

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)
Request for Review of the)
Decision of the)
Universal Service Administrator by)
Oscoda Area Schools) File Nos. SLD-31960, SLD-100763
Oscoda, Michigan)
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 Oscoda Area Schools (Oscoda), Oscoda, Michigan, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC or Administrator).1 Oscoda seeks review of SLD's refusal to consider Oscoda's appeal to SLD on the grounds that it was untimely filed. For the reasons set forth below, we deny Oscoda's appeal.

2. SLD issued Funding Commitment Decision Letters on December 1, 1998 and February 18, 1999, approving Oscoda's request for discounted services under the schools and libraries universal service support mechanism.2 On April 13, 2000, Oscoda filed an appeal of SLD's decisions, stating that it did not receive the full amount requested.3 On April 19, 2000, SLD issued two Administrator's Decisions on Appeal indicating that it would not consider

1 Letter from W.C. Bill Martin, Oscoda Area Schools, to Federal Communications Commission, filed May 5, 2000 (Letter of Appeal).

2 Letter from Schools and Libraries Division, Universal Service Administrative Company, to Tom Anderson, Oscoda Area Schools, dated December 1, 1998, regarding SLD-31960; Letter from Schools and Libraries Division, Universal Service Administrative Company, to Larry Schroeder, Oscoda Area Schools, dated February 18, 1999, May 26, 2000, regarding SLD-100763 (Funding Commitment Decision Letters).

3 Letter from W.C. Bill Martin, Oscoda Area Schools, to Schools and Libraries Division, Universal Service Administrative Company, filed April 13, 2000.

Oscoda's appeal because it was received more than 30 days after the Funding Commitment Decision Letters were issued.⁴ Oscoda 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 Oscoda failed to file an appeal of the December 1, 1998 and February 18, 1999 Funding Commitment Decision Letters within the requisite 30-day appeal period, we affirm SLD's decision to dismiss Oscoda'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 Oscoda Area Schools, Oscoda, Michigan on May 5, 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 W.C. Bill Martin, Oscoda Area Schools, dated April 19, 2000, regarding SLD-31960; Letter from Schools and Libraries Division, Universal Service Administrative Company, to W.C. Bill Martin, Oscoda Area Schools, dated April 19, 2000, regarding SLD-100763 (Administrator's Decisions on Appeal).

⁵ 47 C.F.R. § 54.720.

⁶ 47 C.F.R. § 1.7.