

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)
Request for Review of the)
Decision of the)
Universal Service Administrator by)
Carl Schurz High School) File No. SLD-143629
Chicago, 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: October 6, 2000

Released: October 10, 2000

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration a Letter of Appeal filed by Carl Schurz High School (Carl Schurz), Chicago, Illinois, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC or Administrator).1 Carl Schurz seeks review of SLD's refusal to consider Carl Schurz's appeal to SLD on the grounds that it was untimely filed. For the reasons set forth below, we deny Carl Schurz's appeal.

2. SLD issued a Funding Commitment Decision Letter on August 17, 1999, granting Carl Schurz's request for discounted services under the schools and libraries universal service support mechanism.2 On April 17, 2000, Carl Schurz filed an appeal with SLD stating that, although it originally applied for, and was granted, discounts for equipment and cabling for wireless networking, it wished to change its mode of network delivery from wireless to wireline.3 On April 19, 2000, SLD issued an Administrator's Decision on Appeal indicating that it would not consider Carl Schurz's appeal because it was received more than 30 days after the Funding

1 Letter from Joan M. Harris, Carl Schurz High School, to Federal Communications Commission, filed April 28, 2000 (Letter of Appeal).

2 Letter from Schools and Libraries Division, Universal Service Administrative Company, to Joan M. Harris, Carl Schurz High School, dated August 17, 1999 (Funding Commitment Decision Letter).

3 Letter from Joan M. Harris, Carl Schurz High School, to Schools and Libraries Division, Universal Service Administrative Company, filed April 17, 2000.

Commitment Decision Letter was issued.⁴ Carl Schurz 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 Carl Schurz failed to file an appeal of the August 17, 1999 Funding Commitment Decision Letter within the requisite 30-day appeal period, we affirm SLD's decision to dismiss Carl Schurz'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 Carl Schurz High School, Chicago, Illinois on April 28, 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 Joan M. Harris, Carl Schurz High School, dated April 19, 2000 (Administrator's Decision on Appeal).

⁵ 47 C.F.R. § 54.720.

⁶ 47 C.F.R. § 1.7.