

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of
Request for Review of the
Decision of the
Universal Service Administrator by
San Juan Unified School District
Carmichael, California
Federal-State Joint Board on
Universal Service
Changes to the Board of Directors of the
National Exchange Carrier Association, Inc.
File No. SLD-127083
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 Accounting Policy Division has under consideration a Letter of Appeal filed by San Juan Unified School District (San Juan), Carmichael, California, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC or Administrator). San Juan seeks review of SLD's refusal to consider San Juan's appeal to SLD on the grounds that it was untimely filed. For the reasons set forth below, we deny San Juan's appeal.

2. SLD issued a Funding Commitment Decision Letter on October 19, 1999, approving San Juan's request for discounted services under the schools and libraries universal service support mechanism. On May 10, 2000, San Juan filed an appeal of SLD's decision, stating that it had submitted requests for discounts that had not been considered by SLD. On May 11, 2000, SLD issued an Administrator's Decision on Appeal indicating that it would not consider San Juan's appeal because it was received more than 30 days after the Funding

1 Letter from Tim McCarty, San Juan Unified School District, to Federal Communications Commission, filed May 25, 2000 (Letter of Appeal).

2 Letter from Schools and Libraries Division, Universal Service Administrative Company, to Roger Siler, San Juan Unified School District, dated October 19, 1999 (Funding Commitment Decision Letter).

3 Letter from Tim McCarty, San Juan Unified School District, to Schools and Libraries Division, Universal Service Administrative Company, filed May 10, 2000.

Commitment Decision Letter was issued.⁴ San Juan 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 San Juan failed to file an appeal of the October 19, 1999 Funding Commitment Decision Letter within the requisite 30-day appeal period, we affirm SLD's decision to dismiss San Juan'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 San Juan Unified School District, Carmichael, California on May 25, 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 Tim McCarty, San Juan Unified School District, dated May 11, 2000 (Administrator's Decision on Appeal).

⁵ 47 C.F.R. § 54.720.

⁶ 47 C.F.R. § 1.7.