

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of
Request for Review of the
Decision of the
Universal Service Administrator by
Colonial School District
East Concord, New York
Federal-State Joint Board on
Universal Service
Changes to the Board of Directors of the
National Exchange Carrier Association, Inc.
File No. SLD-189981
CC Docket No. 96-45
CC Docket No. 97-21

ORDER

Adopted: October 6, 2000

Released: October 10, 2000

By the Accounting Policy Division:

1. The Common Carrier Bureau has under consideration a Letter of Appeal filed by Colonial School District (Colonial), East Concord, New York, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC or Administrator). Colonial seeks review of SLD's refusal to consider Colonial's appeal to SLD on the grounds that it was untimely filed. For the reasons set forth below, we deny Colonial's appeal.

2. SLD issued a Funding Commitment Decision Letter on April 14, 2000, denying Colonial's request for discounted services under the schools and libraries universal service support mechanism. Specifically, SLD denied Colonial's request for discounts for telecommunications services, Funding Request Number (FRN) 400998. On May 17, 2000, Colonial filed an appeal of SLD's decision to deny FRN 400998. On May 22, 2000, SLD issued an Administrator's Decision on Appeal indicating that it would not consider Colonial's

1 Letter from R. F. Thompson, Thompson Communications Company, to Federal Communications Commission, filed June 1, 2000 (Letter of Appeal).

2 Letter from Schools and Libraries Division, Universal Service Administrative Company, to R. F. Thompson, Colonial School District, dated April 14, 2000 (Funding Commitment Decision Letter).

3 Letter from R.F. Thompson, Thompson Communications Company, to Schools and Libraries Division, Universal Service Administrative Company, filed May 17, 2000.

appeal because it was received more than 30 days after the Funding Commitment Decision Letter was issued.⁴ Colonial 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 Colonial 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 Colonial'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 Colonial School District, East Concord, New York on June 1, 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 R.F. Thompson, Colonial School District, dated May 22, 2000 (Administrator's Decision on Appeal).

⁵ 47 C.F.R. § 54.720.

⁶ 47 C.F.R. § 1.7.