

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of
Request for Review of the
Decision of the
Universal Service Administrator by
Kanawha County School District
Charleston, West Virginia
Federal-State Joint Board on
Universal Service
Changes to the Board of Directors of the
National Exchange Carrier Association, Inc.
File No. SLD-207171
CC Docket No. 96-45
CC Docket No. 97-21

ORDER

Adopted: October 6, 2000

Released: October 10, 2000

By the Accounting Policy Division, Common Carrier Bureau:

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

2. SLD issued Funding Commitment Decision Letter on April 21, 2000, denying Kanawha County's requests for discounted services under the schools and libraries universal service support mechanism. Specifically, SLD denied Kanawha County's request for discounts for internal connections, Funding Request Number (FRN) 458464. On June 12, 2000, Kanawha County filed an appeal of SLD's decision to deny FRN 458464. On June 15, 2000, SLD issued an Administrator's Decision on Appeal indicating that it would not consider Kanawha County's appeal because it was received more than 30 days after the Funding Commitment Decision Letter

1 Letter from J. Patrick Law, Kanawha County School District, to Federal Communications Commission, filed June 27, 2000 (Letter of Appeal).

2 Letter from Schools and Libraries Division, Universal Service Administrative Company, to J. Patrick Law, Kanawha County School District, dated April 21, 2000 (Funding Commitment Decision Letter).

3 Letter from J. Patrick Law, Kanawha County School District, to Schools and Libraries Division, Universal Service Administrative Company, filed June 12, 2000.

was issued.⁴ Kanawha County 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 Kanawha County 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 Kanawha County'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 Kanawha County School District, Charleston, West Virginia on June 27, 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 J. Patrick Law, Kanawha County School District, dated June 15, 2000 (Administrator's Decision on Appeal).

⁵ 47 C.F.R. § 54.720.

⁶ 47 C.F.R. § 1.7.