May 25, 2000 (Administrator's Decision on Appeal).

⁵ 47 C.F.R. § 54.720.

⁶ 47 C.F.R. § 1.7.