

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)
Request for Review of the)
Decision of the)
Universal Service Administrator by)
Newburgh Enlarged City School District) File Nos. SLD-201515, SLD-201521
Newburgh, New York) SLD-201695, SLD 201707
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 Newburgh Enlarged City School District (Newburgh), Newburgh, New York, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC or Administrator).1 Newburgh seeks review of SLD's refusal to consider Newburgh's appeal to SLD on the grounds that it was untimely filed. For the reasons set forth below, we deny Newburgh's appeal.

2. SLD issued four Funding Commitment Decision Letters on April 14, 2000, denying Newburgh's request for discounted services under the schools and libraries universal service support mechanism.2 Specifically, SLD denied Newburgh's request for discounts for internal connections, internet access, and telecommunications services. On July 10, 2000,

1 Letter from Laval S. Wilson, Newburgh Enlarged City School District, to Federal Communications Commission, filed July 28, 2000 (Letter of Appeal).

2 Letter from Schools and Libraries Division, Universal Service Administrative Company, to Erin Brennan, Newburgh Enlarged City School District, SLD-201515, dated April 14, 2000; Letter from Schools and Libraries Division, Universal Service Administrative Company, to Erin Brennan, Newburgh Enlarged City School District, SLD-201521, dated April 14, 2000; Letter from Schools and Libraries Division, Universal Service Administrative Company, to Erin Brennan, Newburgh Enlarged City School District, SLD-201695, dated April 14, 2000; Letter from Schools and Libraries Division, Universal Service Administrative Company, to Erin Brennan, Newburgh Enlarged City School District, SLD-201707, dated April 14, 2000 (Funding Commitment Decision Letters).

Newburgh filed an appeal of SLD's decision to deny its requests for discounts.³ On July 13, 2000, SLD issued four Administrator's Decisions on Appeal indicating that it would not consider Newburgh's appeal because it was received more than 30 days after the Funding Commitment Decision Letters were issued.⁴ Newburgh 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 Newburgh failed to file an appeal of the April 14, 2000 Funding Commitment Decision Letters within the requisite 30-day appeal period, we affirm SLD's decision to dismiss Newburgh'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 Newburgh Enlarged City School District, Newburgh, New York on July 28, 2000, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

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

³ Letter from Roger W. George, Newburgh Enlarged City School District, to Schools and Libraries Division, Universal Service Administrative Company, filed July 10, 2000.

⁴ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Erin Brennan, Newburgh Enlarged City School District, SLD-201515, dated July 13, 2000; Letter from Schools and Libraries Division, Universal Service Administrative Company, to Erin Brennan, Newburgh Enlarged City School District, SLD-201521, dated July 13, 2000; Letter from Schools and Libraries Division, Universal Service Administrative Company, to Erin Brennan, Newburgh Enlarged City School District, SLD-201695, dated July 13, 2000; Letter from Schools and Libraries Division, Universal Service Administrative Company, to Erin Brennan, Newburgh Enlarged City School District, SLD-201707, dated July 13, 2000 (Administrator's Decisions on Appeal).

⁵ 47 C.F.R. § 54.720.

⁶ 47 C.F.R. § 1.7.