

Before the
Federal Communications Commission
Washington, DC 20554

| | | |
|---|---|---------------------|
| In the Matter of |) | |
| |) | |
| Request for Review of the |) | |
| Decision of the |) | |
| Universal Service Administrator by |) | |
| |) | |
| Dolton School District 148 |) | File No. SLD-147841 |
| Riverdale, Illinois |) | |
| |) | |
| 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: September 7, 2000

Released: September 8, 2000

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration a Letter of Appeal filed on March 17, 2000, by Dolton School District 148 (Dolton), Riverdale, Illinois, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC or Administrator).¹ Dolton seeks review of SLD’s refusal to consider Dolton’s appeal to SLD on the grounds that it was untimely filed.² For the reasons set forth below, we grant Dolton’s request for review, and remand Dolton’s funding application to the SLD for further determination.

2. Under the schools and libraries universal service support mechanism, eligible schools, libraries, and consortia that include eligible schools and libraries, may apply for discounts for eligible telecommunications services, Internet access, and internal connections.³ By letter dated September 22, 1999, SLD informed Dolton that Dolton’s request for telecommunications services could not be processed because Dolton was required to re-bid its

¹ Letter from Tobin A. Mitchell, Dolton School District 148, to Federal Communications Commission, filed on March 17, 2000 (Letter of Appeal).

² Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

³ 47 C.F.R. §§ 54.502, 54.503.

contract for funding year 2 and thus did not meet minimum processing standards.⁴ In response, Dolton filed a letter with SLD on September 29, 1999,⁵ and filed a subsequent appeal on March 1, 2000.⁶ On March 10, 2000, SLD dismissed Dolton's request for review, stating that it could not consider Dolton's appeal because it was filed more than 30 days after the relevant decision was issued.⁷ Dolton 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.⁸ Documents are considered to be filed with the Commission or SLD only upon receipt.⁹ 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. A review of SLD's records reveals that the letter filed by Dolton on September 29, 1999, should have been treated as a timely appeal of SLD's letter informing Dolton that its request for telecommunications services did not meet minimum processing standards. Accordingly, we grant Dolton's request for review. We direct SLD to review Dolton's appeal regarding the decision to deny Dolton's request for funding for telecommunications services.

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 Dolton School District 148, Riverdale, Illinois, on March 17, 2000, IS GRANTED as provided herein.

⁴ Letter from Schools and Libraries Division, Universal Service Administrative Co., to Tobin A. Mitchell, Dolton School District 148, dated September 22, 1999.

⁵ Letter from Tobin A. Mitchell, Dolton School District 148, to Schools and Libraries Division, Universal Service Administrative Co., filed September 29, 1999.

⁶ Letter from Tobin A. Mitchell, Dolton School District 148, to Schools and Libraries Division, Universal Service Administrative Co., filed March 1, 2000 (although Dolton's appeal was date-stamped as February 30, 2000, the correct filing date was March 1, 2000). Further, while Dolton asserts that it also sent SLD a letter of appeal dated February 1, 2000, there is no indication in SLD's records that such an appeal was filed.

⁷ Letter from Schools and Libraries Division, Universal Service Administrative Co., to Tobin A. Mitchell, Dolton School District 148, dated March 10, 2000.

⁸ 47 C.F.R. § 54.720.

⁹ 47 C.F.R. § 1.7.

5. IT IS FURTHER ORDERED, that the Administrator IS DIRECTED to implement the decision herein.

FEDERAL COMMUNICATIONS COMMISSION

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